



**APPALACHIAN
REGIONAL
COMMISSION**

*A Proud Past,
A New Vision*


Office of the Inspector General

October 13, 2000

MEMORANDUM FOR The Federal Co-Chairman
 ARC General Counsel

SUBJECT: OIG Reports—Special Report, Pennsylvania J-1 Program; New
 York and Tennessee J-1 Programs

The enclosed reports denote overall compliance with program requirements by the J-1 physicians contacted during compliance visits in New York and Tennessee and a summary of factors that led to the ending of employment by two J-1 physicians in Pennsylvania. Followup action by ARC with respect to the Pennsylvania situation is recommended. In one case, followup with a Tennessee physician is necessary to verify a work schedule and type of practice.


Hubert N. Sparks
Inspector General

Enclosures

**MEMORANDUM SURVEY REPORT
REVIEW OF SELECTED HEALTH CARE PROVIDERS
AND
J-1 VISA WAIVER PHYSICIANS IN TENNESSEE**

**Dates Reviews Performed:
August 8, 2000 through August 9, 2000**

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Report Number: 00-50 (H)

Date: September 14, 2000

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**Dates Reviews Performed:
August 8, 2000 through August 9, 2000**

Prepared By:

**Tichenor & Associates, LLP
Certified Public Accountants
304 Middletown Park Place, Suite C
Louisville, Kentucky 40243**

TICHENOR & ASSOCIATES, LLP
CERTIFIED PUBLIC ACCOUNTANTS and MANAGEMENT CONSULTANTS

304 MIDDLETOWN PARK PLACE, SUITE C
LOUISVILLE, KY 40243

PARTNERS

WILLIAM R. TICHENOR
DEIRDRE M. REED

BUSINESS: (502) 245-0775
FAX: (502) 245-0725
E-MAIL: TICHENORKY@AOL.COM

REPORT NO.: 00-50 (H)

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

SUBJECT: Memorandum Survey Report – Review of Selected Health
Providers and J-1 Visa Waiver Physicians in Tennessee

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 requirements 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 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 that J-1 physicians performing primary care services in an Appalachian HPSA for 40 hours per week.

SCOPE:

We performed unannounced visits to various medical facilities in Eastern Tennessee on Tuesday, August 8, 2000 and Wednesday, August 9, 2000 to review the status of seven (7) J-1 physicians. We based our review on the terms of the ARC J-1 Visa Waiver program and on the application of certain procedures previously discussed with the ARC OIG. Specifically, we determined if the doctors were practicing in their designated locations, and if they were dedicating 40 hours per week to primary care activities. Our results and recommendations are based on those procedures and were conducted in accordance with applicable Government Auditing Standards.

RESULTS:

During our unannounced visits to Eastern Tennessee medical facilities, we were only able to speak to two of the seven J-1 physicians directly. Of the remaining five, one was on vacation, one was at another clinic, two were busy with patients, and the office of one was closed. For these five, we based our conclusions on discussions with office staff and other information in their respective offices. We concluded that in general, the J-1 physicians were providing services in accordance with the provisions of the J-1 Visa Waiver program. It appeared from the location of 6 out of 7 of the offices visited and observations of the patient population that these offices served low-income populations. The seventh office was closed during our visit, and appeared to be a private practice of one of the J-1 physicians who had moved a short distance from the address on the J-1 waiver application. Of the 6 offices visited where personal contact was made, no postings were evident of the required patient charge wording in 3 of the offices. No postings were in the outer office of the closed office, but we were unable to visit inside. The physicians personally interviewed stated that their employment contracts contained no restrictive covenants regarding future employment. The following are results by facility.

1. Oak Ridge Pediatric Clinic, LaFollette, Tennessee

We visited the clinic on August 8, 2000 at approximately 3:00 p.m. Doctor Muthukumar Vellaichamy was working on-site at the time of our visit, and we spent a few minutes visiting with him personally. Dr. Vellaichamy said that he had no written work schedule, but worked approximately 40 hours per week, during the hours the office was open. Office hours are 9 to 5, Monday through Friday. Dr. Vellaichamy stated that he is a primary care physician in Pediatrics, seeing approximately 50 patients per day when school is in session, and 20 to 25 patients per day when school is not in session. He stated that he was very satisfied with the program, but, because

he had just started June 5, 2000, he doesn't yet know his future plans. There were several postings in the patient waiting area. The closest one to the notice for health care services charges related to TennCare.

2. Prince Medical Center, Knoxville, Tennessee

We visited the clinic on August 8, 2000 at approximately 4:00 p.m. Dr. Mohammad Shafi was working at another clinic at the time of our visit. We spoke with his supervising physician, Dr. Moore. Dr. Moore stated that Dr. Shafi worked at least 40 hours at the current clinic location. It was the only inner city clinic and stayed crowded. Dr. Shafi also performs services at the University of Tennessee, a hospital, and the Oliver Springs Clinic. Dr. Moore stated that there is a shortage of doctors at the clinic. Dr. Moore stated that Dr. Shafi has a three year contract with the program and began work in February, 2000. Dr. Moore stated that office hours are 8:00 a.m. – 11:00 p.m., and the doctor works considerable overtime. Dr. Shafi is a primary care physician in Internal Medicine. The clinic sees approximately 75 patients per day. The required notice for health care charges was posted in the patient area. We did not note anything that would indicate that the physician was not complying with the J-1 Visa Waiver program provisions.

3. Meigs County Primary Care Center, Decatur, Tennessee

We visited the clinic on August 9, 2000 at approximately 8:45 a.m. Dr. Anitha Dhar was on a three week vacation and was scheduled to return the next week. We spoke to Ms. Donna Hickman, the office manager. Ms. Hickman stated that Dr. Dhar was employed there on March 24, 1999, and had a three year contract. Ms. Hickman stated that the doctor works a 40-hour week. Clinic hours are 8 to 5, Monday – Friday, and 8 to 8 on Thursday. Dr. Dhar is a primary care physician in family practice. Ms. Hickman stated that the clinic sees approximately 40 patients a day between two doctors. There was not a notice posted in the patient area regarding health care charges. The office manager made a copy and said she would post it and forward it to other clinic locations.

4. Grundy County Primary Care Center, Palmer, Tennessee

We visited the clinic on August 9, 2000 at approximately 10:30 a.m. Dr. Carlo Gaanan was working on site, but was busy with patients at the time of our visit. We spoke with Ms. Shirley Worley, the office manager. She stated that Dr. Gaanan was employed there on February 19, 1999, but the length of the contract was not known. Ms. Worley stated that Dr. Gaanan worked approximately 40 hours per week. The clinic is open 8 to 5 p.m. Monday – Friday, and until 8 p.m. on Thursdays. Ms. Worley stated that Dr. Gaanan practices in primary care only and sees approximately 20 patients per day. Ms. Worley stated that a notice regarding health care charges was normally posted, but had been taken down for painting. She copied the notice that ARC had provided to us and said that she preferred the way it was worded.

5. Crossville, Cumberland County, Tennessee

We visited the clinic at 29 E. Stanley Street in Crossville on August 9, 2000 at approximately 1:00 p.m. Dr. Marketa Kasalova was working on site, and we were able to visit with her personally. Dr. Kasalova stated that she began work at this site on January 26, 2000 and has a 4 year contract. She stated that she works a 40 hour week; the clinic being open from 8 to 5, Monday – Friday. Dr. Kasalova is a primary care physician in Internal Medicine. She stated that she sees approximately 20 patients a day, plus hospital visits. Dr. Kasalova stated that she is very happy where she is and plans to stay. We found the required notice of health care charges posted in the patient area.

6. Crossville, Cumberland County, Tennessee

We attempted to visit Dr. Lilibeth Pineda at the clinic located at 29 E. Stanley Street in Crossville, where she was assigned to work. We were informed by the office staff that Dr. Pineda had moved her practice to the vicinity of the hospital. Personnel at the hospital directed us to her office located on the next block. Dr. Pinda's new address is 44 Hayes St. in Crossville. We arrived at the office at approximately 1:30 p.m. to find it was closed. Dr. Pineda had moved less than one mile from her assigned location, and appeared to have set up a private practice. The outer office was open and we picked up one of Dr. Pineda's business cards. The card stated that Dr. Pineda practiced Internal Medicine in the area of pulmonary disease. The posted office hours were 8 to 5, Monday – Friday. There were no patients waiting at the time of our visit. No notices were posted in the patient area regarding health care charges. We waited approximately 20 minutes and left the office.

7. Wartburg, Tennessee

We visited the clinic at 224 Old Mill Road, in Wartburg, at approximately 3:00 p.m. Dr. Manisha Shrihari Thakur was working on site at the time of our visit, but was busy with patients. We spoke with the clinic's office manager. The office manager stated that Dr. Thakur worked approximately 40 hours per week, and the office hours are 8:30 – 5:00, Tuesday – Friday, and 8:30 – 7:00, Monday. The office manager stated that Dr. Thakur began her services in this location in May, 1998, and has a three year contract. The office manager stated that Dr. Thakur engages in primary care only, and the clinic sees approximately 80 – 100 patients per day, covered by three physicians. The office manager stated that Dr. Thakur was very popular with the patients, and felt that she would continue her practice there following the end of her contract. The clinic had not posted a notice in the patient area regarding health care charges. The office manager made a copy of ours to post.

RECOMMENDATIONS:

We recommend that ARC:

1. Follow up with Dr. Lilibeth Pineda who has moved her practice from the primary location named in her application, and require the submission of required documentation.
2. Make follow-up inquiries with offices to reinforce the need for required postings of health care charges.

Tichenor & Associates, LLP

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Louisville, Kentucky

August 9, 2000