



APRIL 24, 2000

REPORT 00-42(H)

MEMORANDUM FOR       The Federal Co-Chairman  
                                  ARC Executive Director  
                                  ARC General Counsel

SUBJECT:                   Survey Report—Review of Selected Health Providers and J-1 Visa  
                                  Waiver Physicians in Kentucky

## BACKGROUND

This review was undertaken as part of a survey 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 Appalachian Regional Commission (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 a 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 primary 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.

## OBJECTIVE

The objective of our review was to determine the compliance with ARC J-1 Visa Waiver program requirements and J-1 physicians perform primary care services in an Appalachian HPSA for 40 hours per week.

## SCOPE AND RESULTS

During a visit to Kentucky on April 20, 2000, we made efforts to confirm the location and practice of four J-1 physicians. In one instance, the physician had been terminated as of February 27, 2000, and was unemployed as of our visit. In a second case, the physician had

never worked at the site for which he was approved since the employer did not open a clinic at the approved site.

Field observation confirmed the location of the third and fourth physicians, and discussion with available staff and followup telephone contacts with the physicians indicated they were essentially complying with program provisions.

Details follow:

- One physician had started work for Mountain After Hours Clinic in October 1998. Her initial work site was London, Kentucky. Due to a dispute with her employer, the physician was terminated and was subsequently employed by the Clay County Medical Center, Madison, Kentucky. She began work on October 11, 1999. Our visit to the Clay County Medical Center disclosed that the physician had been terminated about February 27, 2000; and medical center staff were not knowledgeable about current employment.
- During our visit to Mt Vernon, Kentucky, the approved site of a J-1 physician, we were unable to confirm the existence of a medical practice at the approved location. Staff at the County Health Department were unaware of a practice at the cited location or of the physician's name. An employment verification form was not available in ARC files.

Telephone contact with the Mountain After Hours Clinic primary office in Hazard, Kentucky, disclosed the J-1 physician was practicing in Richmond, Kentucky. Telephone contact with the physician disclosed that he had been working at Richmond, Kentucky, since approval of his waiver and that the intended clinic in Mt Vernon had never been opened. We informed the physician that we would followup on this matter, including obtaining updated information (Employment and/or Transfer Verification forms) confirming the eligibility of the Richmond site and notifying ARC and the state of the current situation.

- A third physician, who was the husband of the first physician noted above was unavailable at the Marymount Medical Center in London, Kentucky, on April 20. Staff told us that the physician practiced 3 or 4 days per week at the medical center and had been at the facility since last year. Available records reflected that the physician had previously been employed by Mountain After Hours Clinic and started employment at Marymount Medical Center in the fall of 1999.
- The fourth physician had started work in Berea, Kentucky, on January 1, 2000, and was performing at the approved location and in accordance with program requirements.

### **Recommendations**

We recommend that ARC initiate action to:

1. Ensure, in conjunction with Kentucky state officials, that the noted physician obtains employment within a reasonable period at an eligible location, with INS notified if employment is not verified.

2. Review the status of the physician noted as working at an unapproved location; and determine the propriety of the transfer as respects need for the physician in Richmond, Kentucky.



Hubert N. Sparks  
Inspector General



April 24, 2000

MEMORANDUM FOR ARC GENERAL COUNSEL
SUBJECT: Addendum to OIG Report 00-42(H)

The following physicians were surveyed in connection with our visit to Kentucky on April 20, 2000.

- Vandita Samavedi
--Vivek Patel
--Sundara Rajan-Samavedi
--Joanna Stefania Kusmirek

Notes:

- 1/ Physician initially employed by Mountain After Hours Clinic and started work in October 1998. She was terminated by the employer on July 14, 1999, after a serious dispute concerning practice locations and other issues. Physician was subsequently employed by the Clay County Medical Center and began work in Manchester, Kentucky, in October 1999. She was terminated by this employer in February 2000 after disagreements about practice hours and expected patient episodes and is currently unemployed.
2/ Physician was sponsored by ARC to practice in Mt. Vernon, Kentucky. According to ARC files, a physician employment verification form had not been submitted to ARC; and field contact disclosed the intended clinic in Mt Vernon had never been opened by Mountain After Hours Clinic and the physician had been working in Richmond, Kentucky, since his waiver approval in Mid-1998.
3/ Providing service at London, Kentucky location to which he transferred in 1999.
4/ Practicing at approved site.

Hubert N. Sparks
Inspector General