



MISSISSIPPI STATE DEPARTMENT OF HEALTH

MISSISSIPPI PRIMARY CARE OFFICE VISA WAIVER PROCESS MANUAL

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Purpose

The primary purpose of the Mississippi J-1 Visa Waiver Program through the "Conrad State 30 Program" is to improve access to primary health care in physician shortage areas in Mississippi and, secondarily, to needed specialty care, by sponsoring physicians holding J-1 Visas.

Application Process

Applications shall be completed and submitted by an attorney or legal practice. The Mississippi State Department of Health (MSDH) does not recommend attorneys for this process.

Applications are reviewed on a first-come-first-served basis. Submission of an application to the Mississippi State Department of Health does not guarantee a recommendation by the State Health Officer to the Department of State. Applicants will be notified in writing when their applications are not approved.

What is Shortage Designation?

To increase the availability and accessibility of primary care services in underserved areas of Mississippi, MSDH acts as an interested government agency for the sponsorship of J-1 physicians to meet those communities' needs. As outlined below, the proposed practice location(s) shall be in a federally designated area. Designation status is determined by the actual physical address of the practice site.

Federally Designated Health Professional Shortage Area (HPSA)

Health Professional Shortage Area(s) are defined by the Federal Health Resources and Services Administration as geographic areas, populations, or facilities. These areas have a shortage of primary, dental, or mental health care providers.

The designated areas include:

- Primary Care Health Professional Shortage Area
- Mental Health Professional Shortage Area
- Dental Care Health Professional Shortage Area (Not applicable)

Please visit the following link to find the most current HPSA designations:

<https://data.hrsa.gov/tools/shortage-area/by-address>

Medically Underserved Area (MUA)/ Medically Underserved Population for Primary Care (MUP)

The Health Resources and Services Administration defines MUA/MUP as a geographic area or population that lacks medical services, as indicated by poverty, low birth weight or infant mortality, age of population, and lack of primary care providers, and is designated by the Secretary of Health and Human Services.

Please visit the following link to find the most current MUA/MUP designations:

<https://data.hrsa.gov/tools/shortage-area/mua>

How to Obtain a J-1 Visa Waiver

Step 1: Apply for a J-1 visa waiver case number from the U.S. Department of State.

The first step in the application process involves the J-1 Physician applying for a J-1 visa waiver case number from the United States Department of State (U.S. DOS). This step is necessary before the application is submitted to the MSDH. MSDH will not process any application without a J-1 visa waiver case number. To obtain the information needed to apply for the case number, the J-1 Physician can go to: <http://travel.state.gov/> and submit a request to the U.S. DOS using the address listed below:

**U.S. Department of State Waiver Review Division
P.O. Box 952137
St. Louis, MO 63195-2137**

To obtain a J-1 visa waiver case number, the J-1 Physician should send a completed Waiver Review Application Data Sheet to the Waiver Review Division of the U.S. DOS with the required fee and two self-addressed stamped legal-sized envelopes. Instructions may be found using the website listed above.

Once the Waiver Review Division of the U.S. DOS has received the Application Data Sheet, it will send the J-1 Physician, a J-1 visa waiver case number, and instructions on how to proceed with the application.

The instructions will include a list of documents that shall be submitted to complete the waiver review application. After the case number is received, it shall be affixed to all documents included in waiver-related correspondence with the Waiver Review Division and MSDH. If the case number is not affixed to all documents when communicating with MSDH, the documents will be returned to the applicant.

Step 2: Identify practice sites in Mississippi eligible to employ J-1 Physicians and agree to follow the J-1 visa waiver requirements.

The practice shall be physically located in a currently designated federal Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP). If a facility has a unique designation, the facility-specific designation will apply. The practice site for general psychiatry shall be physically located in a current federal Mental Health Professional Shortage Area (MHPSA). The practice site for primary care shall be physically located in a current federal Health Professional Shortage Area (HPSA). A list of all current designated Primary Care and Mental Health HPSAs and MUA/Ps can be found at the Health Resources and Services Administration (HRSA) Shortage Designation website at <https://data.hrsa.gov/tools/shortage-area/hpsa-find>. The practice site shall be in a current HPSA or MUA/P approved location.

The designation shall be current on the date MSDH reviews the application. If the designation expires after the eligibility has been determined, the J-1 Physician will continue to be eligible for the remainder of the obligation.

Step 3: Seek employment at an eligible practice site located in a federally designated area.

The J-1 Physician is responsible for finding practice sites that would be willing to offer employment. J-1 Physician applicants who have completed a residency program in Mississippi are encouraged to contact their residency program coordinator or utilize the National Rural Recruitment and Retention Network recruitment website for placement assistance, www.3RNet.org. During the recruitment phase, the J-1 Physician and the potential employer should become familiar with the obligations and responsibilities outlined in the Mississippi Physician Visa Waiver Program Guidelines.

Step 4: Obtain an employment contact.

Obtaining an employment contract is contingent upon obtaining a J-1 Visa Waiver. The applying Physician is responsible for obtaining an employment contract with the hiring employer to practice in approved site(s). MSDH assumes no responsibility for negotiations, the content of, or termination of the employment contracts.

The contract shall:

- Contract employment for three years or longer;
- Include the full street address(s) and telephone number(s) of all the site(s) where the J-1 Physician will practice;
- Contain a statement by the J-1 Physician agreeing to meet the requirements as outlined in Section 214(l) of the Immigration and Nationality Act;
- Indicate the schedule and the number of hours per week that the J-1 Physician will practice providing direct patient care:
 - Shall be at least 40 hours per week,
 - At least four days per week (excluding administrative, travel, and/or on-call time),
 - Other cases will be reviewed on a case-by-case basis;
 - State the type and amount of leave;
- List the discipline;
- State that termination can only be for cause or cause, not mutual agreement;
- List of benefits and insurance to be provided to J-1 Physicians;
- State that employment will start within 90 days of receiving the waiver, and employment authorization from the USCIS (DOS letter);
- Include the fixed salary;
- Not include a non-compete clause or restrictive covenant preventing or discouraging the J-1 Physician from continuing to practice in Mississippi after the period of obligation has expired
- The employment contract cannot include an at-will policy.

Step 5: Apply to MSDH for review.

The J-1 Visa Waiver application submitted to MSDH shall meet all the requirements mentioned in this manual. The attorney or legal practice shall submit one copy of the completed application to the Mississippi Primary Care Office (PCO) via the electronic submission portal located on the

MSDH website. Incomplete, mailed, or faxed applications will not be reviewed.

Note: To avoid possible conflicts of interest, MSDH recommends that applicants work with their attorney or legal practice and not an employer's attorney or legal practice.

Employer's Eligibility Requirements

Employee shall:

- Be licensed to do business in Mississippi.
- Provide a practice site located in a federally designated Health Professional Shortage Area (HPSA) or a whole county designated Medically Underserved Area (MUA).
- Serve both Medicare and Medicaid patients. At least 10% of the total patient visits in the past 12 months must come from Medicaid and/or other low-income patients. Examples include subsidized basic health plan enrollees, sliding fee discount, no pay, etc.
- Have a sliding fee scale schedule posted and available for patient use.
- Have a signed three-year employment contract with the J-1 physician.
- Pay the physician prevailing wage and provide benefits.
- Have a "for cause" or "just cause" termination policy.

ARC and J-1 Physician's Eligibility and Requirements

J-1 Physician shall:

- Have completed or be currently enrolled in the final year of an Accreditation Council of Graduate Medical Education (ACGME) approved residency program.
- Begin practice within 90 days of receiving the waiver and employment authorization from the USCIS (Department of State (DOS) letter)
- Submit the MSDH J-1 Visa Waiver Physician Employment Verification form to MSDH within 30 days of employment.
- Submit the MSDH J-1 Visa Waiver Physician Employment Verification annually from the employment contract execution date until the completion of the three-year service commitment.
- Notify MSDH of contact information changes within 10 business days of change.
- Have an Educational Commission for Foreign Medical Graduates (ECFMG) certificate.
- Have passed all three steps of the United States Medical Licensing Examination (USMLE) or equivalent and show proof of all three scores.
- Have a Mississippi license to practice medicine or have applied for one.
- Provide a Curriculum Vitae (CV), which shall reflect current contact information.
- Three years of service obligation in the approved federally designated shortage area practice site(s) (HPSA, MUA/P, or MHPSA).

Application Fee

A non-refundable processing fee is required to process a Mississippi Physician Visa Waiver Application. A check or money order from the sponsoring facility should be payable to the Mississippi State Department of Health and submitted with the completed Conrad State 30 J-1

Visa Waiver Application. Applications will NOT be processed without payment of the processing fee. The application fee for the Conrad 30 J-1 Visa Waiver is \$2,000.00.

The application fee for the Appalachian Regional Commission J-1 Visa Waiver application is \$0.

There are no application fees for the National Interest Waiver Program, the Appalachian Regional Commission J-1 Visa Waiver Program, or any letters of support.

Only the application fee should be mailed to the following address:

**Richard Calderone, Director
Mississippi Primary Care Office
Mississippi State Department of Health
Post Office Box 1700
Jackson, Mississippi 39215-1700**

Application Submission

Please submit an electronic copy of the completed application to the Mississippi Primary Care Office (PCO) via our secure electronic portal. You can find our electronic application link located at msdh.ms.gov.

Using the link, complete the form in its entirety before uploading the application documents to the Smartsheet portal.

Submission Formatting Instructions

The United States Department of State (DOS) number must be affixed to the bottom right corner of each application page.

Please include a table of contents and adhere to the “Application Exhibit Section” located within the application packet. The DOS File Number must be included on all pages.

Processing Times

Please allow at least one hundred eighty (180) days for the PCO to process applications after receipt. After the 30 available waiver slots have been filled, applications will be returned without being reviewed. Returned applications shall be resubmitted by the attorney or legal practice to be considered during the next federal fiscal year. The review cycle should be completed within 180 days. Processing times of the DOS and USCIS may vary.

Conrad State 30 J-1 Visa Waiver Program

Policy

The Mississippi Primary Care Office (PCO) is designated to serve as the State Contact and clearinghouse for the Mississippi Conrad State 30 J-1 Visa Waiver Program. The Mississippi State Department of Health's purpose aims to increase access to care by sponsoring foreign physicians who agree to serve in medically underserved areas of Mississippi. MORHPC will administer the program fairly and consistently and provide technical assistance to all interested entities. The Mississippi State Department of Health's Guidelines are entirely discretionary, voluntary, and may be modified or terminated at any time. Submitting a complete waiver package to the MSDH does not ensure an automatic waiver recommendation. In all instances, MSDH reserves the right to recommend or deny any request for a waiver.

Slot Allocation

A total of 30 slots are allotted each year for the Conrad State 30 J-1 Visa Waiver Program.

FLEX Slots

The Mississippi Conrad State 30 J-1 Visa Waiver Program will reserve ten (10) slots each year that will be allocated at the discretion of MSDH based on the prevailing critical needs for specific health care professionals.