MARCH 29, 1996

OIG REPORT NO. 96-26(H)

MEMORANDUM FOR

FEDERAL CO-CHAIRMAN EXECUTIVE DIRECTOR

SUBJECT:

Memorandum Survey Report--Review of Selected Health Care

Providers in South Carolina (Med Central, Inc., Anderson)

#### **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 initially required the physicians to serve at least two years; however, in August 1995 the minimum was changed to three 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 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 Med Central, Inc. medical clinics in Anderson, South Carolina February 23, 1996 to review the status of nine J-1 physicians (see Appendix). We found that a fourth site for which three of the physicians were approved was an empty abandoned school building. A Med Central official subsequently indicated that they had contracted to provide medical personnel for a nonprofit community health center to be developed in the school building but the project fell through. The J-1 physicians approved for that site were reassigned to other Med Central HPSA clinics. We noted that the physicians had submitted reporting forms to ARC indicating their new work locations.

We also understand that Med Central recently closed an office in Honea Path, South Carolina which we understand is also a HPSA. One of the J-1 physicians shared a building with a local physician in Honea Path for a couple of months but Med Central closed their office because there weren't enough patients to justify staying.

We located eight of the nine physicians on February 23, 1996 and returned on February 29th to interview the other one. All of the physicians indicated they were performing primary care services a minimum of 40 hours per week and all have two-year contracts. One of the physicians indicated that in addition to performing 45-50 hours of primary care per week, he also practices his subspecialty. He told us that about 15 percent of his total workload involves cardiology, most of which occurs after 5:00 p.m. at the local hospital. We noted that another of the physicians initially worked for a medical group in Greenville, South Carolina but transferred to Med Central in July 1995 to complete her two-year ARC agreement.

In addition to the nine J-1 physicians Med Central obtained through the ARC program, they also have two that were hired through a USDA program. The Med Central official told us they needed more physicians because they have substantial numbers of Medicaid and Medicare patients. He indicated that some local practitioners will not accept Medicaid patients and are not currently accepting new Medicare patients.

All of the physicians we interviewed indicated they were well-treated by their employer.

## **CONCLUSION**

All nine of the J-1 physicians we selected for review were located and interviewed during our unannounced visits on February 23 and February 29, 1996. All of them indicated they were providing a minimum of 40 hours of primary care per week in Anderson, South Carolina which is a designated HPSA.

#### **RECOMMENDATION**

We recommend that ARC officials advise employers and state officials to notify ARC if they employ J-1 physicians through other programs to assure that information is available as to the number of physicians in the local area when considering requests for additional J-1 waivers.

Hubert N. Sparks Inspector General

cc: General Counsel

# MED CENTRAL, INC., ANDERSON, SOUTH CAROLINA

NAME	PRACPICE	SVARU DAVV
Cheryl Sarmiento	Internal Medicine	8/94
Emmanuel Sackey	Pediatrician	12/94
Balagopalan Nair	Internal Medicine/Oncology	1/95
Shobha Michaels	Pediatrician	7/95
Vandana Shashi	Pediatrician Genetics	6/95
Shashi Nagaraj	Pediatrics Nephrology	6/95
Shandya Sathananthan	Internal Medicine	10/95
Bhaskaran Sreekumar	Internal Medicine/Cardiology	10/95
Arun Rao	Internal Medicine	9/95



#### MEMORANDUM

DATE:

May 13, 1996

TO:

**Hubert Sparks** 

FROM:

Deann Greathouse

**SUBJECT:** 

OIG Report 96-26(H) & OIG Report 96-46(H)

In response to your recommendation concerning notification of J-1 placements made in the ARC region, by other Federal or State agencies be informed that this issue is currently being resolved by the interagency J-1 taskforce with which we are involved.

You also recommend that ARC Headquarters institute a control for monitoring the submission of reporting forms. In August 1995 we instituted the "Verification of Employment Form" by which we will be notified of the approval of J-1 Waiver by INS and physician employment start date. Our J-1 Visa Waiver database is currently being updated to include these dates so that the monitoring J-1 placements will be improved.

West Virginia

# J-1 Visa Waiver Review --South Carolina

## **Objective**

Review status of J-1 physicians sponsored by the two primary employers in South Carolina to ascertain extent of compliance with J-1 program requirements.

### Background

Prior J-1 reviews have indicated problems where multiple J-1 physicians are sponsored by the same employer. The noted problems have included J-1 physicians not performing primary care to the extent required and/or not practicing in a HPSA. To date, only one anonymous complaint was received relative to South Carolina; and the complainant stated that a J-1 physician was being used to practice a subspecialty. Sufficient information was not provided to identify the physician, practice, location, or employer.

This survey is a continuance of prior surveys at locations where multiple J-1s have been approved. Two employers, North Hills Medical Center, Greenville, South Carolina, and Med Central, Anderson, South Carolina, employ most of the J-1s approved for South Carolina. Med Central operates several facilities, including a Children's Clinic, and one or two off-site locations, including Westside Community Center. Also, files indicate that one, or both, of these employers may contract for medical personnel rather than hire physicians directly.

Based on file reviews at ARC, the susceptibility for J-1 noncompliance at these facilities is mitigated by 1) the limited number of J-1 physicians with subspecialties and 2) the employment of four pediatricians at the Children's Clinic. However, the number of active J-1s, e.g., four at North Hills Medical Center and nine at Med Central and affiliates, is sufficient to include these providers for J-1 survey work.

ARC files reflect that the newer approvals contain the J-1 visa reporting form indicating physician start dates, practice, and location. In all available cases, the physician notes internal medicine, family practice, and/or pediatrics. In one case, multi-specialty pediatrics is noted; and in one case pediatrics and genetics is noted. In four instances, two at North Hills, J. Patel and M. Patel, and two at Med Central, C. Sarmiento and E. Sachey, the reporting forms were not available.

ARC files reflect that two J-1 physicians at North Hills, J. Patel and N. Gaikwad, had subspecialties, e.g., cardiology and radiology. Med Central files note four physicians with subspecialties, B. Nair, Oncology; V. Shashi, Genetics; S. Nagaraj, Nephrology; and A. Rao, Cardiology.

Field visit, including discussion with available J-1 physicians, office staff, and employer, will ascertain use of J-1 physicians. If necessary, other agencies will be contacted with respect to types of billings, e.g., medicare claims. Field visits will be conducted without prior notification.

## Survey Steps

- 1. Discuss South Carolina J-1 program with ARC program staff. Review files for prior complaints or other problems.
- 2. Obtain information about South Carolina J-1 program, including any written state policies.
- 3. Review ARC J-1 files for physicians approved for waivers in South Carolina since January 1994, including applications, approvals, affidavits, and reporting forms.
- 4. Visit providers unannounced and determine the status of active J-1 physicians through interview with physicians, office staff, and employers. Inquire as to:
  - --location(s) of practice and hours at location(s);
  - --type(s) of practice and hours per week engaged in each practice.

Particular emphasis should be placed on the status of J-1s noted as having subspecialties, any physicians practicing at multi-locations, and physicians for which reporting forms were not available at ARC.

- 5. For any cases where compliance issues arise, followup inquiry could include:
  - --J-1 physician salaries;
  - --billing information, if available;
  - --patient scheduling documents;
  - --work schedules;
  - --discussion with employer.
- 6. As applicable, the South Carolina J-1 coordinator should be contacted for information and/or be notified about problems identified during the survey.
- 7. A survey report should be provided identifying the scope and results of the survey, including any applicable recommendations.

Med C—'ral, Inc. 3424 Clem. a Boulevard Anderson, SC 29621

Name	<u>Practice</u>	Location	Start Date	Notes
Cheryl Sarmiento	Internal Medicine	823 Pearman Dairy Road, Anderson	Transferred in mid-1995	1/, 3/
Emanuel Sachey	Pediatrician	Children's Clinic, 1411 N. Fant Street, Anderson	Approximately 9/94	2/, 3/
Balag Opalan Nair	Internal Medicine Oncology	823 Pearman Dairy Road, Anderson	1/95	
Shobha Michaels	Pediatrician	Children's Clinic, 1411 N. Fant Street, Anderson	2/95	2/
Vandana Shashi	Pediatrician Genetics	Children's Clinic, 1411 N. Fant Street, Anderson	56/9	77
Shashi Nagaraj	Pediatrics Nephrology	Children's Clinic, 1411 N. Fant Street, Anderson	\$6/9	2/
SandyaSathananthan	Internal Medicine	Westside Community Center, 1100 W. Franklin, Anderson	10/95	77
Bhas Karn Sreekmar	Internal Medicine	Westside Community Center, 1100 W. Franklin, Anderson	10/95	77/
Arun Rao	Internal Medicine Cardiology	Westside Community Center, 504 E. Greer Street, Suite B, Howea Path	56/6	72

Originally employed by North Hills Medical Center. Children's Clinic and Westside Community Center appear to be operated by Med Central. No yellow reporting form in ARC files. 13/15/17

North Hills "dical Center 505-C Main, street, CT-10 Greenville, SC 29609

Notes	<del></del> .	1/		
Start Date	Approximately mid-1994	Approximately mid-1994	8/95	8/95
Location	CT-10, Greenville	CT-10, Greenville	CT-10, Greenville	CT-10, Greenville
<u>Practice</u>	Internal Medicine Cardiology	Internal Medicine	Internal Medicine Radiology	Internal Medicine
Name	Jay Kontilal Patel	Minel Patel	Nitin Gaikwad	Mohamad Rushid

 $\underline{1}$  No yellow reporting form in ARC files.

Dr Cheryl Sarmento Originally at North Hills Medical
Centra 505 C N. man St Groundly SC 29609 2/94 Transferred to med Central Inc. 3424 Clamsin Blud Andrewson SC 29621

Office - 823 - Pearman Dairy Rd. Andrewson

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Jay Kantilal Pate E Jax med Cardology Hay-6/44 No Yellow Form Morel Patel - 7/94 North Hills med Ching Grannille - CT 10 Po yellow Ferm Intern Medicing Emanvel Sachey 8/44 Childrens Clinica Andresa, FC Red both icin No Yellow Reporting Form

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Shash, Nagaraj 10/94 Childrens Clinica Med Central Andrewson Reporting date start 6/23/95 - Butte spaulte N+m Gaikrab 5/95 path Hell's Churce Med. Centra 505-C Main St Erremulle CT 10 S.C. Reputing Form Start Date 8/7/95

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#### STATE OF SOUTH CAROLINA J-1 VISA WAIVER POLICY

#### Statement of Purpose

The South Carolina Department of Health and Environmental Control (DHEC) is committed to assuring that all South Carolinians who live in health professional shortage areas (HPSAs) have access to quality, affordable health care. DHEC will support and facilitate the placement of primary care physicians in facilities which are located in designated HPSAs in the State. DHEC is prepared to review requests for state-based approval as set forth by the 103rd Congress as an amendment to the Immunization and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416).

- 1. It is the policy of DHEC that the J-1 Visa Waiver program in South Carolina is limited to those physicians who have completed a residency in one of the following specialties: Family Practice, General Pediatrics, Obstetrics, General Internal Medicine, Psychiatry or General Surgery.
- 2. It is the policy of DHEC to support and facilitate the placement of primary care practitioners in both for profit and not for profit facilities located in HPSAs. Examples of these facilities are hospitals, primary care practices, community health centers, or Department of Mental Health community mental health centers. All facilities are required to accept Medicaid and Medicare assignment and also accept medically indigent patients.

In urbanized areas, a J-1 visa physician placement will be considered only for a nonprofit entity, located in a HPSA, which has as its mission the provision of health care services to indigent populations. Primary care services must be rendered without regard to ability to pay with a sliding fee scale system to adjust patient bills for those who are unable to pay. The sliding fee scale must be conspicuously posted at the practice site.

- 3. DHEC is not responsible for exceptions to or interpretations of these policies which have occurred without the written approval of the Commissioner of DHEC or his designee. Applicants should be aware that hospitals or physician recruiters are not expert in the requirements of each state, and should contact the responsible DHEC program area with any questions.
- 8. DHEC is not responsible for any practice arrangements or contractual obligations entered into by the physician prior to approval of a J-1 Visa Waiver request.
- 9. DHEC assumes no responsibility for future actions taken by Congress or for any potential investigation that may be conducted

# page (2) "Waiver Policy"

by the Office of the Inspector General. It is the responsibility of the physician and the employer to meet the licensure and credentialing requirements of the State of South Carolina.

- 10. In order to assist and facilitate the placement of primary care practitioners in designated HPSAs in South Carolina, DHEC will provide, upon request,
  - -List of designated HPSAs in South Carolina -Procedure to request a J-1 visa waiver

Official point of contact for the J-1 Visa Waiver Program is:

DHEC Office of Primary Care Mills/Jarrett Complex Box 101106 Columbia, SC 29211

Phone: (803) 737-3995 Fax: (803) 734-6302

(4/95)

## STATE OF SOUTH CAROLINA J-1 VISA WAIVER PROCEDURES FOR WAIVER REQUEST

An original and one copy of waiver requests should be mailed to:

DHEC Office of Primary Care Mills/Jarrett Complex Box 101106 Columbia, SC 29211

Waiver requests must contain the following:

- 1) Letter from the employer to the Director of the Office of Primary Care which identifies the foreign medical graduate by name, country or nationality or last residence, and date of birth.
- 2) If the practice location is in an urbanized area, include a copy of the sliding discount fee scale to be used for determining fees for indigent patients, and documentation of the employer's non profit status.
- 3) Copy of executed contract between the foreign medical graduate and the health care facility named in the waiver application, to include the name and address of the health care facility, and the specific geographic area or areas in which the foreign medical graduate will practice medicine. The employment contract shall include a statement by the foreign medical graduate that he or she agrees to meet the requirements set forth in Section 214 (k) of the Immigration and Nationality Act. The employment contract shall be valid for at least three (3) years and the geographic areas of employment shall only be in areas, within South Carolina, designated as a Health Professional Shortage Area (HPSA) by the Secretary of Health and Human Services;
- 4) Copies of all forms IAP-66 issued to the foreign medical graduate seeking the waiver;
- 5) A copy of the foreign medical graduate's curriculum vitae; and
- 6) A copy of the statement of no objection from the foreign medical graduate's country of nationality or last residence.

A maximum of twenty (20) waiver applications will be sponsored by DHEC in a given year. For purposes of this program the federal fiscal year (October 1-September 30) will be used.

Complete application packets will be assigned a number (1-20) and forwarded by DHEC to the United States Information Agency along with a letter of support. Incomplete packets will be returned to the requestor along with a list of the missing information.

# page (2) "Procedures for Waiver Request"

Applications will not be assigned a number until all information is received. All complete applications received after the maximum twenty (20) have been assigned will receive subsequent numbers and will only by submitted if one or more of the original twenty (20) applications is rejected by the USIA or withdrawn by the requestor.

(4/95)

# TO SPEED PROCESSING, PLEASE LEAVE THIS FORM ON TOP.

# DATA SHEET

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1.	FULL NAME:(last)				(first)			(middle)
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12. GIVE THE REASONS FOR NOT WISHING TO FULFILL THE TWO-YEAR HOME COUNTRY RESIDENCE REQUIREMENT TO WHICH YOU AGREED AT THE TIME YOU ACCEPTED EXCHANGE-VISITOR STATUS. (USE ADDITIONAL SHEET(S) IF NEEDED.)

FAMILY PRACTICE RESIDENCY PROGRAM

November 21, 1995

Mr. Jesse L. White, Jr. Federal Co-Chairman Appalachian Regional Commission 1666 Connecticut Avenue, NW Washington, DC 20235

RE: Waiver of Foreign Residency Requirement for WAJDI DBQUK, MD

Dear Mr. White:

Anderson Area Medical Center is writing to enlist your support in recruiting a Family Practice physician to this area in Appalachia. Our contract with Dr. Wajdi Dbouk specifies that his employment will begin on September 1, 1996, provided of course he has authorization for employment at that time.

Dr. Dbouk's presence is needed in Iva, South Carolina; located in Anderson County, a federally designated Health Professional Shortage Area. This HPSA designation results from the very high poverty population and those uninsured/underinaured residents who have reduced access to primary care physicians. Dr. Dbouk's presence would dramatically increase primary care access.

Dr. Wajdi Dbouk will practice primary care medicine for at least 40 hours per week in Anderson County, South Carolina County, a designated Health Professional Shortage Area as determined by the U.S. Public Health Department. The address is:

331 Antreville Hwy Iva. South Carolina 29655

Anderson Area Medical Center accepts Medicald, Medicare, and medically indigent patients. Approximately 67% of Anderson Area Medical Center's patients fall into one of these categories, and 34% of the Anderson County, South Carolina County population falls into these categories.

This is to acknowledge that all the terms and conditions of physician's, J-1 Visa Policy Affidavit and Agreement have been incorporated into our employment agreement with Wajdi Dbouk. This is to further acknowledge that our employment agreement does not modify or amend any of the terms or conditions of the physician's J-1 Visa Policy Affidavit and Agreement. Your assistance in supporting a waiver of the Foreign Residency Requirement for Dr. Wajdi Dbouk will be a positive step in restoring health care services to persons in the Anderson County, South Carolina.

It is extremely difficult to recruit qualified physicians to practice medicine in our area.

Anderson Area Medical Center employs a full-time physician recruiter whose recruitment efforts include all of Anderson County. The generally accepted methods of on-going journal ads, mass mailings, recruitment fairs and networking has not produced a viable candidate to serve the low income population of rural Anderson County until we found Dr. Wajdi Dbouk.

Anderson Area Medical Center has successfully recruited a primary care physician for our staff, but your help is needed in obtaining a waiver of the two-year Foreign Residency Requirement for the physician.

I hereby certify that I have read and fully understand and will comply with the ARC Federal Co-chairmans J-1 Visa Waiver Policy, and that all the information contained in this letter is true to the best of my knowledge and belief.

We would greatly appreciate your assistance in obtaining such a waiver for Dr. Wajdi Dbouk. Should you have any questions whatsoever, please call.

Sincerely.

Larry S. Atkinson, M.D., FAAFP

Associate Director

AnMed Family Practice Center

Department of AnMed Health Resources, Inc.

LSA:dn



Please Deliver this Facsimile to:

Office of Primary
Care
Robert Mills
Complex
Box 101106
Columbia, SC 29211
(803) 737-3995
FAX #: 734-6302

# FACSIMILE TRANSMITTAL

Name: Deann Greathouse
Dept: ARC
Fax Number: (202)884-769/ Office Number:  Number of Pages (Including this transmittal sheet) 3 Date: 2/27/96
Addition of Fages (Including this transmitted sheet)
Name: MARK Jordan
Dept: Office of Primary Care
Fax Number: 803) 734-6302 Office Number: (803) 737-3995
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