



February 8, 2000

OIG REPORT 00-19(H)

MEMORANDUM FOR: THE FEDERAL CO-CHAIRMAN
ARC EXECUTIVE DIRECTOR
ARC GENERAL COUNSEL

SUBJECT: Review of J-1 Program Employment Verification Forms

BACKGROUND

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 Appalachian Regional Commission (ARC) participates as a Federal Entity sponsor to assist Appalachian Region communities in providing health care services to medically under served 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 physicians to serve at least 3 years (unless a state has a longer period).

Health Care providers petition ARC to approve a J-1 physician in a medical shortage area. The State recommends that ARC support a waiver for the physician. ARC recommends waiver approval through the U.S. Department of State and the Immigration and Naturalization Service (INS). The physician or legal representative is informed by ARC that ARC has forwarded the request to the State Department and is provided a Verification Form to submit to ARC when employment starts.. ARC tracks this information in its database and attempts to contact the physician if the form is not received within a reasonable time period. The Verification Form is the basic control for confirming that the J-1 physician is practicing at the approved location. INS notifies the employer/physician when a waiver has been approved.

OBJECTIVE

The objective of our review was to determine physician/employer compliance with the ARC employment verification requirement of submitting the Verification Form stating the start date, location of employment and other pertinent information.

SCOPE

We reviewed information available in the ARC data base in September 1999 in order to determine the extent of physicians who had not submitted an employment verification form and to identify a reasonable time frame for assessing the extent of compliance with

this provision. In order to provide sufficient time for the J-1 visa waiver approval to have been approved by INS and for the physician to have started employment and submitted the verification form to ARC, we used a cut-off for ARC waiver recommendations of June 8, 1999.

ARC records indicated 121 recommendations for J-1 waivers had been made between January 1, 1998 and June 8, 1999. Records indicated that as of September 30, 1999 employment verification forms had not been received for 60 of these cases and we used these 60 cases as our preliminary sample for follow-up. Four cases were eliminated from direct follow-up pending completion of on-going inquiries or recent compliance visits and follow-up was initiated with 56 physicians through letter requests to complete an employment verification form identifying the practice location, start of employment, hours of service and type of practice. In seven cases the request was hand delivered during compliance visits in New York State. Follow-up phone contacts were initiated in January and February 2000, as necessary. The review was conducted in accordance with Government Auditing Standards.

RESULTS

Responses were received by OIG or ARC from 55 of the 56 physicians. This included 48 verification of employment forms indicating the practice location, start of employment, date and type of practice. In five cases transfer notification forms were provided to ARC subsequent to October 1, 1999, and in one case files noted a transfer was in process but a transfer form had not yet been received. In one case the physician had not yet started work and in another case telephone contact confirmed the practice location and a work start date of January 17, 2000 with the verification form expected shortly.

In 33 of the 56 cases where follow-up was initiated we noted that the employment forms returned to ARC noted an employment start date prior to September 1, 1999. Therefore, we concluded that for these cases the physicians/employers had sufficient time to have complied with program provisions regarding the identification of employment status prior to our review.

RECOMMENDATION

We recommend that ARC formalize their follow-up process by identifying that follow-up will be conducted to determine physician status if the employment verification form is not received within 120 days of ARC forwarding a recommendation to the U. S. Department of State for approval of the J-1 request.


Hubert N. Sparks
Inspector General



February 8, 2000


Addendum to:
OIG Report No.00-19(H)

MEMORANDUM FOR: THE FEDERAL CO-CHAIRMAN
ARC EXECUTIVE DIRECTOR
ARC GENERAL COUNSEL

SUBJECT: Employment Verification Form Follow-up
Physician Listing

The following listing identifies the J-1 physicians that were contacted in order to determine their employment status and obtain necessary employment verification forms or other information necessary to determine physician location.

As noted, the 56 follow-up contacts resulted in information or explanations. 48 employment verification forms were received, five transfer notifications were received, one transfer is in process, one employment form is due shortly and one physician had not started work as of our review.


Hubert N. Sparks
Inspector General

Verification Forms Not Received as of September 1999

<u>APP Date</u>	<u>Physician</u>	<u>State</u>	<u>Employment Start Date</u>
2/26/98	Carmen Oliveras-Crespo	AL	transferred 2/
3/6/98	Ramesh Peramsetty	AL	10/5/98
4/20/98	Zynnia Zafra	AL	1/4/99
5/4/98	Sundara Samavedi	KY	transferred 3/
5/4/98	Vandita Samavedi	KY	transferred 4/
5/4/98	Richard Gonzales	GA	8/19/98
5/8/98	Myra Recon	KY	10/1/98
5/20/98	Steven Chervenkov	AL	12/13/98
5/20/98	Rajagopal Girijashanker	OH	6/1/98
5/20/98	Sanjay Tomar	NY	10/1/98 1/
6/12/98	Francisco Arredondo	KY	10/19/98
6/12/98	Neeta Kher	KY	10/1/98
6/12/98	Mirella Ducu	KY	1/21/99
6/12/98	Mahmoud Qadoom	KY	10/5/98
6/12/98	Humberto Andreoli-Paralla	KY	10/1/98
6/12/98	Azhar Aslam	KY	11/16/98
6/12/98	Gunasekaran Pachaiappan	KY	12/14/98
7/2/98	Hyder Alam	NY	10/9/98 1/
8/7/98	Mark Beuger	PA	1/22/99
8/31/98	Enrique Lirag	PA	11/24/98 5/
10/16/98	Nives Antolovic-Stanfel	PA	5/17/99
10/30/98	Syed Rizvi	TN	11/15/99
11/19/98	Anna Kosturek	KY	3/15/99
11/19/98	Catherine Westerband	KY	9/13/99
11/19/98	Elias Doumit	AL	4/1/99

1/ - Form mailed to ARC and in ARC file

2/ - Transfer notification received and dated 10/11/99. Transferred to Centreville, AL from an ineligible area previously noted by field visit.

3/ - Transfer notification received indicating transfer from Hazard to London, KY, form not dated.

4/ - Transfer notification received and dated 10/11/99. Transfer from London, KY to Manchester, KY.

5/ - Transfer notification form dated 10/8/99 indicating transfer to Shawnee, PA

APP Date	Physician	State	Employment Start Date	
11/19/98	Mohammad Siddique	AL	transferred	6/
11/19/98	Mohamad-Zahi Kassas	NY	4/12/99	1/
11/19/98	Carlo Gaanan	TN	2/19/99	
11/19/98	Sathish Kodali	KY	transferred	7/
1/11/99	Prafulla Martin	GA	11/1/99	1/
1/21/99	Mary Castro	KY	6/12/99	1/
2/11/99	Vikranta Sharma	NY	5/17/99	1/
2/11/99	Melecio Abordo	KY	10/1/99	1/
4/5/99	Rosa Cieszkowski	AL	10/21/99	1/
4/5/99	Rommel Go	AL	8/30/99	1/
4/5/99	Amit Gupta	MS	10/1/99	1/
4/14/99	Marwan Shalabi	AL	11/1/99	
4/16/99	Estuardo Figueroa	AL	8/24/99	
5/13/99	Sriram Krishnasamy	AL	10/11/99	
5/13/99	Khaled Nass	GA	11/1/99	
5/13/99	Alakananda Chakrabarty	PA	10/1/99	
5/13/99	Sushama Kotmire	NY	8/9/99	1/
5/13/99	Zeina Haidar	WV	10/1/99	
5/13/99	Gulshan Nazir	NY	10/1/99	1/
5/27/99	Cecilia Carpio-Carigaba	KY	10/18/99	
5/27/99	Maria Dumalaog	NC	10/4/99	1/
6/14/99	Maher Farah	AL	11/1/99	
6/14/99	Wenqing Long	WV	10/1/99	1/
6/14/99	Aarti Raina	GA	1/17/00	8/
6/14/99	Moiz Master	AL	10/30/99	
6/18/99	Bob Erdelyi	OH	pending	9/
6/18/99	Eva Giro	OH	10/28/99	
6/18/99	Anca Amighi	SC	10/1/99	1/
6/18/99	Reza Amighi	SC	10/1/99	1/
6/18/99	Ashok Lakiani	KY	12/6/99	
6/18/99	Melchor Ong	GA	11/2/99	

6/ - Transfer notifications indicates transfer to another employer in Pell City, AL, 11/23/99 due to initial employer closing office.

7/ - Physician apparently transferred to new employer in Stanton, KY. No transfer notification on file. Kentucky and ARC officials reviewing case.

8/ - Employment Verification Form not received as of 2/2/00. Contact with employer indicated physician started 1/17/00 and form would be forwarded.

9/ - Employment not started as of our contact.

September 3, 1999

Verification of Employment Forms File Review

Process Background:

The basic J-1 waiver process is:

- Health Care Provider (Clinic/Hospital) petitions ARC to approve a J-1 physician in a medical shortage area.
- State recommends that ARC support a waiver for the physician.
- ARC recommends that USIA request INS approval of a waiver for the physician. Physician/legal representative informed that ARC has forwarded request to USIA and provided Verification Form to submit to ARC when employment starts.
- INS notifies employer/physician that waiver has been approved and the 3-year work period in Appalachia can begin. (The waiver is noted as an H1b even though the program is referred to as J-1.)
- At any time during this process, the J-1 physician can sign an employment contract with his prospective employer and complete the J-1 Visa Waiver Policy and Affidavit. These actions can occur many months before the physician's waiver is approved.

Scope:

ARC records indicate 84 cases where ARC has recommended waiver approval between January 1998 and August 1999 but no Verification Form is on file. These forms are required to be submitted by physician and employer when work begins.

Tests:

Prior to sending request to employer/physician, we need to review the ARC file and also determine if the United States Information Agency (USIA) sent a request for waiver to INS. Unless this request was processed, it is doubtful if the physician has started work as yet. This is particularly true for physicians that ARC recommended since June 1999 as it takes several months to process the recommendations through INS and USIA.

1. Determine if USIA has submitted a request for approval of a waiver to INS. List cases where there is no record of such a request at ARC in order to permit followup with USIA.

2. Review the J-1 file for any indication of a reason for the absence of a Verification Form (e.g., Transfer Notice, narrative write-up, etc.) or ARC followup to obtain the form.
3. Obtain, where necessary, the full address of the employer from the ARC file.
4. Obtain from the file a copy of the ARC letter to the physician or physician's legal representative (sample copy attached) for each physician needing a Verification Form.
5. Based on results, a letter and Verification Form will be sent to J-1 physician, through their employer, for whom a form remains necessary.