

Legislative Regulation Review Committee

2009-064

Department of Public Health

J-1 VISA PROGRAM

pages

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of Proposed Regulations

STATE OF CONNECTICUT
REGULATION
OF
Department of Public Health

Concerning

J-1 Visa Waiver Program

Section 1. Section 19a-2a-24 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-2a-24. Definitions

As used in sections 19a-2a-24 to 19a-2a-26, inclusive, of the Regulations of Connecticut State Agencies:

- [(a)] (1) "Department" means the Department of Public Health.
- [(b)] (2) "Application" means an application for waiver of a two-year foreign residence requirement for a foreign medical graduate holding a J-1 VISA.
- [(c)] (3) "Applicant" means a physician or surgeon [or osteopathic physician] licensed pursuant to Chapter 370 [or 371] of the Connecticut General Statutes, respectively, on whose behalf an application is being filed.
- [(d)] (4) "Fiscal Year" means the period October 1st through September 30th.
- [(e)] (5) "Health Care Facility" means a medical facility, as defined in 42 C.F.R. Section 5.2, as amended from time to time [, located in an area designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals].
- [(f)] (6) "Director" means the Director of the United States Information Agency (USIA).

Sec. 2. Section 19a-2a-26 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-2a-26. Eligibility determination

- (a) If an application contains all of the necessary information and documentation, as set forth in the application and as required by federal regulation, 22 C.F.R. section 41.63, the application may be approved by the Department. If information is missing from the application, the Department shall not approve the application.
- (b) The Department shall forward to the Director the first thirty approved applications in the fiscal year. The Department shall recommend that the United States Attorney General grant J-1 VISA waivers to such thirty applicants.
- (c) Notwithstanding the above procedures, if the Department determines that there is a shortage of physicians or surgeons [or osteopathic physicians] in a specific specialty or in a specific geographic location within the area designated by the Secretary of Health and Human Services, the Department may forward to the Director an approved application for such specialty or geographic location, even though such application may not be one of the first thirty applications approved by the Department during the fiscal year. The Department shall document the basis for its decision to forward and recommend an application that is not among the first thirty applications approved during the fiscal year.
- (d) Each application submitted in accordance with subsection (a) of this section prior to April 1 of each fiscal year, shall be taken in order of submission if deemed complete, thereafter if the total number of applications has not reached thirty, applications will be considered in order of submission and may include applications from a physician or surgeon who (1) agrees to practice medicine in a health care facility that is located in a geographic area designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals, or (2) agrees to practice medicine in a health care facility that serves patients who reside in one or more geographic areas designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals without regard to whether such facility is located within such a designated area, provided that in addition to the requirements of Section 19a-2a-25(a), all of the following conditions are met:
 - (A) the health care facility shall document that a minimum of thirty percent (30%) of the applicant physician's patients reside in an area designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals;
 - (B) the health care facility shall provide a description of why the physician's services are required and how the applicant physician's work will benefit the indigent and medically underserved; and
 - (C) the health care facility shall provide letters of community support from at least three (3) community agencies stating that the J-1 placement is critical and will help alleviate health care access problems for the underserved population of the community.
- (e) In no event shall the number of applications approved pursuant to subsection (d)(2) of this section exceed the federally designated maximum for Conrad Flex spots per fiscal year. In no event shall

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more than two waivers approved pursuant to subsection (d)(2) be recommended per health care facility in each fiscal year, unless by April 30 of that fiscal year the number of applications approved pursuant to subsection (d)(2) and recommended from all institutions do not reach the maximum for Conrad Flex spots for that fiscal year.

Statement of Purpose: (A) The purpose of this regulation is to revise these sections of the regulations to be consistent with Federal law. (B) The proposed regulation will revise the Regulations of Connecticut State Agencies concerning J-1 VISA to allow the Department to recommend up to five applications for physicians/surgeons who are working within a health care facility not located within in an area designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals but who provide care to the underserved population. (C) This regulation will amend sections 19a-2a-24 and 19a-2a-26 of the Regulations of Connecticut State Agencies by making minor technical corrections and adding subsection (d) to 19a-2a-26.

Be it known that the foregoing:

Regulations Emergency Regulations

are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections 19a-2a and 19a-497 of the General Statutes.

Section of the General Statutes, as amended by Public Act. No. of the Public Acts.

Public Act. No of the Public Acts.

After publication in the Connecticut Law Journal on July 7, 2009 the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The ____ day of ____ 20__.

Witness whereof:	Date 16 Sep 09	SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <i>[Signature]</i>	DATE 10/29/09	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
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INSTRUCTIONS

Copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Eighteen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.