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National Interest Waiver (NIW) Program

Request for a Letter of Attestation Guidelines

The NH Division of Public Health Services (DPHS), Rural Health and Primary Care Section (RHPC), has the responsibility within the State of New Hampshire to provide a *Letter of Attestation* in support of a foreign physician's request for a National Interest Waiver from the U.S. Citizenship and Immigration Services (USCIS). The foreign physician's work must be in an area that has been designated as having a shortage of health care providers by the Secretary of Health and Human Services (whether in NH or coming from another state), and must be deemed by DPHS to be in the public interest. NIW applications will **not** be accepted for physicians whose waiver was issued as a flex (non-designated) slot.

New Hampshire accepts National Interest Waiver requests year-round. In order to facilitate NIW requests they need to come from the health care facility or immigration attorney on behalf of the J-1 physician, and not directly from a J-1 physician (even if J-1 Visa Waiver was sponsored by another state). Letters of Attestation are then submitted to the facility (or attorney) requesting them. Each request will be reviewed to determine whether the physician is in compliance and meets the NIW requirements of the federal and state guidelines. The amount of time necessary to completely process a request varies based on level of accuracy of the submission. If all materials are in order, including Semi-Annual Reports, the initial review process should take approximately three to five weeks. All requests for state recommendations must be submitted directly to Attn: NH Division of Public Health Services, Rural Health and Primary Care Section, Primary Care Workforce Program Specialist, 29 Hazen Drive, 2E, Concord, NH 03301-6504.

When reviewing each NIW request, RHPC considers whether the proposed placement of the J-1 physician will adversely affect or compromise the delivery of health care in the medically underserved area; that the J-1 physician and employer meet all guidelines under the federal & state National Interest Waiver Program; and any past or current disciplinary actions or proceedings taken by the New Hampshire Board of Medical Examiners (or comparable professional medical review boards in other states) against the employer in cases where the employer is a medical professional.

The request for a National Interest Waiver recommendation from DPHS must contain all of the following information and documentation and must be submitted in a single package with the documents presented in the order they are listed in numbers 1-8 (or 1-14). National Interest Waiver requests for a Letter of Attestation which do not comply with these requirements will not be considered.

To speed up the review process we recommend the following while assembling the packet:

- Do not include documents that are not required by USCIS or the State of New Hampshire
- Do not use staples, binders, two-sided copies or pages larger or smaller than 8.5 x 11
- Include a Table of Contents

Documents Required:

All correspondence should go through the NH Division of Public Health Services, Rural Health & Primary Care Section, Primary Care Workforce Program Specialist, 29 Hazen Drive, 2E, Concord, NH 03301-6504. Documents should be placed in the following order, separated by a divider page, appropriately labeled with the number in reference to the document being submitted:

1. A written request from the employer or immigration law firm requesting a letter in support of the NIW physician which includes the following:
 - a. Employer requesting the NIW, full address, employer representative contact information
 - b. Physician name, home address, contact information, and specialty
 - c. Copy of the current H1B
 - d. The DOS Waiver Case File # of the J-1 Visa Waiver
 - e. Law firm name, address and contact person.
2. Table of Contents
3. Signed & dated NIW Physician's Affidavit and Agreement
4. Letter from the employer with a description of the service area, facility & population for which the physician will work
 - a. Copy of the sliding-fee-schedule
 - b. Copy of the HRSA Shortage Designation in which the practice site is located
 - c. Describe the payor mix in the last six months of revenue, where the J-1 physician will be working (Medicaid, Medicare, uninsured, commercial, other)
5. Physician's Information
 - a. Updated CV
 - b. Current NH medical license
 - c. Letter of good standing from NH Board of Medicine (if J-1 in NH)
 - d. Copy of current visa with picture or visa approval notice if no visa
 - e. Letter of Recommendation (from other than facility representative requesting NIW) stating the physician's services are needed and in the interest of the community
6. Written statement from the physician's malpractice insurance carrier
7. Letter from the Medical Director of each hospital at which the physician has privileges
8. Copy of the physician's employment contract and addendum to increase the term to five years which includes an agreement to work full-time for a minimum of 40 hours per week as well as salary

If the physician's J-1 waiver was sponsored by another state, the documentation should additionally include:

9. A recommendation letter from the State Primary Care Office
10. A letter of support from the facility in the other state which includes:
 - a. A description of the facility and its medical services
 - b. What the physician's responsibilities and qualifications were related to that facility
 - c. A copy of that contract specifying that the physician practiced 40 hours a week full-time in a designated shortage area
11. Two letters of recommendation from professionals at the out-of-state facility written within the last six months
12. A letter of good standing from the other state's Board of Medicine
13. A copy of the most recently issued I-94 forms
14. A copy of the DS-2019 forms

The NH Division of Public Health Services, Rural Health and Primary Care Section reserves the right to deny a *Letter of Attestation* in support for a National Interest Waiver and does not bear any liability for the denial of support for a National Interest Waiver, which includes, but is not limited to, the consequences arising from any practice arrangements or contracts entered into by the foreign physician or proposed employer before or after requesting the Letter of Attestation.

If you have any questions or concerns, please e-mail RHPC@dhhs.nh.gov.