

**New York State Department of Health
Office of Primary Care and Health Systems Management
NEW YORK “STATE 30” PROGRAM
INFORMATION BULLETIN**

The State of New York is committed to improving access to health care for all New Yorkers. To achieve this goal, the New York State Department of Health has implemented the New York “State 30” program that supports waivers of the home residence requirement for a maximum of thirty (30) J-1 physicians annually who either agree to practice in federally-designated underserved areas or to provide services to persons who live in such areas. Up to ten (10) waivers may be granted in the second category.

ELIGIBILITY

To be eligible for a New York “State 30” waiver, a physician must:

- Agree to practice medicine, or serve populations residing, in federally designated underserved areas in New York State, defined as health professional shortage areas (HPSAs) or medically underserved areas or populations (MUA/Ps).
- Document that the sponsoring employer and/or applicant physician will serve in a HPSA or MUA/P or serve populations residing in such areas (see “Required Application Materials” section).
- Agree to begin employment with the sponsoring health organization within 90 days of receiving a waiver. Waivers will be considered only for physicians proposing to practice as specified above on a full-time basis for a minimum of three years.
- Be unable to secure a waiver from another sponsoring agency (e.g., the Appalachian Regional Commission, the U.S. Department of Health and Human Services or the U.S. Department of Veterans’ Affairs). The Department of Health will examine, on a case-by-case basis, the ability of an applicant to do so.
- Not be “out of status” (as defined by the United States Citizenship and Immigration Services of the United States Department of Homeland Security) for more than six months since receiving a visa under 8 USC 1182 (j) of the Immigration and Naturalization Act, as amended.
- Qualify for a license to practice medicine in New York.
- Submit a complete application and attach all materials listed in the “Required Application Materials” section; and
- Document service to Medicaid and underserved populations.

PLACEMENT/PRACTICE OBLIGATION

A physician who receives a waiver of the J-1 home residence requirement under the New York "State 30" program will be placed in H-1B visa status and must practice medicine on a full time basis (defined as 40 hours of patient care per week, 48 weeks per year) for a minimum of three years at the proposed practice site. The sponsoring employer will support the applicant's effort to obtain H-1B status and will sign all forms required by federal agencies. The Department of Health will routinely monitor the physician's employment status to ensure compliance with the practice requirement.

A physician who is granted a visa waiver and who encounters a practice failure due to extenuating circumstances may, with the approval of the Department of Health and the federal government, continue the service obligation at another approved location. A transfer request must be submitted to the Department of Health documenting the need for the transfer.

DESCRIPTION OF THE WAIVER REVIEW PROCESS

The New York State Department of Health will review all applications competitively and make final determinations on the basis of the eligibility requirements specified above. Applicants will be notified of the Department's decision regarding their specific waiver requests. If selected, the applicant must obtain a Department of State case number so that the waiver application can be forwarded to the Waiver Review Division for necessary action. Further information on obtaining a case number can be found on the Consular Affairs website: <http://travel.state.gov>. A maximum of thirty (30) waivers will be granted annually.

The New York State Department of Health reserves the right to reject any and all applications, waive or modify minor irregularities in applications, and negotiate with applicants to serve the best interests of the Department. Applicants should submit only the required information and exclude/limit extraneous documents (e.g., annual/financial reports, Regents Shortage Area Bulletins.)

All applications (an original and one unbound copy) must be postmarked **by December 3, 2014**, and mailed to:

**New York State Department of Health
New York "State 30" Program
Corning Tower - Room 1695
Empire State Plaza
Albany, NY 12237
(518) 473-7019**

REQUIRED APPLICATION MATERIALS

Waiver applications submitted to the Department under the New York “State 30” program must include the following:

1. An [Application Cover Sheet](#) (attached) with all required information completed as accurately as possible. Vague, missing or inaccurate information could negatively affect the applicant’s chance for a waiver recommendation.
2. A letter from the health care organization requesting a J-1 visa waiver on behalf of the applicant physician. The letter should explain why the physician is needed. The letter must indicate that the physician will practice medicine on a full-time basis for a minimum of 40 hours per week for no less than three years in a federally designated underserved area or serve populations residing in a federally designated underserved area. In addition, the health care organization must agree to verify the physician’s employment during the term of the service obligation.
3. Evidence of the health care organization’s recruitment efforts in the six months prior to submitting the application. Copies of recruitment advertisements must be submitted as well as documentation of efforts to recruit U.S. physicians for the position to be filled.
4. An executed **employment contract** (letters offering employment are not acceptable) between the physician and the health care organization with original signatures which specifies: the name and the complete address of the physician and the health care organization; the term of the contract; the physician’s medical specialty; the name and complete address of the practice site; the salary; and the specific geographic area within New York State in which the physician will practice medicine. (The contract should **not** contain any termination without cause or non-compete clauses.) The contract **must** also include statements to the effect that:
 - the physician will treat all patients regardless of ability to pay;
 - the physician will abide by Section 214(l) of the Immigration and Nationality Act, as amended;
 - the physician will practice on a full-time basis providing patient care for a minimum of 40 hours per week in, or serve populations residing in, HPSAs or MUA/Ps; and
 - the term of the contract shall be for a period of three years from the effective date of the H-1B visa.
5. Evidence that the proposed practice site identified in the employment contract is in an area designated by the federal government as either a HPSA or MUA/Ps, or serves populations in such areas.
6. A separate statement by the physician that he/she agrees to meet the requirements set forth in section 214(l) of the Immigration and Nationality Act, as amended.
7. A J-1 Visa Waiver Recommendation Application (DS 3035).
8. Evidence of the physician’s qualifications, a curriculum vitae, and legible copies of all DS-2019 Certificates of Eligibility for Exchange Visitor (J-1) Status (formerly the IAP-66) forms.
9. Letters of support from local community leaders or organizations on behalf of the physician seeking the waiver.
10. Notice of Appearance by attorney or representative – G-28 Form (optional).

In the case of a physician seeking a J-1 visa waiver who is otherwise contractually obligated to return to his/her home country, the Department of State requires the physician to obtain a statement in writing that the home government has no objection to the waiver. The “no objection” letter must be furnished directly to the Department of State through diplomatic channels.