**Section 591.20 Definitions**

"Act" means the Immigration and Nationality Act (8 U.S.C. 1182(e) and 8 U.S.C. 1184(l)).

"Applicant" means a physician or an individual acting on behalf of the physician who applies to the Department for a J-1 Visa Waiver.

"Authorized representative" means a person who has authority to act on behalf of the applicant, including, but not limited to, applicant’s attorney at law. Authorized representatives are: for a corporation, any of its officers or members of its board of directors; for a limited liability company, any of its managers or members; for a partnership, any of its general partners; and for a sole proprietor, the individual who is the sole proprietor.

"Board certified physician" means a physician who has passed a medical specialty examination and who has maintained certification of that specialty from a nationally recognized medical specialty board certification body.

"Board eligible physician" means a physician who has completed the requirements for admission to a medical specialty board examination but has not yet taken and passed the examination or a physician who had board certification but did not maintain that certification and must take a medical specialty board examination again.

"Breach of service obligation" means failure for any reason to begin or complete all of a contractual service commitment.

"Calendar day" means all days in a month or prescribed time frame, including weekends and federal or State government declared holidays.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Certified local health department" means a county, multi-county, municipal or district public health agency recognized by the Department pursuant to the Certified Local Health Department Code.

"Change of ownership" means a change in the person who has operational control of a medical facility.

"Community-based organization" means a locally organized and locally recognized group of individuals whose goals include efforts to maintain or increase the availability of primary health care in its community.

"Community Health Center" or "CHC" means migrant health centers or community health centers or health care for the homeless programs or health care for residents of public housing supported under section 330 of the federal Public Health Service Act and Federally Qualified Health Centers, including Federally Qualified Health Center Look-Alikes, as designated by the Secretary of the U.S. Department of Health and Human Services, that operate at least one federally designated primary health care delivery site in Illinois.

"Country of nationality or country of last legal residence" means the country from which the physician was a national at the time J-1 status was acquired or the last foreign country in which the physician had a legal permanent residence before acquiring J-1 status.

"Curriculum vitae" means a written description of professional accomplishments, work experience, educational background and skills.

"Department" means the Illinois Department of Public Health.

"DHHS" means the U.S. Department of Health and Human Services.

"Director" means the Director of the Illinois Department of Public Health.

"Emergency medicine physician" means a physician licensed to practice medicine in Illinois under the Medical Practice Act of 1987 with a specialty dedicated to the care and treatment of acutely ill or injured patients who need immediate medical attention. For purposes of this Part, an emergency medicine physician is considered a specialist.

"Federal fiscal year" means the 12-month period beginning October 1 and ending September 30 of the following year. The federal fiscal year may be divided into four calendar quarters: October 1 through December 31; January 1 through March 31; April 1 through June 30; and July 1 through September 30.

"Federally Qualified Health Center" or "FQHC" means a health center funded under section 330 of the Public Health Service Act.

"Federally Qualified Health Center Look-Alike" or "FQHC Look-Alike" means an organization that meets the requirements for receiving a grant under section 330 of the Public Health Service Act, but does not receive federal grants under that authority.

"Fellowship training" means a physician who pursues additional, optional training in a subspecialty of medicine.

"Forensic pathologist" means a physician licensed to practice medicine in Illinois under the Medical Practice Act of 1987 with a specialty in pathology. These physicians investigate deaths that occur under unusual circumstances, perform post-mortem examinations, and initiate inquests.

"Full time practice" means maintaining 40 hours of ambulatory access per week as required under the Act and the Code of Federal Regulations (see 22 CFR 41.63(i)).

"H1B visa" means a visa for a foreign national to work in the U.S. for a temporary period, issued by the U.S. Department of Homeland Security. It is available for employment in a specialty occupation, including, but not limited to, biotechnology, chemistry, architecture, engineering, mathematics, education, law, medicine and research.

"Health Professional Shortage Area" or "HPSA" means a designation provided by the U.S. Department of Health and Human Services, Health Resources and Services Administration. The HPSA designation indicates the shortage of primary medical care or dental or mental health providers. The HPSA designation may be geographic (a county or service area), population group (e.g., low-income, Medicaid eligible) or facility (comprehensive health center, FQHC, or other public facility or non-profit facility). HPSA designations can be found at http://hpsafind.hrsa.gov.

"Health professional shortage area score" or "HPSA score" means a score calculated by DHHS that is assigned to areas or facilities having a health professional shortage designation to determine priorities for assignment of clinicians.

"Hospital" means a location defined in and licensed under the Hospital Licensing Act.

"Hospital medicine" means a physician whose medical specialty focuses on the care of acutely ill hospitalized patients.

"Hospitalist" means a physician licensed to practice medicine in Illinois under the Medical Practice Act of 1987 whose primary focus is the medical care of hospitalized patients. The hospitalist's activities include patient care, teaching, research, and leadership related to hospital medicine. For purposes of this Part, a hospitalist is considered a primary care physician.

"Intermediate care facilities for the developmentally disabled and long-term care for under age 22 facilities" means a location defined in and licensed under the ID/DD Community Care Act.

"J-1 visa" means a non-immigrant visa issued by the United States to exchange visitors participating in programs that promote cultural exchange, business training or medical education.

"J-1 visa waiver" or "waiver" means a federal action that waives the requirement for a foreign physician, in the U.S. on a J-1 visa, to return to the physician's country of nationality or country of last legal residence for a two-year period following medical residency training.

"J-1 visa waiver flex option" means a waiver granted by the Department recommending that a physician work at a medical facility that is not specifically designated as underserved by DHHS.

"J-1 visa waiver program" or "Waiver program" means the administration of the waiver process by the Department.

"Labor certification" means the process of proving that there are no qualified U.S. workers for the position being offered by an employer.

"Long-term care facility" means a location defined in and licensed under the Nursing Home Care Act.

"Liquidated damages" means damages in an amount designated by the parties during the formation of a contract for the injured party to collect as compensation upon a specific breach.

"Medical facility" means a facility where a physician fulfills the physician's service obligation, including but not limited to the following:

A community health center;

A local health department;

An outpatient medical facility;

A community mental health center;

A hospital;

A State-operated facility providing care to persons with mental illness;

An ID/DD Community Care facility;

A long-term care facility;

A rehabilitation facility (either a distinct bed unit in a general acute care hospital or a specialty hospital);

A Migrant Health Center or an Indian Health Service facility;

An FQHC or FQHC Look-Alike;

A facility for delivery of health services to inmates in a U.S. penal or correctional institution (under section 323 of the Public Health Service Act) or a State correctional institution;

A Public Health Service medical facility (used in connection with the delivery of health service under section 320, 321, 322, 324, 325 or 326 of the Public Health Service Act) or any other federal medical facility;

A specialized mental health rehabilitation facility;

a physician's office; or

a medical examiner's office.

"Medically underserved area" or "MUA" means a location designated by DHHS based on the availability of primary care physicians, demographic characteristics, and health status of the residents of a service area. The designation is used to identify areas in need of additional health care services. MUAs can be found at https://data.hrsa.gov/tools/shortage-area/mua-find.

"Medically underserved population" or "MUP" means a population group designated by DHHS as being in need of additional health care services. MUPs can be found at https://data.hrsa.gov/tools/shortage-area/mua-find

"Mental Health HPSA" means the shortage of psychiatrists and core mental health professionals in a defined area.

"Metropolitan Statistical Area" or "MSA" means one or more adjacent counties that have at least one urban core area of at least 50,000 in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.

"National interest waiver" or "NIW" means an exemption from the labor certification process for foreign physicians who stay in the U.S. and work in an underserved area and whose stay is determined to be in the public interest by the Department. The waiver is issued by the U.S. Department of Homeland Security under section 5 of the Nursing Relief for Disadvantaged Areas Act of 1999.

"Non-compete" means an agreement between the physician and the employer under which the physician agrees not to enter into competition with the employer after employment ends.

"Null and void" means that a J-1 visa waiver application submitted to the Department has no legal force and is invalid.

"Obstetrician" means a physician licensed to practice medicine in Illinois under the Medical Practice Act of 1987 with a specialty dedicated to pregnancy, childbirth, and the postpartum period.

"Operational control" means a person or entity possesses the ability to direct the management and policies of the medical facility, whether through the voting of securities, corporate membership, contract, or otherwise.

"Physician" means a person licensed to practice medicine in all of its branches in Illinois under the Medical Practice Act of 1987.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiology, transportation and pharmacy. Primary care is comprehensive in nature and includes responsibility for coordination of other health and social services as they relate to patients' needs.

"Primary Care HPSA" means the primary care physician shortage in a defined area.

"Primary care physician" means a person licensed to practice medicine in all of its branches in Illinois under the Medical Practice Act of 1987 with a specialty in family medicine, internal medicine, pediatrics, obstetrics/gynecology, or hospital medicine.

"Psychiatric physician" or "psychiatrist" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 with a specialty in psychiatry.

"Residency training" means graduate medical education that follows medical school and that trains the physician in the physician's chosen specialty (e.g., family medicine, pediatrics).

"Rural" means any geographic area not located in a Metropolitan Statistical Area; or a county located within an MSA but having a population of 60,000 or less; or a geographic area located within an MSA but having a population of 2,500 or less.

"Service area" is the geographic area composed of the HPSA.

"Service obligation" means a physician who receives a J-1 Visa waiver must work full-time for three years in a medical facility in an HPSA in Illinois. For a waiver received through the flex option, the physician must work full-time in a medical facility in Illinois that is not located in a HPSA.

"Specialized mental health rehabilitation facility" means a location defined in and licensed under the Specialized Mental Health Rehabilitation Act of 2013.

"Specialist physician" or "Specialist" means a person licensed to practice medicine in all of its branches in Illinois under the Medical Practice Act of 1987 with a specialty in an area other than primary care or psychiatry.

"Submission of application" or "Submission" means that a J-1 visa waiver application has been submitted to the Department. For purposes of this Part, submission means that the Department has received the application by the established submission deadline (see Section 591.110(a) and (b)). Submission does not mean that the application is postmarked by the established submission deadline but arrives at the Department on a later date.

"Termination for cause" means termination of employment caused by the physician’s personal dishonesty, willful misconduct, breach of fiduciary duty, intentional failure to perform stated duties, or the willful violation of any law, rule or regulation, any of which results in material loss to the employer.

"Termination without cause" means termination of the physician’s employment for the convenience of the employer.

"Toll" or "Tolling" means to pause, postpone or suspend the running of a defined time period.

"Unauthorized employment" means hiring a physician for employment that is beyond the terms and conditions of the physician's employment contract with the employer.

"Urban" means any geographic area that does not meet the definition of "rural" in this Section.

(Source: Amended at 47 Ill. Reg. 3093, effective February 21, 2023)