



OCTOBER 30, 2000

OIG REPORT 01-4(H)

MEMORANDUM FOR The Federal Co-Chairman
ARC General Counsel

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

SUMMARY

This report updates Interim Report 00-51(H). Our visits to nine locations in southwest Pennsylvania, contacts with 16 J-1 physicians, and a review of updated work schedules provided in response to our requests disclosed that J-1 physician placements were often unable to provide full-time service at the approved locations. In these instances, the J-1 physicians were assigned split work schedules that included service at other locations and substantial provision of other types of care, such as hospital rounds and nursing home visits. Although the alternate locations were generally in medically underserved areas, neither state or ARC officials were notified in advance about revised locations and schedules in order to make pre-transfer decisions about the eligibility of the changes. We attributed the conditions primarily to limited patient workloads at some of the approved locations and a possible excess number of approvals in the geographic area reviewed. In this regard, however, state and ARC approvals were consistent with criteria established for identification of eligible locations and number of permitted physicians.

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. 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 compliance with ARC J-1 Visa Waiver program requirements, including J-1 physician performance of primary care services at an approved location for 40 hours per week.

SCOPE

Contacts were initiated with 16 J-1 Visa Waiver program physicians in southwestern Pennsylvania between August 21 and September 17, 2000. On-site visits were made to eight locations employing 9 J-1 physicians and one location formerly employing 2 J-1 physicians. Additionally, telephone contacts were made with 5 J-1 physicians for whom site visits were not made. The situation pertaining to the 2 J-1 physicians whose employment ended on May 3, 2000, is detailed in OIG Report 01-1(H).

RESULTS

Unannounced visits to eight locations employing 9 J-1 physicians disclosed that, at six locations with 7 J-1 physicians, the physician was not on-site at the time of the visits. In these cases, file information, including sponsor letters noting intended uses and employment verification forms signed by employees and employers indicated the office locations visited should have been staffed by a J-1 physician at the time of our visits. In two cases, the J-1 physicians were contacted at the approved site and were in compliance with program requirements.

Initial contacts and followup, with respect to the 7 J-1 physicians not available when the approved site was visited, indicated the following:

- In one case (Pittsburgh), the J-1 physician had relocated to another, more secure, office on hospital grounds about one block from the approved site.
- In six cases, the J-1 physicians were not on site. Initial telephone followup with receptionists, answering services, or the employer's primary office indicated the approved locations were not open full time and the J-1 physicians served part time at other offices and/or spent considerable time on rounds or visiting nursing homes.

For example, in four cases (Duquesne, Braddock, Markleysburg, and Rural Valley), the initial responses noted that the J-1 physicians spent 7 to 16 hours per week at the approved site. In two cases, it appeared the approved site (Vandergrift) was only open for appointments and the majority of service was apparently being provided at the employer's primary office. Explanations for the limited amount of time at the approved sites were related to limited patient workloads at the clinics necessitating substantial practice at local nursing homes; rounds at local hospitals; treatment of referrals, including indigents, at local hospitals; and return to provider's primary office to document patient visits and do administrative work.

A followup visit to the Vandergrift site employing 2 physicians did not locate the physicians on site.

Also, information received during initial attempts to contact the 5 additional J-1 physicians included in the survey by telephone indicated that, in three cases, the physicians were not at the approved sites for the required time.

Based on the frequency of cases where the J-1 physicians did not appear to be in compliance with program regulations, we requested explanations and updated physician schedules from the J-1 physicians and/or employers.

Followup information noted as follows:

Vandergrift, Pennsylvania

The 2 J-1 physicians employed by Irwin Family Care, Irwin, Pennsylvania, responded. One physician noted the Vandergrift office timings as 7:00 am to 2:00 pm on Tuesday, Wednesday, and Friday; 12:00 noon to 9:00 pm on Monday and Thursday; and 9:00 am to 12:00 noon on alternate Saturdays. The response also notes the hours are flexible depending on emergencies, conferences, patient needs, etc. An additional 12½ hours is noted as being spent at the Irwin office.

The second J-1 physician noted that his schedule is not fixed; and during the past year, different schedules were followed depending on season, patient flow, conferences, emergencies, etc. The physician noted his schedule starting October 29, 2000, will be in Vandergrift 7:00 am to 3:00 pm on Monday and Friday, 7:00 am to 2:30 pm on Tuesday and Wednesday, and 8:00 am to 5:00 pm on Saturday. He noted that 12 hours per week was scheduled at the Irwin office. Prior to October 29, the schedule was generally noted as in Vandergrift 12:00 noon to 8:00 pm on Monday, Tuesday, and Friday; 7:00 am to 2:00 pm on Wednesday; and 8:00 am to 5:00 pm on Saturday, with 15 hours per week at Irwin.

Although the schedules reflect sufficient time at Vandergrift, our two on-site visits on Monday, August 21, 2000, at 1:00 pm and Wednesday, September 20, 2000, at 10:00 am found the office closed at times the schedules indicate the office should have been open. Also, telephone contacts did not locate the J-1 physicians at Vandergrift at times the schedules reflect the office should have been open; and a next door business person indicated the office was open for appointments only. Since telephone calls to the Vandergrift office are cycled through the Irwin office, it is not possible to obtain conclusive information about actual on-site service; and repetitive visits are not considered cost-beneficial.

However, state officials should initiate periodic followup to ensure service in line with reported scheduling is provided.

Rural Valley

Our visit noted on-site hours as 10:00 am to 2:00 pm, Monday through Thursday, or 16 hours per week. The J-1 physician's response to our followup letter confirmed that the office was open for patients as noted. He also noted home visits were made from 2:00 to 4:00 pm on Monday

through Thursday and hospital rounds at the Armstrong County Memorial Hospital at Kittanning from 7:30 to 10:00 am 7 days per week.

Although total practice time was noted as 41½ hours per week, the eligibility of the ratio of service provided should be reviewed by ARC and state officials in view of the largest amount of time being devoted to hospital rounds.

Duquesne

Our on-site visit indicated the J-1 physician was available at the approved site to see patients on Monday and Friday from 10:30 am to approximately 2:00 pm (7 hours) with the remaining time spent at local nursing homes and on hospital rounds.

The response from the employer to our followup letter notes a schedule effective May 20, 2000, as follows: Physically present at Duquesne office from 9:00 am to 5:00 pm on Monday and Friday, including patient visits from 10:00 am to 2:00 pm and performing other duties (e.g., reviewing lab results, calling patients, calling in prescriptions, updating charts, etc.) the rest of the time. On Tuesdays and Thursdays, 9:00 am to 5:00 pm and 1:00 to 7:00 pm respectively, the schedule shows in-patient coverage to acutely ill patients at University of Pittsburgh Medical Center and McKeesport Hospital; and for Wednesdays, 9:00 am to 5:00 pm, service at three local nursing homes is noted. Other duties, such as house calls to homebound patients and conduct of state-mandated physical examinations for local area school athletes, are noted and supporting letters from local officials were provided.

A prior work schedule was provided that noted the physician's on-site schedule as 9:00 am to 5:00 pm on Monday, Tuesday, and Friday and 1:00 to 7:00 pm on Thursday, with visits to local nursing homes on Wednesday. It was noted that the schedule effective in May was temporary; and with the oncoming cold and flu season, the J-1 physician would be reverting to the schedule prior to May 2000. It was unclear as to the extent of time to be devoted to attending patients versus other in-office duties.

We recognize the diversity of duties and total hours of service performed by the J-1 physician. However, we believe clarification is necessary by state and ARC officials with respect to the eligibility of services noted, especially regarding the majority of services being related to hospital rounds and nursing home visits versus on-site availability to treat patients.

Braddock

Our on-site visit on August 21, 2000, at 10:00 am found the office closed; and a telephone inquiry indicated the office was open on Monday, Wednesday, and Friday from 1:00 to 4:00 pm.

A response from the employer to our followup letter confirmed that the office is on the first floor of the UPMC Braddock Hospital building and noted that the J-1 physician started with office hours from 8:00 am to 5:00 pm 5 days per week, with hospital rounds at UPMC in between. It was noted that between 20 to 30 patients are seen in the office weekly. Currently, the physician sees patients in the office on Monday, Wednesday, and Friday by appointment; however, as he is in the same building all day long, from 7:00 am to 6:00 pm, he is available for walk-ins and state

office visits. It was noted the physician has a cell phone and beeper and is available 24 hours per day.

Other primary tasks of the J-1 physician were noted as being the acting director of the hospital chemical dependency unit, making rounds and providing consulting services to psychiatric patients and patients with chemical dependence. It was noted that the majority of patients were indigent and without insurance and that rounds were also performed 3 weekends per month.

As of September 1, 2000, the response notes that formal office hours were extended to 10:00 am to 6:00 pm, 5 days per week. It was unclear as to whether this meant actual hours or availability for appointments.

With respect to availability, we did not see any information at the office site that would allow walk-ins, for example, to contact the J-1 physician or provide any indication that he was in the building and could be available.

While recognizing the efforts of the J-1 physician in an underserved area, ARC and state officials should evaluate the eligibility of the types of services provided and also notify the physician of the need to provide information at the office site, e.g., availability at hospital, contact phone numbers, that would reflect his availability to see patients. We believe the limited direct availability substantially restricts the opportunity to provide service and also recommend that an appointments only policy should not be permitted.

Markleysburg

No one was available during our office visit on September 19, 2000, at 10:00 am; and the door sign noted service 5 days per week, including 8:00 am to 4:30 pm on Tuesdays. A telephone followup indicated service at Markleysburg on Wednesday and Friday from 2:00 to 6:00 pm (8 hours), with the rest of the time at the employer's Uniontown office.

Additional telephone followup indicated the physician was on extended maternity leave; and correspondence from the employer explained the situation in detail, including confusion caused by the fact that the J-1 physician's husband was covering the Markleysburg office on a part-time basis until the J-1 physician returned to work.

Telephone Contacts

Our initial telephone contacts when in the area indicated 3 physicians were not available at the time of our call. However, since on-site visits were not made, we did not consider the telephone contacts as a sufficient indication of potential cases where service was not being provided in accordance with program requirements. In order to provide program officials with updated information, we did request 3 J-1 physicians to provide input about their current work schedules.

--Rices Landing

The physician was not available when called on September 19, 2000 at 11:00 am. The Director, Lions Medical Center responded to our request for updated information and noted the following schedule for the J-1 physician.

Rices Landing

Monday	8:00 am – 6:00 pm
Tuesday	8:30 am – 2:00 pm
Wednesday	8:00 am – 6:00 pm
Thursday	8:00 am – 1:00 pm
Friday	8:00 am – 6:00 pm
Saturday	8:00 am – 1:00 pm

Additionally, the J-1 physician was noted as making rounds at two area hospitals after clinic hours and at one local nursing home.

--McKees Rocks

The 2 J-1 physicians approved at this site responded as follows:

One

- Office Hours: 11:00 am – 7:00 pm Monday, Wednesday, and Friday
9:00 am – 3:00 pm Tuesday
9:00 am – 7:00 pm Thursday
- Hospital Rounds: 5 to 6 hours
- House Calls: 6 to 8 hours (mostly weekends and evenings)
- Nursing and Personal Care Homes: 2 to 3 hours

Two

- Office Hours: 9:00 am – 5:00 pm Monday through Friday
- Hospital Rounds: 10 hours

Daily patient case loads were noted as 9 to 12 and 10 to 12 patients, and other activities to provide service to the locally underserved population were noted.

Physicians Covered in OIG Report 00-1(H)


The subject report identifies the status of two cases where the J-1 physicians' employment ended May 3, 2000. Although there remains substantive disagreement between the employer and employees about the reasons for the ending of employment, e.g., termination or resignation, it appeared a major factor was the limited patient workload, especially at the Duquesne location (e.g., less than one patient per day over a 3-month period).

CONCLUSIONS AND RECOMMENDATIONS

Although criteria for determining the need for J-1 Visa Waivers at the requested locations were followed, the actual utilization of the J-1 physicians reflected insufficient patient workload to sustain a full-time clinical practice at several locations. Consequently, the J-1 physicians spent substantial time providing services related to hospital rounds and nursing home visits and/or were assigned part time to other locations. In each instance, the documentation provided by the employer to support the need for a J-1 Visa Waiver physician noted that the physician would be utilized 40 hours per week at the identified site. ARC and/or state agency officials had not been notified of the changed conditions. Although we recognize limited patient workloads contribute to conditions that negatively impact employers, coordination with the administering agencies with respect to alternative services or locations is considered important, especially for determinations about the need for additional physicians in a particular area. Also, since we did not identify any instances where the J-1 physician appeared to be willfully violating program regulations, our recommendations are directed at program issues, controls and oversight.

Recommendations

- Policies and guidance with respect to the eligibility of time spent on hospital rounds and nursing home visits and use of “appointment only” practices should be clarified.
- Additional requests for support of J-1 waivers in southwest Pennsylvania should be reviewed with consideration of the situations noted in this report.
- Emphasis should be placed on ensuring that current and future employers and physicians understand responsibilities to notify administering agencies of changes to the employment conditions noted in documentation provided to support the eligible use of a J-1 physician.
- Periodic followup, e.g., a 6-month reporting requirement and/or telephone contacts to verify schedule implementation, should be initiated with respect to the cases noted in this report where conflicting information was received and/or where the identified services would support such followup.


HUBERT N. SPARKS
INSPECTOR GENERAL