**Section 591.160 Change of Employer**

a) A physician may change employers, provided that prior approval is received from the Department. A physician can request a change of employer for the following:

1) Infringement by the employer of the employment contract;

2) Infringement by the employer of labor or employment laws; or

3) The physician terminates employment for cause.

b) To request a change of employer, the physician (or physician’s authorized representative) shall submit the following to the Department:

1) Formal written request to the Department seeking a change in employer;

2) Documentation that the employer breached the employment agreement; or

3) Documentation that the employer breached labor or employment laws; or

4) Reasons the physician terminated employment.

5) A copy of the employment contract between the physician and the new employer. The contract shall include the following:

A) The name and address of the medical facility where the physician will work (if the physician will work at multiple medical facilities, the contract must list each medical facility);

B) If the physician will work at multiple facilities, a statement on which facility the physician will work at predominately. For purposes of this Part, predominately means the physician will work at least 21 hours (per week) at this facility;

C) A statement that the physician will practice full-time;

D) A statement that any amendments to the contract will adhere to State and federal J-1 visa waiver requirements;

E) A statement that termination of the physician can be only for cause;

F) A list of benefits and insurance to be provided to the physician; and

G) A statement that the employer will not add additional work locations without the approval of the Department.

6) Documentation that the medical facility is located in a primary care or mental health HPSA (as applicable);

7) The employment contract cannot include the following, in accordance with 22 CFR 41.63(i):

A) A non-compete clause;

B) A liquidated damages clause; or

C) A termination without cause provision.

8) An attestation from each medical facility where the physician will work that it accepts all patients regardless of the ability to pay, accepts Medicare and Medicaid on assignment, and uses a sliding-fee scale based on federal poverty guidelines to discount services to low-income uninsured persons. The attestation must also state that these discounts are offered to all patients of the providers at the medical facility and not only to the patients of the J-1 physician. This is not required for forensic pathologists who apply for a J-1 waiver and propose to work at a medical examiner’s office.

9) A statement from the new employer that the salary or other form of financial support offered to the physician is equivalent to that offered to all other physicians with equivalent skills and experience recruited by the medical facility.

c) The employment contract with the new employer shall be of duration so that the three-year service obligation is fulfilled.

d) The Department will deny the request if it determines that any of the requirements in subsections (a) through (c) are not fulfilled.

e) The Department will notify the physician and the new employer in writing if the request is approved or denied.

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