

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3) (16 **Del.C.** §122(3))
16 **DE Admin. Code** 4104

FINAL

ORDER

4104 Delaware Conrad State 30 / J-1 Visa Waiver Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“DHSS”), Division of Public Health recently initiated proceedings to amend regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program. These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §122(3).

On March 1, 2025 (28 **DE Reg.** 654), DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments, pursuant to 29 **Del.C.** §10115. The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by April 1, 2025, after which time DHSS would review information, factual evidence, and public comment to the proposed regulation. No comments were received during the public comment period.

On June 1, 2025 (28 **DE Reg.** 884), DHSS published in the *Delaware Register of Regulations* its notice of the final amendments, pursuant to 29 **Del.C.** §10118. After publication, it was determined that the title of Appendix D was incorrectly referenced as “Appendix C Annual Practice Report” within the document. This exempt final regulation addresses the error, correcting the title to “Appendix D Annual Practice Report”.

SUMMARY OF EVIDENCE:

In accordance with 29 **Del.C.** §10113(b)(4), nonsubstantive changes in existing regulations to alter style or form or to correct technical errors are exempt from the public comment period required for proposed regulation. The Division of Public Health is publishing this final exempt regulation pursuant to this statute.

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

Division of Public Health Director Steven Blessing has reviewed the regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that if promulgated, the regulation would have a *de minimis* impact on the State’s resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

No additional changes are being made to the regulation published as final in the June 2025 issue of the *Delaware Register of Regulations*. The Department finds that the final exempt regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the final exempt amendments to regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program shall become effective August 11, 2025, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

7/8/2025 | 2:05 PM EDT

Date

Josette D. Manning, Esq.
Cabinet Secretary
Delaware Department of Health and Social Services

4104 Delaware Conrad State 30 / J-1 Visa Waiver Program

1.0 Purpose and Scope

- 1.1 This document will specify the procedures to be used by the Delaware Department of Health and Social Services in administering the Conrad State 30/J-1 Visa Waiver Program.
- 1.2 DHSS is committed to ensuring that quality health care is available to all residents of the State of Delaware. To ensure adequate medical services are provided in underserved areas, DHSS has elected to take advantage of the Conrad State 30/J-1 Visa Waiver Program.
- 1.3 Under this Program, DHSS established state-specific procedures that require sponsoring sites to submit a Site Application. This application consists of:
 - 1.3.1 Needs assessment;
 - 1.3.2 Proof that the sponsoring site has unsuccessfully attempted over a 3-month period to hire a physician with United States citizenship;
 - 1.3.3 Strategy for long-term and short-term retention;
 - 1.3.4 Sponsoring site waiver agreement; and
 - 1.3.5 A Site Application form.
- 1.4 The needs assessment must establish and document that a particular need exists within the sponsoring site's service area before the site will be approved to hire a J-1 physician under the Conrad State 30/J-1 Visa Waiver Program. The onus to establish the need rests solely with the sponsoring site.
- 1.5 The Site Application will be reviewed and approved or disapproved by a Conrad 30, J-1 Physician Visa Waiver Board. DHSS will provide written notice to the site of the application's approval/disapproval. A J-1 Visa Waiver Application for a J-1 physician may not be submitted until the sponsoring site has been approved. J-1 Visa Waiver applications will only be accepted from J-1 physicians who have signed a contract with a pre-approved site.
- 1.6 DHSS will submit recommendations to the Delaware Department of State on behalf of qualified J-1 physician applicants who agree to practice medicine full-time at a pre-approved sponsoring site for a minimum of 3 years in a federally designated health professional shortage area or a medically underserved area of Delaware, or other underserved area using a flex slot, with a pre-approved site.
- 1.7 DHSS participation in the Conrad State 30/J-1 Visa Waiver Program is completely discretionary and voluntary. DHSS may elect not to participate in the Program at any time. The submission of a complete waiver package does not ensure DHSS will recommend a waiver. No more than 30 applications will be approved each federal fiscal year. DHSS reserves the right to recommend or decline any request for a waiver.
- 1.8 Utilizing Additional J-1 Visa Waiver Routes/Resources: If a physician appears to qualify for the U.S. Department of Health and Human Services' Exchange Visitor Program, DHSS will contact that physician's attorney with a recommendation to utilize the HHS Program. The applying site is not required to follow the recommendation. The Conrad 30, J-1 Visa Waiver Application will be processed as received without penalty if the site chooses to move forward with processing the Conrad physician application. The Program manager will provide technical assistance to any provider who qualifies for either of these programs.
- 1.9 DHSS reserves the right to bar sites or physicians found to be non-compliant with Program policies or have a high turnover rate of J-1 physicians from future Program participation.
- 1.10 This requirement applies in full to any waiver submitted on behalf of a J-1 physician to be employed in Delaware.

[28 DE Reg. 884 \(06/01/25\)](#)

2.0 Background

International medical graduates completing graduate medical education in the United States under a J-1 Visa are required to return to the country of nationality for at least 2 years before reentering the United States. Acting as an interested state agency, DHSS may make a recommendation to the U.S. Department of State, Bureau of Consular Affairs Waiver Review Division to recommend that the U.S. Citizenship and Immigration Services waive the home residence requirement for up to 30 J-1 physicians annually. This includes 10 J-1 flex waivers which may be used in areas that are not federally designated as a Health Professional Shortage Area identified by the state. To receive a letter of support for the J-1 physician applicant from DHSS, applications must meet requirements, described herein.

[17 DE Reg. 233 \(08/01/13\)](#)

[28 DE Reg. 884 \(06/01/25\)](#)

3.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

"**Board**" means the Delaware Conrad State 30/J-1 Visa Waiver Program Sponsoring Site Application Review Board.

"**DHSS**" means the State of Delaware Department of Health and Social Services.

"**DPH**" means the State of Delaware Department of Health and Social Services Division of Public Health.

"Emergent need" means a need that demonstrates an unusual and critical urgency for the placement of a J-1 physician, such as the death, unexpected departure, or sudden retirement of a clinical physician providing many medical care needs at the sponsoring site.

"Health professional shortage area" or "HPSA" means an area defined by the federal Department of Health and Human Services as having a shortage of health care providers.

"J-1 physician" means an international medical graduate physician completing graduate medical education in the United States under a J-1 Visa. These physicians are required to return to the country of nationality for at least 2 years before reentering the United States unless a J-1 Visa waiver is granted.

"Medically underserved area" or "MUA" means an area, as defined by the Department of Health and Human Services, under the National Health Service Corps in 1970 as not having an adequate supply of health care providers.

"Practice site" means the physical location at which the J-1 physician will provide medical services. This location can be different from the sponsoring site location if, for example, a satellite office is used.

"Primary care fields" means the following four fields: family practice, general internal medicine, general pediatrics, and obstetrics/gynecology.

"Processing fee" means the non-refundable \$500 fee that Delaware Division of Public Health shall charge to each sponsoring site submitting a Physician Application at the time the application is submitted. The check should be made payable to the State of Delaware.

"Program" means the Delaware Division of Public Health Conrad State 30/J-1 Visa Waiver Program.

"Public Law" or "PL" means federal statute that governs affairs between individuals and government, between different institutions within a state, and between the branches of government.

"Recruitment contact" means the primary point of contact to be used by the Delaware Department of Health and Social Services Conrad State 30 Program Manager.

"Screening for Life Health Care Connection" means a program that assists uninsured Delaware residents who meet specific financial requirements to obtain preventative healthcare, as well as medical services at an affordable cost.

"Service area" means the geographic area in closest proximity to the practice site, from which many patients are derived.

"Sponsoring site" means the medical practice through which the J-1 physician will provide medical services.

"U.S. Department of State, Bureau of Consular Affairs Waiver Review Division" means the federal agency that reviews the recommendations submitted by interested state agencies on behalf of J-1 physician applicants. In turn, they submit recommendations to the Immigration and Naturalization Service for final determination of approval/disapproval.

"VIP" means the voluntary initiative program, which represents the network of contributing physicians, allied health practitioners and ancillary service providers throughout the state that serve the uninsured residents of Delaware who are enrolled in the Health Care Connection program through the Department of Public Health.

[17 DE Reg. 233 \(08/01/13\)](#)

[28 DE Reg. 884 \(06/01/25\)](#)

4.0 DHSS Duties and Responsibilities

The Delaware Division of Public Health has primary responsibility within DHSS for processing J-1 visa waivers. DHSS serves as the "interested state agency" with the Director of Public Health having the authority to sign the recommendations. Applications must be processed in the best interest of the health care needs of Delawareans.

[17 DE Reg. 233 \(08/01/13\)](#)

[28 DE Reg. 884 \(06/01/25\)](#)

5.0 Applicability

5.1 These procedures apply to the following:

5.1.1 All J-1 physicians seeking a J-1 visa waiver under Public Law (PL) 103-416 for employment in Delaware.

5.1.2 All sponsoring sites seeking approval to hire a J-1 physician under the J-1 Visa Waiver Program.

5.1.3 All DHSS employees processing J-1 visa waivers under Public Law (PL) 103-416.

[28 DE Reg. 884 \(06/01/25\)](#)

6.0 Application Process

6.1 Sponsoring Site Pre-Approval Application Requirements. The Site Application must, at a minimum, include the following:

6.1.1 Site Application Form (Appendix A of this regulation)

6.1.1.1 Sponsoring Site: Provide the name, address, county, telephone number, and the e-mail address of the site requesting approval to hire a J-1 physician. The site must specify whether it is a for-profit or not-for-profit business.

- 6.1.1.2 Practice Site: Provide the name, address, and county of the actual practice site where the requested J-1 physician would practice, if different from the primary location of the sponsoring site.
- 6.1.1.3 Recruitment Contact: Provide the name, address, county, telephone number, and e-mail address of the individual responsible for physician recruitment.
- 6.1.1.4 Site Data Regarding Active Clients: Provide the total number of active patients at the practice site in the previous calendar year. Indicate total patients, as applicable, for primary care, specialty care, and mental health services. Provide pro-rated or estimated annual totals if the site was not operational for the entire previous calendar year. For new sites, estimate the number of patients anticipated for the next year. Of the total number of patients, provide the percentage of all current patients, broken out by given age groups, making payment by conventional insurance plans, Medicare, Medicaid, or on a sliding fee scale. A copy of the sliding fee scale must be submitted.
- 6.1.1.5 Sites approved to participate in the Conrad State 30/J-1 Visa Waiver Program must also participate in state programs designed to increase access to care for the uninsured/under insured such as the Screening for Life Health Care Connection, the VIP provider network, and, if appropriate other charitable programs. Sponsoring sites must enroll in the VIP Program within 30 days of site approval if they are not already network members. To enroll in the VIP program, call the Medical Society of Delaware at 302-224-5190 (select option 1). To enroll in Screening for Life Health Care Connection, call 302-744-1040.
- 6.1.1.6 Staffing Levels: Provide the total number of budgeted full-time equivalent providers currently on staff. Also include the number of J-1 physicians requested, by specialty, and the projected hire date of each.
- 6.1.1.7 Practice Site Hours of Operation: Indicate the normal operating hours of the practice site by the days of the week. Specify if hours of operation vary by practitioner.
- 6.1.1.8 Proposed J-1 Physician Weekly Work Schedule: Indicate the proposed weekly work schedule of the proposed J-1 physician. Include the number of hours (with start and end times) and the location (hospital/practice site). The schedule must indicate the amount of time the J-1 physician is providing services, not including travel or on-call time.
- 6.1.2 Needs Assessment. Sponsoring sites are encouraged to work with local hospitals and communities to complete the needs assessment. A comprehensive, data-driven needs assessment must be completed, which, at a minimum, includes the following:
 - 6.1.2.1 Description of the service area in which the sponsoring site's patients are located.
 - 6.1.2.2 Geographic Service Area Health Resource Inventory. Description of the other health care resources located within the same service area including physicians by specialty, hospitals, clinics, urgent care centers, and any other available outpatient care facilities. Also include the location of the nearest available source of outpatient-based services, which offers a sliding fee scale to patients with limited financial resources and that provides services similar to those that are being provided by the requested J-1 physician. Indicate the distance to that site.
 - 6.1.2.3 Documentation of whether the sponsoring site's service area is located within a health professional shortage area or a medically underserved area. If in a HPSA or MUA, please indicate the following: HPSA Type, HPSA Service Area Number, state/county code, and the sponsoring site's primary service area (by city/county).
 - 6.1.2.4 Documentation of a shortage in the defined service area for the physician specialty being requested under the J-1 Visa Waiver Program.
 - 6.1.2.4.1 Provide statistics demonstrating the need for a specialty or sub-specialty in the sponsoring site's service area.
 - 6.1.2.4.2 Document that the specialty or sub-specialty is not available to the underserved population in the service area.
 - 6.1.2.4.3 Describe how a J-1 physician would be used to meet the needs of the underserved population in the service area. Indicate if unique qualifications, such as cultural match or experience with the service area's underserved population, are sought to meet a particular need.
- 6.1.3 Retention. The sponsoring site must provide thorough, written documentation of plans to retain the J-1 physician in the service area upon completion of the 3-year practice obligation. Specifically, this plan must include short-term and long-term strategies that will not only keep the physician in the service area, but also will encourage the physician to continue to practice the specialty for which the physician was hired. This includes malpractice insurance, partnership opportunities, annual and sick leave, a competitive salary, salary increases, and a health benefits package, if applicable.
 - 6.1.3.1 Non-compete language or clauses in employment contracts are strictly prohibited.
 - 6.1.3.2 Imposing financial penalties or prohibiting a physician from establishing a competing practice when the employment arrangement ends is considered a barrier to the Program's purposes of the recruitment and retention of a physician to a medically underserved area.

6.1.3.3 The employment contract may not contain any restrictive covenants, non-compete clauses, or similar language, regardless of how the stipulations may be labeled.

6.1.4 Contract

6.1.4.1 The employment contract that will be offered to the J-1 physician must be submitted for review to the J-1 Board and at a minimum, include the following:

6.1.4.1.1 Name and address of the sponsoring site.

6.1.4.1.2 Name and address of the location of the sponsoring site's practice. If the J-1 physician will work at more than one site, include the days and hours of practice at each site and a breakdown in the amount of time the physician will practice at each site.

6.1.4.1.3 A statement that the J-1 physician will work not less than 4 days per week or more than 12 hours in a 24-hour period. The hours must be performed during normal office hours or hours which best meet the needs of the community (e.g. evenings or weekends). Travel and on-call time cannot be included.

6.1.4.1.4 A statement that the site will employ the physician on a full-time basis (minimum of 40 hours per week, not including time spent in travel or on-call).

6.1.4.1.5 A statement that the J-1 physician will commence practice within 90 days of receiving a waiver and will practice on a full-time basis for at least 3 years.

6.1.5 Proof of Failed Recruitment Attempts. The sponsoring site must provide proof that attempts have been made to hire a physician with United States citizenship throughout the past 3 months to no avail. This section must include a written description of the failed attempts to recruit as well as back up documentation including either a medical journal or newspaper advertisements, and letters to medical residency programs or medical schools. State any attempts to gain recruitment support from the hospital within the practice site's geographic service area, and if applicable, indicate efforts to use the Delaware State Loan Repayment Program, the National Rural Recruitment and Retention Network (3RNET at www.3RNET.org), and the National Health Service Corps to recruit a U.S. citizen.

6.1.6 Sponsoring Site Waiver Agreement. The director or applicant official of the sponsoring site must initial each of the statements indicating agreement to comply with requirements of the Delaware Conrad State 30/J-1 Visa Waiver Program. The Sponsoring Site Waiver Agreement must also be signed and dated to include the title of the applicant official.

6.1.7 Signature. The director or applying official of the sponsoring site must provide an original, dated application with a live signature (using blue or black ink). This signature binds the site to the information provided and verifies that the form was completed with accurate and current information.

6.2 J-1 Physician Application Requirements

6.2.1 J-1 Physician Application forms are available in Appendix C of this regulation. Applications will only be accepted from J-1 physician applicants who already have an employment contract with a pre-approved sponsoring site (see Section 4.0 of this regulation). The completed application must include the original application package and 1 complete copy. No more than 30 physician applications will be approved each federal fiscal year (October 1 to September 30). DHSS reserves the right to recommend or decline any request for a waiver.

6.2.2 The J-1 Physician Application must, at a minimum, include the following:

6.2.2.1 Letter from the Director of the Sponsoring Site. The director of a pre-approved sponsoring site must submit a letter requesting a Delaware Department of Health and Social Services recommendation to the U.S. Department of State, Bureau of Consular Affairs Waiver Review Division (DOS) (or other federal approving agency) that a J-1 physician be given a waiver of the requirement to return to their country of nationality. The letter must include, or attach, each of the following:

6.2.2.1.1 Description of the J-1 physician's qualifications, proposed responsibilities and how the physician's employment will meet the unmet health care needs of the medically underserved community.

6.2.2.1.2 If the J-1 physician will be practicing in a HPSA or MUA that is based on a population group, the employer must provide adequate documentation of the medical care that will be provided to this group of patients.

6.2.2.1.3 Confirmation that the sponsoring site and the J-1 physician participate in or have applied to participate in the Screening for Life Health Care Connection or VIP Program. J-1 physicians must apply to participate in the Program within 30 days of executing an employment contract with a sponsoring site. To enroll in the VIP program, call the Medical Society of Delaware at 302-224-5190 (select option 1). Once enrolled, the physician must notify the J-1 Program manager.

6.2.2.1.4 Certification that the J-1 physician will provide medical care services to Medicare, Medicaid, and medically underserved patients, without discrimination based upon ability to pay for such services (i.e. self-pay, sliding fee scale, charity care). Enclose a copy of the sliding fee scale or policy for discounting charges.

- 6.2.2.1.5 Completed Physician Data Sheet (available in the Appendices, Site Application Forms, J-1 Physician Application Forms).
- 6.2.2.1.6 Copy of the J-1 physician's curriculum vitae (CV).
- 6.2.2.1.7 Evidence of eligibility for a Delaware medical license.
- 6.2.2.1.8 At least 3 letters of recommendation from persons familiar with the J-1 physician's work.
- 6.2.2.1.9 A signed statement from the J-1 physician agreeing to the contractual requirements set forth in Section 214 (k)(1) (B) and (C) of the Immigration and Nationality Act.
- 6.2.2.1.10 Copies of all IAP-66 forms issued to the J-1 physician seeking the waiver.
- 6.2.3 Employment Contract
 - 6.2.3.1 The employment contract must be submitted for review to the J-1 Program and at a minimum, include the following:
 - The name and address of the sponsoring site.
 - The name and address of the location of the sponsoring site's practice. If the J-1 physician will work at more than one site, include the days and hours of practice at each site and a breakdown in the amount of time the physician will practice at each site.
 - A statement that the J-1 physician will work not less than 4 days per week or more than 12 hours in a 24-hour period. The hours must be performed during normal office hours or non-traditional hours that best meet the needs of the community (e.g. evenings or weekends). Travel and on-call time cannot be included.
 - A statement that the site will employ the physician on a full-time basis (minimum of 40 hours per week, not including time spent in travel or on-call).
 - A statement that the J-1 physician will commence practice within 90 days of receiving a waiver and will practice on a full-time basis for at least 3 years.
 - The competitive salary amount requested.
 - Specific personal time requirements including vacation and sick leave.
 - A breakdown of all proposed benefits.
 - 6.2.3.2 The employment contract may not contain any restrictive covenants, non-compete clauses, or similar language, regardless of how they may be labeled.
- 6.2.4 Letter of No Objection from Home Country
 - 6.2.4.1 A statement that the physician's home country has no objection to the physician receiving a waiver of the foreign residence requirement must be included if the J-1 physician received funding from the physician's home country for medical education or training in the United States. The Certification Regarding Contractual Obligation to Home Country (HD1061F) letter must be submitted directly to the following address by the J-1 physician applicant:

Waiver Review Division
Department of State
Bureau of Consular Affairs, Visa Office
CA/VO/L/W Room, L603
2401 E Street, NW
Washington, DC 20522-0106

- 6.2.4.2 A copy of this letter must be included in the application packet.
- 6.2.5 The J-1 physician applicant must sign and include the enclosed J-1 Physician Waiver Statement and Affidavit and Agreement with the application.
- 6.2.6 The J-1 physician applicant must include a notarized J-1 Visa Waiver Affidavit and Agreement. The document must contain the J-1 physician applicant's live, notarized signature (in blue or black ink).
- 6.2.7 The enclosed checklist (available in the Appendices) must accompany the application. The J-1 physician applicant must initial each item on the checklist as proof and assurance that each item is included in the J-1 Visa Waiver Application packet.
- 6.2.8 Non-refundable \$500 processing fee
 - 6.2.8.1 A non-refundable processing fee of \$500 shall be charged to each pre-approved site to process the waiver request application for each J-1 physician that the site plans to employ. The check will be made payable to the State of Delaware and mailed to the following address:

Conrad State 30 Program Manager
Delaware Division of Public Health
417 Federal Street, Jesse Cooper Building
Dover, Delaware 19901

6.2.8.2 Without payment of the processing fee, the application will be deemed incomplete and will not be processed.

17 DE Reg. 233 (08/01/13)

28 DE Reg. 884 (06/01/25)

7.0 Site Application Evaluation Process

7.1 The Delaware Conrad State 30/J-1 Visa Waiver Program Sponsoring Site Application Review Board (Board) will review and approve or disapprove each Site Application based on its individual merits. Board members must not serve on the review panel for applications submitted by sponsoring sites with which they have either a personal or employment-related conflict of interest. The Board will be comprised of at least 1 member from each hospital located in an underserved area of the state or serving patients from such areas, the Medical Society of Delaware, and DHSS representatives. Additional members may be included at the discretion of the Board.

7.2 Sponsoring Site Application Preliminary Review

7.2.1 A preliminary review of each application will be conducted by the Conrad State 30 Program manager to determine if:

7.2.1.1 The sponsoring site is located within a HPSA/MUA;

7.2.1.2 That the following required documentation is completed:

7.2.1.2.1 Sponsoring Site Application;

7.2.1.2.2 Detailed needs assessment;

7.2.1.2.3 Strategy for long-term and short-term retention;

7.2.1.2.4 Proof of failed recruitment attempts;

7.2.1.2.5 Sponsoring Site Waiver Agreement;

7.2.1.2.6 Template of the employment contract that will be offered.

7.2.2 The preliminary review will be conducted to determine the completeness of the application; the specific content provided in each of the components will not be considered during this review. Correspondence noting which items the application is deficient in will be made with the site if it has been determined the application is incomplete.

7.3 Sponsoring Site Application Review

7.3.1 The Board will convene quarterly to review the applications submitted.

7.3.2 Using the Site Application Evaluation Form (available in Appendix D of this regulation) as a guide, Board members must assign a score to each of the elements on the Site Application Evaluation Review Point Scale.

7.3.3 Review Point Scale

Site application data	25
Needs assessment	35
Retention	20
Proof of failed recruitment attempts	20
Total	100

7.3.4 The scores from the review elements will be averaged to reach a total score. The total scores of each Board member will then be averaged to determine the final score for each site.

7.3.5 Sites will be approved only if:

7.3.5.1 All criteria are met,

7.3.5.2 A final score not lower than a 70 is achieved, and

7.3.5.3 An overall score of at least a 25 is achieved on the Needs Assessment component.

7.4 Timelines. Pre-approved sponsoring sites will be eligible to make a contractual offer to a J-1 physician for the following federal fiscal year (beginning October 1 of each year). However, if not all 30 Conrad State 30/J-1 Visa Waiver slots have been used for the current federal fiscal year, pre-approved sponsoring sites may make a contractual offer to a J-1 physician for the current fiscal year.

7.5 Guidelines for Review of Applications

7.5.1 Applications received will be reviewed to determine if an emergent need for the placement of a J-1 physician is demonstrated.

7.5.2 Sponsoring sites clearly demonstrating an emergent need will need to document 2 months of failed recruitment efforts. All other recruitment efforts as set forth in this regulation apply.

7.6 Notice of Approval/Disapproval. For those applications received DHSS will provide written notification of the Site Application's approval or disapproval within 30 days after the Conrad 30 / J-1 Visa Waiver Board meeting.

[17 DE Reg. 233 \(08/01/13\)](#)

[25 DE Reg. 884 \(06/01/25\)](#)

8.0 Timeframes

8.1 Site Application Submission. DHSS will accept Site Applications each federal fiscal year. Site Applications need to be received no later than 30 days prior to the upcoming quarterly Conrad 30 / J-1 Visa board meeting.

8.2 Site Notification. DHSS will notify sponsoring sites in writing of the decision to approve or disapprove the site within 30 days after the Conrad 30 / J-1 Visa Waiver Board meeting.

8.3 J-1 Visa Waiver Request Submission. J-1 Visa Waiver Requests may be submitted with the start of each federal fiscal year, October 1.

[25 DE Reg. 884 \(06/01/25\)](#)

9.0 Completed Site Applications, Associated J-1 Applications and Processing Fees Must Be Sent To:

Conrad State 30 Program Manager
Delaware Division of Public Health
417 Federal Street, Jesse Cooper Building
Dover, Delaware 19901

[17 DE Reg. 233 \(08/01/13\)](#)

10.0 Submitting J-1 Physician Waiver Recommendation To DOS

If the J-1 visa waiver request is approved, DHSS prepares a cover letter to DOS that identifies the J-1 physician applicant and recommends waiving the 2-year home residence requirement. Upon receipt of the DHSS approval request, DOS will review the application.

[28 DE Reg. 884 \(06/01/25\)](#)

11.0 J-1 Physician Applicants Receiving a J-1 Waiver

J-1 physician applicants receiving approval of a J-1 Waiver request must begin work at the sponsoring site within 90 days of notice of approval from USCIS.

[28 DE Reg. 884 \(06/01/25\)](#)

12.0 Reporting Requirements

12.1 An annual reporting process is utilized for each J-1 physician practicing under a waiver to ensure the J-1 physician continues to practice in an underserved area of Delaware for the required 3 years. Included in this application is a copy of the Annual Practice Forms. The sponsoring site must deliver to DHSS a completed, signed form within 30 days of the anniversary of the J-1 physician's start date. The annual reporting forms must be submitted for each year of practice obligation. Failure to submit the forms render the sponsoring site non-compliant.

12.2 Notification of waiver status and commencement of employment contract must be submitted to DHSS upon receipt of written notification of approval from USCIS. This notification must include the date the 3-year obligation commences.

12.3 Contract changes which result in the termination of a contract, a change in practice scope, or relocation from a site approved in the application request to a new site must be presented in writing to DHSS at 30 days prior to the change. All reporting requirements, changes in practice location, or scope must be submitted to the following:

Conrad State 30 Program Manager
Delaware Division of Public Health
417 Federal Street, Jesse Cooper Building
Dover, Delaware 19901

[17 DE Reg. 233 \(08/01/13\)](#)

[28 DE Reg. 884 \(06/01/25\)](#)

13.0 Exit Survey

Each J-1 physician practicing in Delaware must complete an exit survey within 90 days of completing the J-1 physician's 3-year obligation, or at such point that the employment contract is terminated by either the sponsoring site or the J-1 physician. DHSS will send the exit survey, which will concentrate on the J-1

physician's experiences in Delaware and the physician's plans for practicing medicine at the current, or another, location.

28 DE Reg. 884 (06/01/25)

APPENDIX A

Site Application Forms

<https://regulations.delaware.gov/AdminCode/title16/4104/11B6A79B-059C-4DB9-B8D1-254D3E460D9D>

APPENDIX B

J-1 Physician Application Forms

<https://regulations.delaware.gov/AdminCode/title16/4104/A42D8A09-82A8-48D2-87BF-DE3B56A11CCB>

APPENDIX C

Site Application Evaluation Worksheet

<https://regulations.delaware.gov/AdminCode/title16/4104/B33B3490-832D-4124-900F-1CC680C0373E>

APPENDIX D

Annual Practice Report

<https://regulations.delaware.gov/AdminCode/title16/4104/B2CADE2E-EF8A-419E-BC44-407C099D2DEF>

Annual Practice Report

<https://regulations.delaware.gov/register/August2025/8A8B438F-AE19-4597-BF86-27E62EF23F70>

10 DE Reg. 1619 (04/01/07)

17 DE Reg. 233 (08/01/13)

28 DE Reg. 884 (06/01/25)