



Conrad 30 (J-1 Visa Waiver) Program

COVID-19 Potential Impact on Service Obligations: Frequently Asked Questions

Updated May 14, 2020

As a Maryland Office of Workforce Development (Office) program participant, you play an integral part in the healthcare provider network within our State. The Office has no doubt that the COVID-19 public health emergency is impacting your current work environment and potentially your normal duties. Below are topics that have been identified as potential areas of concern for those serving Marylanders as a J-1 Physician. Sections of the Maryland *Conrad 30 (J-1 Visa Waiver) Program Policies and Procedures* are noted throughout the responses to serve as reference to program policy.

The COVID-19 pandemic remains a rapidly evolving situation. You are encouraged to check the [Office website](#) often for important updates to this document and other J-1 Visa Waiver program policies. It is also recommended that you consult with your attorney if you have concerns related to your J-1 physician status at any time during your service obligation.

1. Q: What are the service obligation requirements for J-1 Visa Waiver physicians in Maryland?

A: Reference the *Maryland Conrad 30 (J-1 Visa Waiver) Program Policies and Procedures* to review the requirements of the J-1 physician service obligation:

<https://pophealth.health.maryland.gov/Pages/J-1-Visa-Waiver-Program.aspx>.

2. Q: What is the process for addressing a reduction of my working hours to less than 40 hours and/or less than 32 direct patient care hours per week?

A: If your work hours or your direct patient care hours are reduced, you should contact your immigration attorney. Also, you must notify the Office of the date the change went/will go into effect and provide details about your current situation.

In order to address situations in which a J-1 physician is temporarily unable to work full-time due to quarantine, illness, travel restrictions, or other consequences of the pandemic during the declared Public Health Emergency period, United States Citizenship and Immigration Services (USCIS) officers will not consider such a failure to work full-

time to be a failure to fulfill the terms of the contract under INA 214(l)(2)(B), as a matter of policy. (Reference: [J-1 USCIS COVID Policy Guidance](#), PM-602-0178)

3. Q: Is it permissible for J-1 physicians to provide care through telehealth?

A: If you are currently providing telehealth services, you should document all dates and the number of hours spent providing telehealth services versus in-person care. You should also contact your immigration attorney to discuss your current work arrangements to ensure appropriate documentation of the situation.

USCIS interprets current regulations to allow J-1 physicians to provide telehealth services during the Public Health Emergency. These providers must still be providing medical services through their contracting facility located in an HHS-designated shortage area, or through their contracting facility that serves patients who reside in such a designated area (FLEX 10). In no instance should the J-1 physician provide telehealth services to patients outside of the state of their contracting facility. USCIS will not interpret the provision of such telehealth services to be a failure to fulfill the contract for the purposes of INA 214(l)(2)(B). (Reference: [J-1 USCIS COVID Policy Guidance](#), PM-602-0178)

4. Q: Can I provide services at a new/additional practice site?

A: Maybe. The specifics of your J-1 Visa Waiver will determine if you are able to provide services at new or additional practice sites. If you require a change in practice site or an addition of practice site(s), you should reach out to your immigration attorney. You must notify the Office of the changes requested by your employer. Generally, if you are approved in a NON-flex position, you will need to remain working in areas of the state designated as Health Professional Shortage Areas (HPSAs). In addition, the site change or addition will require documentation to be filed with the Office. (MD Policy Reference: [Section C.3.b and Section H](#)).

5. Q: Can I work for a second employer during this time?

A: No. J-1 physicians are not permitted to moonlight. Any additional or outside employment in which the J-1 physician engages must be stipulated in the original contract or added to a new contract which must then be resigned by all parties and resubmitted to the Office for recommendation and USCIS approval. J-1 physicians should not sign contracts with other employers as this is in violation of the Maryland prohibition of moonlighting and in violation of Federal regulations. (MD Policy Reference: [Section C.3.c](#))

6. Q: Can I work outside of Maryland temporarily?

A: Maybe. However, any out of state employment in which a J-1 physician engages must be processed as an official transfer request. A new contract must be signed by all

parties and resubmitted to OPHI for recommendation and USCIS approval. J-1 physicians should not sign contracts with other employers without notifying their immigration attorney, this Office and USCIS as this is in violation of the Maryland prohibition of moonlighting and in violation of Federal regulations. The transfer process can be lengthy and would need to be repeated in order to return to service in Maryland. Additional work sites must be approved by the Office and USCIS. (MD Policy Reference: [Sections C.3.b, H, and I](#))

7. Q: Can my employer change the terms of my contract if we agree the changes meet the service obligation requirements?

A: Maybe. A copy of the contract addendum should be submitted to the Office prior to the effective date of the changes so that a full review can be conducted to ensure compliance with service obligation requirements. If the new contract meets program requirements, you may be approved for a change in contract terms. (MD Policy Reference: [Sections C.3 and D.4](#))

8. Q: Will COVID-19 impact the end date of my service obligation?

A: Maybe. If you are nearing the end of your service obligation and your work has been impacted by COVID-19, you should contact the Office to discuss the details of your particular situation. Depending on the specifics of your case, an extension may be necessary to meet Federal regulations. (MD Policy Reference: [Section C.3.a](#))

Please contact the Office of Workforce Development with any questions or concerns:

mdh.providerworkforceprograms@maryland.gov

(410) 767-6123