

WSR 24-04-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 29, 2024, 10:46 a.m.]

Subject of Possible Rule Making: Physician visa waivers, updates to chapter 246-562 WAC.

The department of health (department) is considering a chapter review to reorganize sections and amend rules regarding J-1 physician visa waivers. The department is exploring updates to help meet the greatest needs across Washington state. The department will also look for increased clarity in the organizational structure, application criteria, and requirements for letters of support.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.185.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a chapter review to organize and amend section titles for logical structure and clarity of the rules addressed. Conducting a chapter review will address repetitive and misplaced content in chapter sections. Rules in chapter 246-562 WAC were last revised in 2016. The department uses these rules to help determine which physicians are eligible for the J-1 physician visa waiver program and which sites can employ these physicians. The department is considering amending rules pertaining to the J-1 visa waiver requirement and process for physicians to benefit health systems with the greatest need. The J-1 visa waiver program has become increasingly competitive, and the department wants to work with interested parties to consider changing the criteria for J-1 visa waiver applicants, revise the deadlines for receiving applications, and create scoring methodology for reviewing applications to meet the areas of greatest need. The rule changes will also address the criteria for providing letters of support for the United States Health and Human Services' Waiver Program and the National Interest Waiver Program.

The department is filing this new CR-101 to expand and change the scope of this rule making. The original CR-101 filed under WSR 23-12-089 will be withdrawn. The department will no longer consider establishing an application fee; however, in addition to the topics addressed above, the new scope of this rule-making project will also be to consider organizing and amending section titles, removing repetitive requirements, and addressing misplaced content throughout the chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of State and United States Citizenship and Immigration Services conduct final review and final approval of J-1 visa waivers. If applications meet the minimum federal standards, states are given leeway to administer the programs to meet the greatest need.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Gambrill, P.O. Box 47856, Olympia, WA 98504-7856, phone 564-669-1697, TTY 711, email J1VisaWaiver@doh.wa.gov, website <https://doh.wa.gov/public-health-healthcare-providers/rural-health/workforce-recruitment-and-retention>; or Kelly Shaw, P.O. Box 47856, Olympia, WA 98504-7856, phone 360-480-8693, TTY 771 [711], email J1VisaWaiver@doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will conduct a series of rules workshops. Rule-making notices will be delivered via the Gov-Delivery list. To receive notices, please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Rural Health." You may also check one or more of the other professions or facilities listed to receive information related to that specific topic.

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