



February 20, 2008

Memorandum for: The Federal Co-Chair
ARC Executive Director

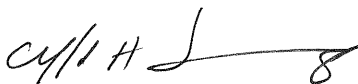
Subject: OIG Report 08-06
Review of Selected Health Providers
And J-1 Visa Waiver Physicians
In Alabama

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 which are considered closed based on ARC's actions and on the draft report. The report is now closed.

The attached report includes three 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.

This report is also the first report being issued by my office without printed copies in keeping with the move at ARC towards becoming more "green" and performing as many tasks online and electronically as possible.


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 ALABAMA

Period of Random Site Visits: January 15, 2008 through January 17, 2008

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: 08-06

Date: February 19, 2008

**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 ALABAMA**

Period of Random Site Visits: January 15, 2008 through January 17, 2008

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: 08-06

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
Alabama.

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 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 Health Profession Shortage Area (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 line 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 January 15, 2008 through January 17, 2008, unannounced visits to eight physicians at seven locations in Alabama were performed (two of the physicians were in the same location). 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. 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 health 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 seven locations we visited where the J-1 physicians are currently providing services, all of the employers had sliding fee scales for indigent patients; however, three of the locations had no notice posted in the patient waiting area regarding the availability of service to Medicare, Medicaid, and medically indigent patients, as required. Additionally, in two locations there were notices concerning medically indigent patients, but no notice of the availability of service to Medicare and Medicaid patients. (See Appendix B – Summary of Findings)

Recommendation:

We recommend that ARC, in conjunction with Alabama state officials, ensure that the above employers properly post notices of the availability of service 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 Alabama. As a result, the State has contacted all J-1 Visa Waiver sponsors in Alabama 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. ARC also noted that several sponsors claim they have continually posted the required notices. (See Appendix C – ARC’s Response)

Auditor’s Comment:

ARC, in conjunction Alabama state officials, has taken steps to ensure that all J-1 Visa Waiver sponsors in Alabama 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.

2. Physician not Providing Approximately 40 Hours of Primary Medical 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.

At one of the locations we visited, the physician stated that she worked at the clinic from 8:00am to 5:00pm Monday through Friday for three weeks in a row and was then on-call at the local hospital for seven days during the fourth week, instead of being at the clinic. (At the time of our visit the physician was not at the clinic, as she was on-call at the hospital, and the auditor had to speak with her by telephone.)

The ARC Federal Co-Chair’s J-1 Visa Waiver Policy states that on-call time may not be included in the forty hours of primary medical care per week requirement.

Recommendation:

We recommend that ARC, in conjunction with Alabama state officials, review the 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 Alabama state officials, ARC reviewed the 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, this recommendation is considered closed.

CONCLUSION: All of the eight physicians we contacted 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 Alabama)

Tichenor & Associates LLP

Tichenor & Associates, LLP

Louisville, Kentucky

January 17, 2008

APPENDIX A
J-1 PHYSICIAN VISITS IN ALABAMA

**J-1 Physician Visits in Alabama
January 15, 2008 through January 17, 2008**

	Name	Sponsor	Specialty	ARC Approval Date	Location	Consider Staying in Area
1	Frugone, Luigi	Merit Health Care, P. C.	Internal Medicine	11/22/2005	Sylacauga	Yes
2	Ramani, Manimaran	Pediatrics Associates of Alexander City, P. C.	Pediatrics	7/11/2006	Kellyton	No
3	Khan, Farhan	Wedowee Hospital	Internal Medicine	5/4/2006	Wedowee	Uncertain
4	Mutic, Mario	Cleburne Medical Clinic, Inc.	Internal Medicine	5/24/2005	Heflin	Yes
5	Trenins, Andrejs	Cleburne Medical Clinic, Inc.	Internal Medicine	11/13/2006	Heflin	Uncertain
6	Mansur, Sulaf	Jefferson Clinic, P. C.	Internal Medicine	10/26/2005	Birmingham	Yes
7	Quilon, Judith	Quality of Life Health Services, Inc.	Family Practice	2/14/2005	Gadsden	Yes
8	Mohamed, Yassin	Athens Internal Medicine, P. C.	Internal Medicine	8/26/2005	Athens	Yes

APPENDIX B
SUMMARY OF FINDINGS

Summary of Findings

J-1 Physician Visits in Alabama
January 15, 2008 through January 17, 2008

	Name	Sponsor	Findings		
			1a	1b	2
1	Frugone, Luigi	Merit Health Care, P.C.	X		
2	Ramani, Manimaran	Pediatrics Associates of Alexander City, P.C.			
3	Khan, Farhan	Wedowee Hospital		X	
4	Mutic, Mario	Cleburne Medical Clinic, Inc.			
5	Trenins, Andrejs	Cleburne Medical Clinic, Inc.			
6	Mansur, Sulaf	Jefferson Clinic, P.C.	X		
7	Quilon, Judith	Quality of Life Health Services, Inc.		X	X
8	Mohamed, Yassin	Athens Internal Medicine, P.C.	X		

Findings

- 1a Lack of notice posted in patient waiting area regarding availability of service to Medicare, Medicaid, and medically indigent patients
- 1b Lack of notice posted in patient waiting area regarding availability of service to Medicare and Medicaid patients
- 2 Physician not providing approximately 40 hours of primary care per week


APPENDIX C
ARC'S RESPONSE




MEMORANDUM

DATE: February 11, 2008

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

THROUGH: Charles S. Howard, General Counsel 

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

CC: Charles Lail, Director, Alabama Department of Public Health

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

In response to the recommendations in the *Review of Selected Health Providers and J-1 Visa Waiver Physicians in Alabama*, we contacted state officials in Alabama. As a result, the State has contacted all J-1 Visa Waiver sponsors in Alabama 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. It should be noted, however, that we have received information from the State that several sponsors claim that they have continually posted notices that the facility provides 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 Alabama state officials we have reviewed the current work schedule for Dr. Judith Quilon and have determined that she is in compliance with ARC policy. A copy of the explanation from her sponsor is attached.

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.



February 1, 2008

Charles Lail, Director
Office of Primary Care and Rural Health
201 Monroe Street, Suite 710
RSA Tower
Montgomery, Alabama 36104

Re: Dr. Quilon-ARC site visit

Dear Mr. Lail: *CL*

This letter is in reference to the conference call that we had this week regarding the ARC site visit to the Public Housing site, ProCare Colley Homes. It is my understanding that several weeks ago an inspector visited the site where our National Interest Waiver physician is stationed. Dr. Quilon was not on the premises at the time, and the front office receptionist told the inspector that the physician was on Emergency Room (ER) call; however, this did not represent a typical week for Dr. Quilon, which would consist of forty (40) hours in the clinic setting.

It is the practice of Quality of Life Health Services, Inc. (QOLHS) to take ER Call as a condition of securing hospital admission privileges. Consequently, the doctors have to take call for unattached patients after-hours and during the day. At times during the day, the doctor may indeed leave the office to travel to the hospital to attend to an unattached patient's emergency need at one of the hospitals we admit to in Gadsden. This does not prevent the doctor from seeing clinic patients. The staff may have to stay later on a day when there is a time-consuming ER patient, but the clinic patients get served. Another facet of the physician on-call system is related to the after-hours telephone calls that come through the professional answering service. Patients call in to a central number where calls are fielded and routed to physicians based on specialty (pediatrics, family, dental, gyn, etc.) and call rotation. The physician then calls the patient to offer medical advice. This QOLHS call system does not impact the clinic schedule and the forty hour work week.

During Dr. Quilon's tenure with QOLHS, her on-call obligation has been limited because:

- 1) Hospital credentialing and a request for admitting privileges were not immediately requested at the beginning of Dr. Quilon's employment.
- 2) Six (6) physicians were in the on-call rotation for the majority of Dr. Quilon's participation in the on-call schedule.

People Caring About People

Quality of Life Health Services Inc.
Corporate Headquarters
Post Office Box 97
Gadsden, Alabama 35902

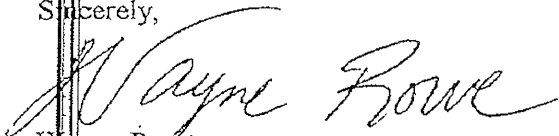
As I stated, being on-call does not prevent the physicians from seeing clinic patients. Our goal is to fulfill our obligation to the hospital through the on-call process, in order to gain admission privileges for physicians, and to field after-hours patient calls. This is our method of ensuring continuity of care for our patient population.

Regarding our clinic signage, Ms. Reaves-Tillery has informed us that our signage needs some revisions. Signs that reflect the suggested revisions which will be compliant with ARC guidelines, will be printed and posted at the Procure site (See Attached).

If you have any further questions or need more information, please do not hesitate to contact me at (256) 439-6303.

Thank you for your assistance in clarifying these issues with ARC.

Sincerely,



Wayne Rowe
Chief Executive Officer

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FEB 04 2008