



MARCH 29, 2002

OIG REPORT 02-29(H)

MEMORANDUM FOR The Federal Co-Chairman  
ARC General Counsel

SUBJECT: SPECIAL REPORT—J-1 Visa Waiver Program,  
North Carolina/Kentucky (Dr. Sathish Kodali)

During our preparation for recent compliance work in Kentucky, we noted that the subject J-1 physician had left Kentucky and had not provided a transfer form or new address to the State or ARC. Followup disclosed that the physician had transferred to Goldsboro, Wayne County, North Carolina, and was employed by Wayne Heart and Internal Medicine Associates. Wayne County is noted as a low income HPSA.

The attached information provides some data about the physician's practice to date but omits specific dates. It appears he made substantial effort to seek other employment based on the sample letters and several hundred certified mail receipts he forwarded to us.

Based on my conversation with the physician, he apparently was initially recruited to practice at a clinic in Stanton, Kentucky; but the clinic was not opened. He then went with Big Sandy Medical Center, but that clinic went under in about 6 months. We have been unable to locate Steve Arnett of Big Sandy Medical Clinic or any other person to confirm this, nor is a Big Sandy Medical Clinic listed in directories. It appears the physician worked at Big Sandy in the latter half of 1999; and, according to him, he kept the clinic afloat at his own expense until around May 2000.


However, it is unclear if he practiced during the latter period. He said he worked unsuccessfully with the former Kentucky Director, Mr. Beucker, in early 2000, to seek another position in Appalachia. He said that, based on legal advice from his attorney of record in 2000, if he made a good-faith effort to relocate in Appalachia and was unsuccessful, he could relocate to another eligible area. He located the position in Goldsboro in mid-2000 and believes INS was informed of the changed address when application for a H1-B Visa was made.

Contact with the physician's current employer confirmed that he started work in Goldsboro about July 1, 2000, and is essentially practicing internal medicine at two Goldsboro locations operated by the employer. He also sees patients at the local hospital.

Our correspondence with the physician; his cover letter, forwarded with additional information; and the current employer's January 13, 2000 letter to INS in support of an H1-B petition are attached.

Documentation submitted indicates that the physician made considerable effort to seek other employment in the Appalachian Region after closure of the Big Sandy Medical Clinic. However, the absence of notification to, or approval by, State and ARC of the transfer to North Carolina is a concern; and e-mail messages in ARC files indicate ARC objection to a transfer was orally communicated to the physician's former attorney.

Also, the status of Wayne County, North Carolina, as a HPSA or low-income designated area needs to be identified in order to first ascertain if service is being provided at an eligible location. If both Goldsboro offices are in eligible areas, an administrative decision of acceptance or rejection of the transfer is required. If either or both practice locations are in ineligible areas, the physician should be required to relocate to an eligible area and agree to a period of service necessary to satisfy the 3-year period; or INS should be notified of the situation. During a telephone conversation with the physician, we also asked him to have his employer provide any available information about the HPSA designation in North Carolina and his current work schedule. This information had not been received as of this report date.

  
Hubert N. Sparks  
Inspector General

Attachments

# SATHISH KODALI

1300 SOUTH HARDING DRIVE, APT. 403  
GOLDSBORO, NC 27534  
(919) 751 1865

March 5, 2002

Hubert N. Sparks  
Inspector General  
Appalachian Regional Commission  
1666 Connecticut Avenue, NW  
Washington, DC 20009-1068

**RE: Your letter dated Feb 25th, 2002.**

Dear Mr. Sparks,

This letter is written in reference to your recent letter and enquiry and reference is made to our conversation on 4th march, 2002.

Dr. Raithatha offered me a job and applied for J-1 waiver through ARC to work at Stanton (Powel county) KY. But he never applied for my H1-B or made any efforts to open a clinic at Stanton, KY. Worrying I might lose the waiver I looked around and Mr. Steve Arnett of Big Sandy Medical Center, Prestonsburg, KY promised to help.

He applied for my H1-B visa and helped me to set up a clinic at Stanton KY. At that time, the information about the change of employers was submitted to both INS and ARC. We set up a clinic in Stanton, KY. I had to loan \$35,000 to cover the initial expenses and expenses to run the clinic. Mr. Arnett never supported me and did not even pay for my work at the clinic in Prestonsburg, KY. I could not keep the clinic open after 6 months. I kept the property till May 2000 for one year and tried to find a viable help to run the clinic. Mr. Arnett declared bankruptcy later and closed his clinic in Prestonsburg, KY.

During that time when the clinic was open Mr. Don Buecker came and visited the clinic in Stanton, KY. Later I met with him multiple times to find any other employment in ARC areas. Early 2000 I started looking another ARC states and made a lot of phone calls. I couldn't find a place. Most places didn't even answer the phones.

At that time my attorney Mr. Perlitsh (not Mr. Lubin who represents me now) talked to Ms. Greathouse and advised me that a sincere and good faith effort should be done to find a job in ARC area. Mr. Buecker was kind enough to give an introduction letter so I can send to different employers in ARC areas. I wrote to more than 400 hospitals in ARC counties cross matching them with hospitals green book. I am enclosing the proof and replies with this note.

With no job coming forward in ARC areas I looked in all the medically underserved areas. I found a job in Goldsboro, NC which is a Health Power shortage area. I know that we informed the INS when we applied for H1-B visa that we are moving to another HPSA.

Hubert N. Sparks  
Page 2  
March 5, 2002.

Currently I am working with Wayne Heart & Internal Medicine P.A. where I work both inpatient and out patient settings. I am enclosing a copy of the recently filed I-129 for extension of H1-B and recent pay stub. The phone number of my current employer is (919) 736 4724 or (919) 736 4626. And the fax number is (919) 736 1677. Ms. Coneva Watkins is the office manager and contact person.

If you need any more information please do not hesitate to call. Please send the enclosed material in the envelop enclosed.

Thanks Again,

Sincerely,

A handwritten signature in black ink, appearing to read "Sathish Kodali". The signature is written in a cursive style with a large initial "S".

Sathish Kodali, M.D.

DECAMP & TALBOTT, P.S.C.

PATTERSON A. DECAMP  
JOHN S. TALBOTT

ATTORNEYS AT LAW  
SUITE 800  
301 EAST MAIN STREET  
LEXINGTON, KENTUCKY 40507

TELEPHONE  
(859) 225-1191  
FAX  
(859) 225-5176

February 8, 2002

Mr. Hubert Sparks  
Inspector General of Appalachian Regional Commission  
1666 Connecticut Ave, NW, Suite 700  
Washington, DC 20009-1068

Re: Dr. Sathish Kodali

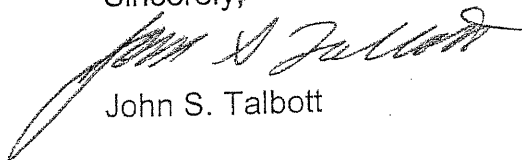
Dear Mr. Sparks:

In response to your recent inquiry regarding the current address for Dr. Kodali to update your files, below is the address and telephone number we have for Dr. Kodali:

1300 S. Harding Drive, Apt #403  
Goldsboro, North Carolina 27534  
919-751-1865

Please call if I can be of further assistance. Best regards.

Sincerely,



John S. Talbott

JST/kal

cc: Dr. Sathish Kodali

jst\kodali\sparks letter

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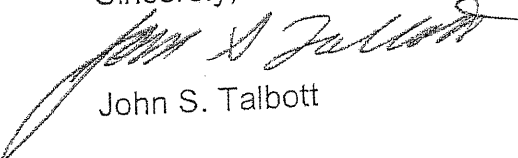
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John S. Talbott

JST/kal

cc: Dr. Sathish Kodali

jst\kodali\sparks letter

# Wayne Heart & Internal Medicine Associates, P.A.

2704 Medical Office Place • Goldsboro, NC 27534 • Office Hours by Appointment  
Phone 919-736-4724 Fax 919-736-1677

January 13, 2002

Department of Justice  
Immigration and Naturalization Services  
Texas Service Center  
4141 St. Augustine Road  
Dallas, TX 75227.

RE : H1-B Petition by Wayne Heart & Internal Medicine P.A. on behalf of Dr.  
Sathish Kodali, M.D.

Dear Sir/ Madam,

This Letter is submitted in support of H1-B petition by Wayne Heart and Internal medicine (hereinafter referred to as WHIM.) on behalf of Dr. Kodali. WHIM Seeks to continue to employ Dr. Kodali as a doctor who will provide professional Medical services to patients in Wayne county, North Carolina.

Established in 1979 WHIM provides medical care to individuals residing in and around Wayne county, North Carolina. WHIM is a private corporation employing 25 individuals.

WHIM wants to continue to employ Dr. Kodali for another 3 years as a physician performing medical services for a minimum off 40 hours per week. In this capacity Dr. Kodali will diagnose and treat several medical conditions such as diabetes, hypertension, emphysema and multiple other common and uncommon medical problems. Dr. Kodali will examine patients and order and execute tests and interpret results and administer and prescribe treatments and drugs. Dr. Kodali will advice patients on diet, disease prevention, and provide ongoing medical care. He will admit patients to the hospital when needed and provide inpatient medical care as needed.

In order to quantify as a candidate for appointment as a physician in the state of North Carolina a Physician should posses a license to practice medicine from the state of North Carolina. Attaching a copy a license issued to Dr Kodali by the state of North Carolina.

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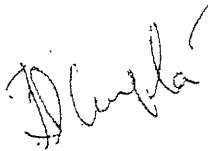
Being a foreign medical school graduate seeking appointment he must possess ECFMG certification. A review of Dr. Kodali's credentials determined that Dr. Kodali was fully qualified for this job. In 1989, Dr. Kodali was issued a medical degree by Guntur Medical College, Nagarjuna University, India. On August 20th, 1991, ECFMG issued its certification to Dr. Kodali. Additionally Dr. Kodali has passed the flex examinations thereby qualifying for H1-B status. And Dr. Kodali completed Internal Medicine Residency Program from Westchester Medical Center, New York Medical College, Valhalla, NY. He completed a fellowship training in cardiovascular Diseases at New York Medical College hospitals. Attached are copies of the aforementioned documents.

WHIM authorized to submit this petition, having filed a labor condition application with the U.S. Department of Labor. Attached is form ETA 9035. countersigned by the certifying officer at the Department of Labor.

By continuing to work in Wayne county, North Carolina, a health professional shortage area as designated by Department of Health and Human Services, Dr. Kodali continues to fulfill his requirement to work in a HPSA/MUA pursuant to the waiver that was granted to him.

It is respectfully requested that this petition be approved at this time. Thank you very much for your courtesy on this matter.

Very truly yours,



J.D. Gupta, MD.  
President.

Wayne Heart & Internal Medicine P.A.



May 1, 2000

To whom it concerns:

I am writing this letter in support of Dr. Satish Kodali, who has been trying to locate a primary care position within the Appalachian Regional Commission (ARC) area of Kentucky.

Dr. Kodali has had the misfortune of having two employment situations fall apart on him here in Kentucky. To his credit he has tried his level best to locate another viable opportunity that would satisfy the ARC requirements, but as of today his search has been unsuccessful. I have met with Dr. Kodali personally on more than one occasion to help him identify potential employers in Kentucky. I have been impressed with his follow up effort in trying to locate another job in Kentucky's ARC region. He has made a "good faith" effort in trying to locate another job in Kentucky's ARC region. He has contacted these potential employers by phone and he has, at his own expense, traveled to their sites to meet with these employers in person.

It is my hope that his efforts here in Kentucky will be successful in the near future. However, it certainly would be understandable if he found it necessary to seek employment opportunities within another ARC Health Professional Shortage Area in one of the other ARC states.

My office remains open to Dr. Kodali and I will continue to offer him my help in any way that I can to help resolve his predicament. If I can be of further service please call me at 606-323-6842.

Sincerely,



Don Buecker, Director



MARCH 29, 2002

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                          ARC General Counsel

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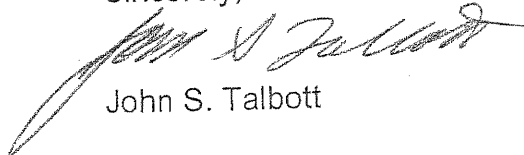
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cc: Dr. Sathish Kodali  
jst\kodali\sparks letter

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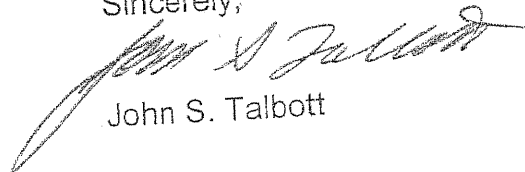
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jst\kodali\sparks letter

# Wayne Heart & Internal Medicine Associates, P.A.

2704 Medical Office Place • Goldsboro, NC 27534 • Office Hours by Appointment  
Phone 919-736-4724 Fax 919-736-1677

January 13, 2002

Department of Justice  
Immigration and Naturalization Services  
Texas Service Center  
4141 St. Augustine Road  
Dallas, TX 75227.

RE : H1-B Petition by Wayne Heart & Internal Medicine P.A. on behalf of Dr.  
Sathish Kodali, M.D.

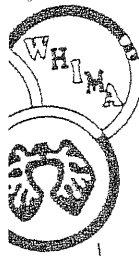
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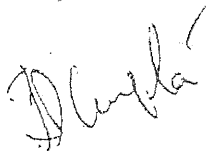
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