

**Sec. 19a-2a-24. Definitions**

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

(1) “Application” means an application for waiver of a two-year foreign residence requirement for a foreign medical graduate holding a J-1 VISA, made in accordance with 22 CFR 41.63, 8 USC 1182 (e) and 8 USC 1184 (I), as amended from time to time;

(2) “Applicant” means a foreign medical graduate physician or surgeon licensed pursuant to chapter 370 of the Connecticut General Statutes;

(3) “Commissioner” means the Commissioner of Public Health or the commissioner’s designee;

(4) “Department” means the Department of Public Health;

(5) “Director” means the director of the United States Department of State Waiver Review Division;

(6) “Federal fiscal year” means the period October 1 through September 30; and

(7) “Health care facility” means a medical facility, as defined in 42 CFR 5.2, as amended from time to time.

(Adopted effective June 2, 1997; Amended December 22, 2009; Amended March 8, 2019)

**Sec. 19a-2a-25. Applications**

An application form for a J-1 VISA waiver shall be developed by the department and published on the department's internet website. Such application form shall request all information and documentation deemed necessary by the department, in accordance with federal laws and the provisions of sections 19a-2a-24 to 19a-2a-26, inclusive, of the Regulations of Connecticut State Agencies to ensure that the department will be able to submit the completed application materials to the director on behalf of an applicant.

(Adopted effective June 2, 1997; Amended March 8, 2019)

**Sec. 19a-2a-26. Eligibility determination**

(a) An applicant, or his or her attorney, may submit an application to the department for its consideration. To the extent permitted by federal law and sections 19a-2a-24 to 19a-2a-26, inclusive, of the Regulations of Connecticut State Agencies, the department may recommend a waiver of the foreign country residence requirement for an applicant who agrees to practice medicine in accordance with 8 USC 1184 (*I*), as amended from time to time, and sections 19a-2a-24 to 19a-2a-26, inclusive, of the Regulations of Connecticut State Agencies, as amended from time to time.

(b) Applications shall be submitted in accordance with subsections (c) and (d) of this section by 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.

(c) The department shall not deem a submitted application complete unless the application:

(1) Is submitted in a form and manner as prescribed by the department on its internet website;

(2) Is received between October 1 and the end of business on October 15, unless October 15 falls on a weekend or holiday, in which event, the department will accept applications until the end of business on the next business day;

(3) At the time of the department's review, contains all of the necessary information and documentation, as set forth in the application and as required by federal regulation, 22 CFR 41.63 and 8 USC 1184 (*I*), as amended from time to time, and sections 19a-2a-24 to 19a-2a-26, inclusive, of the Regulations of Connecticut State Agencies, as amended from time to time; and

(4) At the time of the department's review, the applicant holds a license pursuant to chapter 370 of the Connecticut General Statutes.

(d) An application submitted by an applicant who meets the requirements of subsection (b)(2) of this section shall include documentation of the following requirements:

(1) The health care facility where the applicant intends to work shall attest that a minimum of thirty percent of the health care facility'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; and

(2) The health care facility where the applicant intends to work 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.

(e) Any application deemed incomplete by the department shall not be eligible for recommendation to the director.

(f) If the number of applications deemed complete by the department is fewer than or equal to the maximum number permitted under federal law, the department shall forward

and recommend to the director such completed applications. In the event the department receives more than the maximum number of applications permitted under federal law, which the department deems complete in accordance with subsections (c) and (d) of this section, a randomized selection system shall determine the applications that may be forwarded to the director. The date, time and place of the randomized selection system process, prescribed by the commissioner, shall be posted on the department's internet website. Nothing in this subsection shall require the department to recommend an application if the applicant is disqualified pursuant to subsection (k) of this section.

(g) Notwithstanding subsection (f) of this section, if the commissioner determines on or before June 1 before the new federal fiscal year that there is a shortage of physicians or surgeons in a specific specialty within the area designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals, the department may forward to the director up to three applications deemed complete by the department for such specialty in such geographic location, even though such applications may not be one of the applications selected by the randomized selection system prescribed by the commissioner under subsection (f) of this section.

(h) In the event that the total number of applications deemed complete by the department is more than the maximum number permitted under federal law, no more than three applications which meet the requirements of subsection (b)(2) of this section may be recommended per health care facility in each federal fiscal year even though such application may not be one of the applications selected by the randomized selection system prescribed by the commissioner under subsection (f) of this section. In the event that the total number of applications deemed complete by the department is fewer than the maximum number permitted under federal law, any applicant who meets the requirements of subsection (b)(2) of this section may apply for any remaining available J-1 VISA waivers up to the maximum number permitted under federal law for that federal fiscal year.

(i) If the department receives and deems complete fewer than the maximum number of applications permitted under federal law, the department shall post a notice on its internet website that it will continue to receive applications until April 1 of the same federal fiscal year, or until the number of applications deemed complete reaches the maximum permitted under federal law, whichever occurs first. Any applications received after October 15 under this section shall be evaluated by the department in the order of their receipt and deemed without regard to the time frame specified in subsection (c) of this section. Any applications received and deemed complete before April 1 that were made by an applicant seeking a J-1 VISA waiver under subsection (b)(1) of this section shall take precedence over any applicant seeking a J-1 VISA waiver under subsection (b)(2) of this section.

(j) No applicant eligible for the United States Department of Health and Human Services Exchange Visitor Program shall be eligible for a J-1 VISA waiver under this section.

(k) Notwithstanding subsections (a) to (i), inclusive, of this section, the department reserves the right to decline to recommend any individual request for a J-1 VISA waiver when an applicant has submitted false or inaccurate information to the department, when an applicant's license is or has been the subject of a disciplinary action pursuant to sections 19a-17 or 20-13c of the Connecticut General Statutes, when an applicant's license is the subject of an investigation or pending complaint pursuant to sections 19a-12e, 19a-14, 19a-

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14a, 20-13d, or 20-13e of the Connecticut General Statutes or when, in the commissioner's sole discretion, an applicant's recommendation would not be in the best interest of the public health.

(l) Notwithstanding the provisions of subsections (c), (h), and (i) of this section, for purposes of the 2018-2019 federal fiscal year, the commissioner shall publish the time frame for submission of applications under this section on the department's internet website.

(Adopted effective June 2, 1997; Amended February 4, 2004; Amended December 22, 2009; Amended March 8, 2019)