



CONRAD 30/J-1 VISA WAIVER PROGRAM
Florida Department of Health Sponsorship Guidelines
2020-2021

The Conrad 30/J-1 Visa Waiver Program in Florida
Frequently Asked Questions

Am I required to have an attorney?

No. Applicants are not required to retain an immigration attorney to represent them in the application process.

Are hours/work schedules required to be 40 hours per week?

Yes. The United States Citizens and Immigrations Services and the United States Department of State requires “full-time” employment to be 40 hours per week. Therefore, other types of scheduling, including, but not limited to, 160 hours per month or a specific number of shifts (i.e. 14 day shifts and four-night shifts) are not acceptable in an employment contract.

Am I required to practice in a Health Professional Shortage Area-(HPSA)?

States may sponsor a maximum of 10 FLEX Waiver applicants. FLEX Waiver applicant employers are those not located in a designated HPSA or Medically Underserved Area (MUA), yet still provide care to medically underserved patients and patients residing in designated HPSAs and/or MUAs. There is a federally mandated limit of 10 FLEX Waivers per state. The employer must provide evidence in the application packet that the practice site serves medically underserved patients (Medicaid and uninsured) (8 U.S. Code §1184(l) (1)(D)(ii)).

Is a signed employment contract required?

Yes. All applicants must submit an employment contract signed by both the employer and the physician. The United States Citizen and Immigration Services requires a signed employment contract between the facility and the physician applicant. **An offer-of-employment-letter contingent upon the sponsorship by the Department is not acceptable. Letters of agreement for employment and letters of offers for employment will not suffice for an employment contract.**

Is there any language that should not be in my employment contract?

Yes. The Conrad 30/J-1 Visa Waiver Program requires a minimum of a three-year mutual commitment by an employer and the physician. Examples of wording that will negate a physician’s application for sponsorship include:

- “at-will” employment
- “renewed annually”
- “one-year initial appointment with annual renewal thereafter”
- “anticipating” that the physician will be employed for the minimum three-year period
- Any language that places caveats on the three-year employment span.

I am on an O-1 Visa and still have the two-year home residency requirement from my J-1 Visa. I have two more years left on my current contract. Do I need a new contract?

You do not need a new contract, but you will need an addendum to the current contract stating the term of the contract is extended to three years beginning the date the waiver is approved by the United States Citizen and Immigration Services.

My contract states my term of employment is from January 1st of next year and extends for three years. Is this acceptable?

No. The approval from U.S. Customs and Immigration Service (USCIS) occurs in the spring and the program requires employment for three years *beginning* within 90 days of your waiver being approved by the USCIS. A current contract would need the end date to be extended to cover three years of

employment under the J-1 Waiver program. Any time worked before USCIS approves the waiver is not included in the required three-year employment time.

My contract states my term of employment is from August 1st of next year and extends for three years. Is this acceptable?

No. The approval from USCIS occurs in the spring and the program requires that the physician agrees to begin employment at the health care facility within 90 days of receipt of the waiver and continues to work for a total of not less than three (3) years after the approval is granted. If the employment contract has a start date of August 1st, and the physician's waiver is approved by USCIS on March 1st, the physician *must* start by May 30th.

Can I hand-deliver or have a courier deliver my application packet?

Applications cannot be hand delivered to the Department.

Applications will only be accepted by mail to the following address:

The Florida Department of Health
Division of Public Health Statistics and Performance Management
State Primary Care Office
4052 Bald Cypress Way Bin #A05
Tallahassee, Florida 32399-1720

What happens to mailed and/or submitted applications if the Department is closed due to a hurricane or other natural disaster during the application submission period?

It is advised that applications be sent via a delivery provider that tracks mail and packages. Such carriers include FedEx, UPS, and DHL. The delivery provider will include tracking information which will determine the date the application arrived at the Department. If an application is sent without tracking features, the application's date of arrival will be documented.

If my application is complete, am I guaranteed a sponsorship?

Sponsorship is not guaranteed. Submission of a waiver application package does not ensure that the Department will sponsor that physician for a waiver. In all instances, the Department reserves the right to sponsor or decline any request for a waiver. The Department may sponsor up to 30 physicians with application packets that are filed in a timely manner, are complete and meet the federal eligibility requirements. The Department usually receives more than 30 application packets which are complete and meet the federal eligibility requirements. When this happens, the Department will use a computer-generated random selection process to determine the 30 physicians for sponsorship.

If there are errors with anything in my application packet, will you let me know before the deadline, so I can remedy it?

No. Applications are not opened/processed until after the close of the application period, thus all applications are reviewed equally.

If you find errors in my application packet while you are processing it, will you let me know so I can remedy them and resubmit?

Incomplete applications or applications with errors will not be considered for entry in the random selection process.

How will I find out if the Department will be sponsoring me?

The Department's Primary Care Office will notify applicants by email of their sponsorship status once the final 30 applicants have been recommended for sponsorship by the State Surgeon General.

When will I find out if the Department will be sponsoring me?

The Department will notify applicants of their status by mid-December 2020. The Primary Care Office will notify applicants by email.

Can you tell me what the breakdown of primary care vs. specialists was for last year?

The Department does not provide data on application cycles from previous years. Each year's application cohort is different and thus the prior year's mix of physician types cannot be a predictor of the current application cycle.

I have missed the window for submitting my application. If you do not have all 30 slots filled, will you reopen the submission period?

The Department conducts one application period per year, during the first two weeks of October. If all slots are not filled the Department does not conduct a second application cycle.

How do I obtain a completion letter at the end of my three-year obligation?

Please send an email to: FL.PCO@flhealth.gov requesting the completion letter. You will receive a Practice Status Report to complete and return to the Department's Primary Care Office.