



October 29, 2007

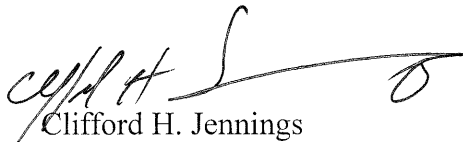
Memorandum for: The Federal Co-Chair
 ARC Executive Director

Subject: OIG Report 08-01
 Review of Selected Health Providers
 And J-1 Visa Waiver Physicians
 In Kentucky

Attached is the report dealing with the review of compliance with the ARC J-1 Visa Waiver program requirements by providers and J-1 physicians.

The report contains two recommendations both of which have been responded to sufficiently for the report to be closed.

The attached reports include two appendices' that include the names of the physicians and sponsors. As this information may be considered privacy act information, please do not release this report without clearance from the General Counsel.


Clifford H. Jennings
Inspector General

Attachment

cc: General Counsel

**MEMORANDUM REPORT ON REVIEW OF
APPALACHIAN REGIONAL COMMISSION
J-1 VISA WAIVER PROGRAM**

**REVIEW OF SELECTED HEALTH PROVIDERS
AND J-1 VISA WAIVER PHYSICIANS IN KENTUCKY**

Period of Random Site Visits: August 27, 2007 through September 11, 2007

CAUTION: *Certain information contained herein is subject to disclosure restrictions under the Freedom of Information Act, 5 U.S.C. 522 (b) (4). Distribution of this report should be limited to Appalachian Regional Commission and other pertinent parties.*

Report Number: 08-01

Date: October 19, 2007

**MEMORANDUM REPORT ON REVIEW OF
APPALACHIAN REGIONAL COMMISSION
J-1 VISA WAIVER PROGRAM**

**REVIEW OF SELECTED HEALTH PROVIDERS
AND J-1 VISA WAIVER PHYSICIANS IN KENTUCKY**

Period of Random Site Visits: August 27, 2007 through September 11, 2007

Prepared By:

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TO: Appalachian Regional Commission (ARC)
Office of Inspector General (OIG)

FROM: Tichenor & Associates, LLP
Louisville, Kentucky

REPORT FOR: The Federal Co-Chairman
ARC Executive Director
OIG Report Number: 08-01

SUBJECT: Memorandum Review Report on Appalachian Regional
Commission (ARC) J-1 Visa Waiver Program – Review of
Selected Health Providers and J-1 Visa Waiver Physicians in
Kentucky.

PURPOSE: The purpose of our review was to determine the compliance with ARC J-1 Visa Waiver program requirements and that J-1 physicians perform primary care services in an Appalachian Health Profession Shortage Area (HPSA) for 40 hours per week.

BACKGROUND: This review was undertaken as part of a review of J-1 Visa Waiver program operations in the Appalachian Region.

The J-1 Visa Waiver program provides a waiver of the requirement for a foreign physician to return to his/her home country after completion of medical training in the United States. The ARC participates as a Federal Entity sponsor to assist Appalachian Region communities in providing health care services to medically underserved areas. The applicable ARC policies and procedures require J-1 physicians to practice 40 hours of primary care per week in a designated HPSA in the Appalachian Region. The ARC program requires the physician to serve at least 3 years (unless the state has a longer period). There is no prohibition on J-1 physicians working extra hours or practicing subspecialties after fulfilling primary care requirements

Although preliminary responsibilities for reviewing J-1 Visa Waiver requests, including supporting documentation, justifications of need, program oversight, and reporting have been delegated to the state health agencies, ARC retains the authority to act on waiver requests and to ensure compliance with program objectives and requirements.

SCOPE: We performed a review of the program as described in the Purpose above. Our review was based on the terms of the ARC Federal Co-Chair's J-1 Visa Waiver Policy and on the application of certain agreed-upon procedures previously discussed with the ARC OIG. Specifically, we determined if the physicians were providing medical care in accordance with the approved practices. Our results and recommendations are based upon those procedures. These review procedures were performed in accordance with applicable Government Auditing Standards.

RESULTS: During the period August 27, 2007 through September 11, 2007, unannounced visits to 19 physicians located in Kentucky were performed. The purpose of the visits was to verify the practices and locations of the physicians with J-1 Visa Waivers. The results of the visits were as follows:

1. Physician not Providing Approximately 40 Hours of Primary Care Per Week

The ARC Federal Co-Chair's J-1 Visa Waiver Policy states that the physician must agree to provide primary medical care for at least forty hours per week in a designated HPSA in the Appalachian Region. The Policy further states that travel or on-call time may not be included in the forty hours; however, in appropriate cases the state may make exceptions to allow travel or on-call time for obstetricians.

At one of the locations we visited, the physician, an obstetrician/gynecologist, works a two week rotation with one week on-call and the other week with regular office hours, except for one day a week for scheduled surgeries. (See Appendix B – Summary of Findings)

Although the physician is an obstetrician/gynecologist, the alternating week on-call does not appear to be in accordance with the ARC Federal Co-Chair's J-1 Visa Waiver Policy.

Recommendation:

We recommend that ARC, in conjunction with Kentucky state officials, review the current status of the physician and determine if the physician is in compliance with the ARC Federal Co-Chair's J-1 Visa Waiver Policy.

ARC's Response:

In conjunction with Kentucky state officials, ARC obtained a current work schedule for the physician and determined that the physician is in compliance with ARC policy. (See Appendix C – ARC's Response)

Auditor's Comment:

ARC has determined that the physician is in compliance with the ARC Federal Co-Chair's J-1 Visa Waiver Policy. As a result, the recommendation is considered closed.

2. Lack of Notice Posted in Patient Waiting Area of Availability of Service to Medicare, Medicaid, and Medically Indigent Patients

The ARC Federal Co-Chair's J-1 Visa Waiver Policy states that the facility or practice sponsoring the physician must agree to provide health services to individuals without discriminating against them because (a) they are unable to pay for those services or (b) payment for those services will be made under Medicare or Medicaid; and, a notice must be posted in a conspicuous location in the patient waiting area at the practice site notifying patients of the charges for services as required in this policy.

Of the 19 locations we visited, all of the employers had sliding fee scales for indigent patients; however, 14 of the locations did not have proper notices posted in the patient waiting area notifying patients of the charges for services, as required. In seven of the locations there was no notice posted whatsoever, in three of the locations the posted notices only mentioned the availability of treatment for Medicare and Medicaid patients, in another three locations the posted notices only mentioned the availability of treatment for Medicaid patients, and in one location the notice only mentioned the availability of treatment for medically indigent patients. (See Appendix B – Summary of Findings)

Recommendation:

We recommend that ARC, in conjunction with Kentucky state officials, ensure that the above employers properly post notices of the availability of treatment to Medicare, Medicaid, and medically indigent patients in a conspicuous location in the patient waiting area in compliance with the ARC Federal Co-Chair's J-1 Visa Waiver Policy.

ARC's Response:

In response to our recommendation ARC contacted state officials in Kentucky. As a result, the State has issued a letter to all J-1 Visa Waiver sponsors in Kentucky to ensure that they properly post notices that the facility or practice sponsoring the physician must agree to provide health services to individuals without discriminating against them because (a) they are unable to pay for those services or (b) payment for those health services will be made under Medicare and Medicaid. (See Appendix C- ARC's Response)

Auditor's Comment:

ARC, in conjunction with Kentucky state officials, has taken steps to ensure that all J-1 Visa Waiver sponsors in Kentucky properly post notices of the availability of treatment to Medicare, Medicaid, and medically indigent patients in a conspicuous location in the patient waiting area in compliance with the ARC Federal Co-Chair's J-1 Visa Waiver Policy. As a result, the recommendation is considered closed.

CONCLUSION: Of the 19 physicians we contacted, most were satisfied with the program and practices and they generally expressed interest in staying in the area upon completion of their waiver period. (See Appendix A – J-1 Physician Visits in Kentucky)

Tichenor & Associates, LLP

Tichenor & Associates, LLP

Louisville, Kentucky

September 11, 2007

APPENDIX A
J-1 PHYSICIAN VISITS IN KENTUCKY

**J-1 Physician Visits in Kentucky
August 27, 2007 through September 11, 2007**

	Name	Sponsor	Specialty	Approval Date	Location	Consider Staying in Area
1	Borowik, Luciene	Sanjiv Gupta, MD, PSC	Internal Medicine	5/4/2006	Grayson	Yes
2	Arain, Tariq	Appalachian Regional Healthcare, Inc.	Family Practice	10/26/2005	West Liberty	Yes
3	Hana, Antoin	Eastern Kentucky Tender Care Pediatrics, LLC	Pediatrics	6/23/2006	Prestonsburg	Yes
4	Kousa, Kitta	Paul B. Hall Regional Medical Center	Internal Medicine	2/22/2005	Inez	Uncertain
5	Qureshy, Hammad	Highlands Regional Medical Center	Primary Care	8/20/2004	Inez	Uncertain
6	Ullah, Asmat	East KY Health Services Center, Inc.	Family Practice	10/26/2005	Hindman	Uncertain
7	Okparaocha, Ugonma	Appalachian Physicians, PSC	Pediatrics	12/14/2005	Hazard	Yes
8	Guberman de Andrade, Cristiane	Appalachian Regional Healthcare, Inc.	Ob/Gyn	4/5/2006	Hazard	Uncertain
9	Kudrimoti, Archana	University of Kentucky Family Practice Clinic	Family Medicine	2/28/2005	Hazard	Uncertain
10	Puertollano, Glenn	Red River Pediatrics and Internal Medicine, LLC	Internal Medicine	9/8/2004	Stanton	Yes
11	Begum, Rehana	The Medical Specialists of Kentucky, PSC	Internal Medicine	5/14/2004	London	No

**J-1 Physician Visits in Kentucky
August 27, 2007 through September 11, 2007**

Name	Sponsor	Specialty	Approval Date	Location	Consider Staying in Area
12 Lyn, Peter	Grayson Outreach Health Center	Internal Medicine	7/18/2005	Grayson	Yes
13 Mahmood, Kamran	Medical Associates of Southeast Kentucky	Internal Medicine	4/28/2005	London	Uncertain
14 Hasni, Syed	Ashutosh Lohe, MD, PSC	Internal Medicine	5/6/2004	Barbourville	Yes
15 Farooq, Umer	Wolfe County Clinic	Internal Medicine	5/14/2004	Campton	Yes
16 D'Costa, Gina	Lewis County Primary Care Center	Internal Medicine	9/8/2004	Vanceburg	Yes
17 Nyunt, Tun	Ho Medical & Chiropractic Corp.	Internal Medicine	8/2/2004	Williamsburg	No
18 Moghe, Vaishali	London Women's Care, PLLC	Ob/Gyn	5/4/2005	London	Uncertain
19 Salim, Mazhar	Corbin Psychiatric and Counseling Services, PSC	Psychiatry	7/11/2006	Corbin	Yes

APPENDIX B
SUMMARY OF FINDINGS

Summary of Findings

**J-1 Physician Visits in Kentucky
August 20, 2007 through August 24, 2007**

	Name	Sponsor	Findings				
			1	2	2a	2b	2c
1	Borowik, Luciene	Sanjiv Gupta, MD, PSC				X	
2	Arain, Tariq	Appalachian Regional Healthcare, Inc.			X		
3	Hana, Antoin	Eastern Kentucky Tender Care Pediatrics, LLC					X
4	Kousa, Kita	Paul B. Hall Regional Medical Center				X	
5	Qureshy, Hammad	Highlands Regional Medical Center				X	
6	Ullah, Asmat	East KY Health Services Center, Inc.					
7	Okparaocha, Ugonma	Appalachian Physicians, PSC		X			
8	Guberman de Andrade, Cristiane	Appalachian Regional Healthcare, Inc.	X	X			
9	Kudrimoti, Archana	University of Kentucky Family Practice Clinic					
10	Puertollano, Glenn	Red River Pediatrics and Internal Medicine, LLC		X			
11	Begum, Rehana	The Medical Specialists of Kentucky, PSC		X			
12	Lyn, Peter	Grayson Outreach Health Center		X			
13	Mahmood, Kamran	Medical Associates of Southeast Kentucky					
14	Hasni, Syed	Ashutosh Lohse, MD, PSC		X			
15	Farooq, Umer	Wolfe County Clinic		X			
16	D'Costa, Gina	Lewis County Primary Care Center					
17	Nyunt, Tun	Ho Medical & Chiropractic Corp.					
18	Moghe, Vaishali	London Women's Care, PLLC			X		
19	Salim, Mazhar	Corbin Psychiatric and Counseling Services, PSC				X	

Findings

- 1 Physician not providing approximately 40 hours of primary care per week
- 2 No notice posted of availability of treatment to Medicare, Medicaid, and medically indigent patients
- 2a Posted notice only mentioned availability of treatment for Medicare and Medicaid patients
- 2b Posted notice only mentioned availability of treatment for Medicaid patients
- 2c Posted notice only mentioned availability of treatment for medically indigent patients

APPENDIX C
ARC'S RESPONSE



APPALACHIAN
REGIONAL
COMMISSION

*A Proud Past,
A New Vision*

MEMORANDUM

DATE: October 11, 2007

TO: Jack Somerville, CPA, Tichenor & Associates, LLP
Cliff Jennings, IG, Office of the Inspector General

THROUGH: Charles S. Howard, General Counsel *CSH*

FROM: Deann Reed Fairfax, J-1 Program Specialist, Office of General Counsel *DRF*

CC: Gary Williams, J-1 Visa Waiver Program Administrator, Kentucky
Department for Public Health

SUBJECT: Review of Selected Employers and J-1 Visa Waiver Physicians in
Kentucky

In response to the recommendations in the *Review of Selected Health Providers and J-1 Visa Waiver Physicians in Kentucky*, we contacted state officials in Kentucky. As a result, the State has issued a letter to all J-1 Visa Waiver sponsors in Kentucky to ensure that they properly post notices that the facility or practice sponsoring the physician must agree to provide health services to individuals without discriminating against them because (a) they are unable to pay for those services or (b) payment for those health services will be made under Medicare and Medicaid.

In conjunction with Kentucky state officials we have obtained a current work schedule for Dr. Cristiane Guberman de Andrade and have determined that she is in compliance with ARC policy.

We appreciate your review and accept your recommendations. If you have any questions, please do not hesitate to contact me at 202-884-7786 or dfairfax@arc.gov.