

Title 15: Mississippi State Department of Health

Part 9: Office of Health Policy and Planning

Subpart 98: MISSISSIPPI STATE DEPARTMENT OF HEALTH NATIONAL INTEREST WAIVER GUIDELINES

Chapter 1. MISSISSIPPI STATE DEPARTMENT OF HEALTH NATIONAL INTEREST WAIVER GUIDELINES

Rule 1.1.1. The employment based second-preference Worker Visa Preference Category (EB-2) allows individuals of exceptional ability and individuals who are members of professions holding advanced degrees to obtain a green card (United States permanent residence). For EB-2s a job offer and a labor certification is generally required. This requirement can be waived if the petitioner demonstrates to the United States Citizen and Immigration Services (USCIS) that granting the EB-2 petition would be in the national interest of the United States. The Physician National Interest Waiver (NIW) may be granted by the USCIS to a physician that agrees to work for a period of five (5) years in a designated underserved area.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.1.2. Designated underserved areas include: Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Physician Scarcity Area (PSA) for specialist.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.1.3. The Office of the State Health Officer maintains the responsibility within the state of recommending and processing, through its Mississippi Office of Rural Health and Primary Care, NIW requests.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.1.4. A NIW support letter will not be considered when circumstances indicate that a foreign physician has violated any required service obligation (including failure to provide health care services in underserved areas or to residents of underserved areas, failure to work full-time, or leaving or transferring from a work site without petitioning the USCIS).

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 2. FEDERAL ELIGIBILITY CRITERIA:

Rule 1.2.1. Physician must agree to work full-time in a clinical practice for a period of five (5) years.

1. Physician must work in primary care (such as a general practitioner, family practitioner, general internist, pediatrician, obstetrician/gynecologist, or psychiatrist) or be a specialty physician.

2. Physician must serve either in a currently designated Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or for specialists, in a Physician Scarcity Area (PSA).
3. Physician must obtain a statement from a federal agency or a state department of health that has knowledge of the physician's qualifications and states that the physician's work is in the public interest.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 3. REQUIREMENTS TO REQUEST NIW SUPPORT LETTER FROM MISSISSIPPI STATE DEPARTMENT OF HEALTH:

- Rule 1.3.1. A request for a NIW support letter will not be considered if any of the provisions in Rule 1.2.1. (1 and 2) are not met.

SOURCE: Miss. Code Ann. §41-3-17

- Rule 1.3.2. Requests for NIW support letters must include the following in the order listed:

1. A letter from the sponsoring medical facility indicating:
 - a. That the sponsoring medical facility is supporting a NIW application and is requesting a support letter from the Mississippi State Department of Health.
 - b. The name of the proposed physician, medical discipline, and information on physician's qualifications.
 - c. The name and location (complete street address, 9-digit zip code, and county) of the practice site(s) where the proposed physician will complete the five (5) year full-time clinical practice service obligation.
 - d. The name of the currently designated Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Physician Scarcity Area (PSA) for specialist, where the proposed physician will serve.
 - e. A description of the public benefit to the community that approval of the NIW will provide.
2. A HIV test result and evidence of screening for tuberculosis infection and disease for the applying physician. The tuberculosis screening must include: a tuberculosis signs and symptom assessment by a licensed physician or nurse practitioner; testing for infection performed by an interferon gamma release assay (IGRA) and a chest x-ray with a written interpretation. The HIV test, tuberculosis screening, and tuberculosis tests must have occurred within the 3 months prior to the submission date of the Site Predetermination Application. The IGRA is not required if records of current or previous tuberculosis treatment completion are provided with the submission. If the applicant tests positive for tuberculosis infection or disease, during the application process, the recommendation shall be withheld until treatment is completed or a satisfactory treatment plan has been submitted to and approved by MSDH and agreed to by the applying physician. If any part of the testing or treatment is to be provided by the MSDH, the MSDH approved plan shall include the treatment regimen to be followed and an approved plan and method of

payment for any required testing, treatment or follow-up. Failure to adhere to the plan or complete treatment may result in a revocation of the recommendation and notice to the appropriate federal entities.

3. Copy of notarized, dated, executed employment contract to meet the five (5) year full-time employment service obligation required by the NIW regulations.
4. A letter of support from the current or previous employer of the physician or from a health care professional who has knowledge of the physician's qualifications.
5. The Mississippi State Department of Health NIW Sponsoring Medical Facility Information Form.
6. The Mississippi State Department of Health NIW Physician Information Form.
7. The Mississippi State Department of Health NIW Practice Site Information Form.
8. A letter from the sponsoring medical facility indicating that the organization: 1) understands that the NIW requires the physician to meet a five (5) year full-time clinical practice service obligation; and 2) that the organization agrees to submit the annual MSDH NIW Physician Employment Verification Form.
9. A letter from the applying physician indicating that the physician: 1) agrees to meet the requirement of the NIW of a five (5) year full-time clinical practice service obligation; and 2) agrees to submit the annual MSDH NIW Physician Employment Verification Form.
10. If the physician seeking the NIW support letter currently has a waiver from the two-year home residence requirement and has not completed the waiver's three (3) year full-time federal and contractual service obligation, the physician and the NIW sponsoring medical facility must both submit individual letters indicating that they understand and agree that the a physician must meet the waiver's three (3) year full-time federal and contractual service obligation of the employment contract entered, as PL 106-95 does not change the physician's obligation of the waiver contract terms. The letters must include the start and ending dates of the waiver service obligation period.
11. Physician's Curriculum Vitae.
12. Copy of physician's Social Security Card.
13. Copy of a passport-style photo of physician.
14. Copy of physician's medical degree.
15. Proof of physician's passage of United States Medical Licensing Examinations (USMLE 3 Steps).
16. Copy of physician's Educational Commission for Foreign Medical Graduates Certificate.
17. Documentation of proposed physician's Board Certification or Board eligibility status.

18. Copy of physician's Mississippi Medical License or documentation that application in process.
19. An indication of whether the applying physician is a party to any existing or possible future (one that may occur within the obligation period) petition that would result in the applying physician not having to complete the service obligation.

SOURCE: Miss. Code Ann. §41-3-17