



REPORT OF REVIEW

J-1 VISA WAIVER PROGRAM MOUNTAIN COMPREHENSIVE HEALTHCARE CORPORATION WHITESBURG, KENTUCKY

OIG Report 96-9(H)
December 20, 1995

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 or 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 initially required the physicians to serve at least two years; however, in August 1995 the minimum was changed to three years (unless a state requires 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 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 that J-1 physicians perform primary care services in an Appalachian HPSA for 40 hours per week.

RESULTS

We made unannounced visits to three Mountain Comprehensive Healthcare Corporation (MCHC) medical facilities in Kentucky October 30 - November 1, 1995 to review the status of eight J-1 physicians (see Appendix). We found that five of the eight physicians do not work at their approved HPSA locations. Of the eight physicians in our review, we located and held discussions with five. We interviewed a physician at his approved location in Booneville, Kentucky and another one in Buckhorn, Kentucky and they both indicated they were providing a minimum of 40 hours of primary care services per week as required.

We visited another clinic in Cornettsville, Kentucky and found that only one of six physicians approved for that location actually works there. However, at the time of our visit, that physician was out of the country on a scheduled vacation. We were told by two sources that a second physician works full-time at another Appalachian HPSA location in Jackson, Kentucky, but we did not visit that location or contact the physician.

We visited a third MCHC facility in Whitesburg, Kentucky, which is not located in a HPSA, and determined that the other four J-1 physicians in our review work there on a regular basis. We spoke with three of the four (one was on scheduled leave) and they indicated they perform at least 40 hours of primary care per week and that they were either not aware of Whitesburg's HPSA status or that they believed it was located in a HPSA.

We spoke with the executive director of the MCHC and she acknowledged that some of the J-1 physicians were not working in the locations for which they were requested and approved. She indicated she was trying to utilize all of their physicians as efficiently as possible to care for the largest number of people in their service area. She said she would make whatever changes needed to be made to satisfy ARC. With respect to the four J-1s that were working in Whitesburg at the time of our review, the executive director said she would reschedule the two pediatricians to work at the Cornettsville clinic and to another clinic in Perry County (each physician would go to the clinics for two days every other week). She said she would also send the physician approved as a floater to the Cornettsville clinic to fill in for the J-1 who was on vacation. At the time of our visit, an American physician who normally works in Whitesburg had been reassigned there to fill in. The executive director also said she would send the J-1 who is an OB/GYN to Cornettsville to do some work there.

CONCLUSION


We made unannounced visits to three MCHC locations in Kentucky to review the status of eight J-1 physicians. We located and held discussions with five of the eight and they all indicated they perform at least 40 hours of primary care per week. However, we found that five of the eight physicians in our review were not working in their approved HPSA locations. MCHC's executive director acknowledged that four of the J-1s were working in Whitesburg which is not a HPSA and offered to make some schedule adjustments. She said she would make whatever changes were necessary to

satisfy program requirements. She also indicated that one J-1 was working in an Appalachian HPSA location but not the one for which he was approved. She stated that all of the J-1 physicians work more than 40 hours per week.

RECOMMENDATION

We recommend that ARC officials:

- 1) Notify the employer and the J-1 physicians of the need to comply with program provisions and J-1 visa waiver certifications;
- 2) Remind the employer and physicians of the need to notify ARC and state officials when J-1 physicians are assigned to locations not identified in waiver applications;
- 3) Request the employer to identify actions initiated to correct the noted conditions and obtain new reporting certifications from the J-1 physicians specifying their work locations.


Hubert N. Sparks
Inspector General

**MOUNTAIN COMPREHENSIVE HEALTHCARE CORPORATION
WEST VIRGINIA FACILITIES/J-1 PHYSICIANS REVIEWED**

<u>Approved Practice Location</u>	<u>J-1 Physician</u>
Owlsley County Medical Clinic Booneville, KY	Isam Daboul
Buckhorn Medical Clinic Buckhorn, KY	Salem Hanna
Leatherwood/Blackey Clinic Cornettsville, KY	Ravinda Singh Tak <u>1/</u> Roman Kishi <u>2/</u> Bassam Babi <u>2/</u> Abdul Kawamleh Suhail Rahhal <u>2/</u> Anthony Alfred Sierra <u>3/</u>

- 1/ Dr. Tak works full-time in Jackson, Kentucky.
- 2/ Drs. Kishi, Babi and Rahhal work full-time in Whitesburg, Kentucky.
- 3/ Dr. Sierra works full-time in Whitesburg except for 1 day every other month in Jackson.



MEMORANDUM

DATE: May 13, 1996
TO: Hubert Sparks
FROM: Deann Greathouse *Deann Greathouse*
SUBJECT: OIG Report 96-9(H) Mountain Comprehensive Healthcare Corporation

In response to your report regarding Dr. Tak, Dr. Kishi, Dr. Babi, Dr. Rahhal, and Dr. Sierra I have worked out a placement schedule with Lois Baker, CEO at MCHC. The schedule is as follows: Dr. Tak has officially transferred to Breathitt County Medical Clinic in Breathitt County a HPSA. Dr. Rahhal is practicing at Leatherwood/Blackey Clinic in Cornettsville, at his originally approved practice site.

Drs. Babi, Kishi and Sierra alternate between Leatherwood/Blackey Clinic in Cornettsville and Whitesburg Hospital which is not now located in a HPSA. We understand from Emma Harrod at the Department of Health Services in Kentucky that she is reviewing a low income population HPSA designation for Letcher County in Whitesburg, Kentucky. She believes there is a strong likelihood that the designation will be made. We will keep you informed about developments in this regard.