

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Visa Waiver Program for International Medical Graduates
- 2) Code Citation: 77 Ill. Adm. Code 591
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
591.30	Amendment
591.115	New Section
- 4) Statutory Authority: Public Act 98-1006 and Sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)), and 22 CFR 62, Exchange Visitor Program.
- 5) A Complete Description of the Subjects and Issues Involved: Changes to Part 591 are proposed to incorporate language regarding fee assessments on J-1 Visa Waiver applicants. The fee assessment is in response to P.A. 98-1006, which gives the Department the authority to assess a fee on J-1 Visa Waiver applications. Monies collected will be deposited into the Rural/Downstate Health Access Fund and be used, in part, to conduct site visits on physicians who receive a waiver as well as general administrative expenses of the program.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
591.10	Repeal	38 Ill. Reg. 15816; July 25, 2014
591.20	Amendment	38 Ill. Reg. 15816; July 25, 2014

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591.30	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.40	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.100	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.110	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.120	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.130	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.140	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.150	New Section	38 Ill. Reg. 15816; July 25, 2014
591.160	New Section	38 Ill. Reg. 15816; July 25, 2014
591.170	New Section	38 Ill. Reg. 15816; July 25, 2014
591.180	New Section	38 Ill. Reg. 15816; July 25, 2014

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL
MEDICAL GRADUATES

PART 591
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

SUBPART A: GENERAL PROVISIONS

Section	
591.10	Applicability
591.20	Definitions
591.30	Incorporated or Referenced Materials
591.40	Administrative Hearings

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section	
591.100	Participation Eligibility of Physicians and Facilities
591.110	Application Submission Timeframes
<u>591.115</u>	<u>Processing Fee</u>
591.120	Application Materials and Processing
591.130	Selection Process
591.140	Terms of Performance

AUTHORITY: Authorized by and implementing Sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)), and 22 CFR 62, Exchange Visitor Program.

SOURCE: Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. 7551, effective May 15, 2000; emergency amendment at 27 Ill. Reg. 2277, effective January 22, 2003, for a maximum of 150 days; emergency expired June 20, 2003; amended at 27 Ill. Reg. 10281, effective June 30, 2003; emergency amendment at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days; emergency expired September 11, 2004; amended at 29 Ill. Reg. 3327, effective February 16, 2005; emergency amendment at 29 Ill. Reg. 7825, effective May 10, 2005, for a maximum of 150 days; emergency expired October 6, 2005; amended at 30 Ill. Reg. 898, effective January 5, 2006; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 591.30 Incorporated or Referenced Materials

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The following materials are incorporated or referenced in this Part:

- a) The following Illinois statutes and rules are referenced in this Part:
 - 1) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
 - 2) Medical Practice Act of 1987 [225 ILCS 60].
 - 3) Court of Claims Act [705 ILCS 505]
- b) The following federal statutes are referenced in this Part:
 - 1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 USC 254e).
 - 2) Designation of Medically Underserved Areas/Populations, Section 330 of the Public Health Service Act (42 USC 254e).
- c) The following federal regulations are incorporated in this Part:
Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program (22 CFR 62 (April 1, 2004)).
- d) All incorporations by reference of federal regulations refer to materials on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 39 Ill. _____, effective _____)

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section 591.115 Processing Fee

- a) A processing fee of \$3,000 shall accompany each application submitted to the Department.
- b) Payment shall be by check or money order payable to the Illinois Department of Public Health.
- c) If the payment does not accompany the application, it will be considered to be incomplete (see Section 591.120(e)(1)(B)). The Department will take no action

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on the application until the required payment has been received.

- d) If the Department determines that the payment is not valid due to insufficient funds or other reasons, the application will be null and void. The Department may charge the applicant for any penalties incurred by the State for processing an applicant's bad payment. The Department will determine whether to collect based on cost effectiveness.
- e) Fee payments are not refundable. Any disputes about the fee payments will be subject to the administrative hearing process. If the administrative law judge awards monies to the applicant, the applicant shall be paid by petitioning the Illinois Court of Claims.
- f) Fees collected from applicants shall be deposited into the Rural/Downstate Health Access Fund.

(Source: Added at 39 Ill. Reg. _____, effective _____)