



SEPTEMBER 10, 1997

OIG REPORT 97-37(H)

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

SUBJECT: Memorandum Survey Report--Review of Selected Health Care
Providers in Alabama

BACKGROUND

This review was undertaken as part of a survey of J-1 Visa Waiver program operations in the Appalachian Region. An interim report was issued August 25, 1997.

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 2 years; however, in August 1995, the minimum was changed to 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 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 four medical facilities in Alabama to review the status of four J-1 physicians. In three cases, nothing came to our attention that would indicate the physicians were not complying with J-1 Visa Waiver program provisions. In two instances, we contacted the physicians at their assigned work site. In one case, the physician was on leave; but staff indicated that the physician provides full-time primary care at the provider facility.

However, in one case, our field visit indicated that the J-1 physician was not fully complying with program provisions. The physician, who was sponsored by the Columbia/Northwest Medical Center of Russellville, Alabama, had office space at the approved HPSA site in Haleyville, Alabama, and at a non-HPSA location in Russellville, Alabama.

Our stop-by contacts with receptionists at the Haleyville and Russellville office locations and the Northwest Medical Center on August 4, 1997, indicated that the J-1 physician served patients at Haleyville primarily on an appointment basis; that, generally, visits to Haleyville were on Tuesday and Thursday; that catheterizations were performed at the Northwest Medical Center; and that patients generally were not scheduled on Wednesday.

The J-1 physician was not available at the time of our brief visit; but we noted the physician shared office space with another physician in a professional complex at 533 Gandy Street, which is adjacent to the Northwest Medical Center. The sign on the door notes the J-1 physician as board certified in internal medicine and cardiology. The sign on an empty office in the same complex that was previously occupied by the J-1 physician noted only cardiology under the physician's name.

A review of the applicable files disclosed that the J-1 physician completed the J-1 Visa Waiver Policy Affidavit and Agreement on December 28, 1995. The completed verification of employment form notes that the physician started employment on July 7, 1996, with the location of the medical practice being 902 - 26th Street, Haleyville, Alabama 35565. The notarized employment verification form was signed by the physician and Administrator/CEO of the Columbia/Northwest Medical Center on September 3, 1996.

The sponsor's letter of November 29, 1995, to the Federal Co-Chairman notes that the J-1 physician will provide a qualified primary care physician in a medical office in the city of Haleyville. Also, the J-1 physician will provide hospital care for patients requiring acute services and "on-call" services to patients from Winston and surrounding counties utilizing him as a primary care physician.

In April 1997, the Alabama Department of Public Health, as part of an ARC survey measuring program success, collected information with respect to J-1 physician activities. The survey form completed by an official of the sponsoring hospital April 20, 1997, noted that the J-1 physician started work in July 1996 and was still at the Haleyville site in Winston County.

Winston County, which includes Haleyville, is a designated HPSA. Franklin County, including Russellville, is undergoing review and is currently not classified. Our visual observations indicated numerous physicians with offices in the professional buildings adjacent to the Columbia/Northwest Medical Center.

The J-1 physician was contacted on August 15, 1997; and a lengthy discussion was held with respect to his practice location(s) and medical practice(s). The J-1 physician said he provided more than 40 hours per week of primary care service to Haleyville area residents. The physician noted that he kept appointments at Haleyville and Haleyville hours could include early morning and late evening hours and weekend visits. He noted he also treated Haleyville area residents at the Northwest

Medical Center in Russellville and at the office he shared with another physician in Russellville. He said he had shared the office in Russellville since about October 1996, which was shortly after the J-1 waiver period started. He said he performed 15-16 catheterizations per month at the Columbia/Northwest Medical Center, with most of these being performed very early in the morning, e.g., 6:00 am and 7:00 am, so as to avoid interference with his primary care duties. He emphasized several times that he provided substantially more than 40 hours of medical care per week and that his scheduling maximized his ability to fulfill his J-1 responsibilities, treat patients at the Russellville hospital, and keep up his cardiology skills. He noted he currently was using Wednesdays to study but was available to see patients. The physician indicated a willingness to take any action necessary to ensure full compliance with the J-1 requirements and said his past year's records were available for review.

In a subsequent conversation with the J-1 physician on August 20, 1997, the physician noted a work schedule that included 40 hours per week at the Haleyville clinic. At that time, we informed the physician of the need for documentary information about his work schedules and locations in order to clarify inconsistencies with respect to the extent of primary care practice at Haleyville.

A review of information submitted by the physician for the period April 1 to July 31, 1997, disclosed the following:

A work schedule was provided that indicated 40 hours per week at the Haleyville office, 13.5 hours per week at the Russellville office, and 5 hours per week at the Northwest Medical Center. Such a work schedule, if maintained, would be consistent with program requirements. An actual practice schedule for the period July 14 through August 8, 1997, indicated 27-30 hours per week at Haleyville.

Also, information provided with respect to practice locations and patients treated during the 4-month period of April through July 1997 was generally consistent with input received from office staff during our August 4, 1997 on-site visit. The schedules reflected that most of the scheduled patient treatment at Haleyville was on Tuesday afternoons and Thursday mornings, with limited scheduled patients on Monday, Wednesday, and Friday. The Russellville workload was noted as substantially greater than Haleyville, with limited patient service being noted at either location on Wednesdays. The Russellville patient treatment schedules noted most patients were scheduled primarily on Monday afternoons, Tuesday mornings, Thursday mornings, and Friday afternoons. Limited scheduling at either location was noted for Monday mornings, Wednesdays, or Friday mornings.

Discussion, correspondence, and work schedules also indicated that primary care workload at the Haleyville clinic may limit efficient compliance with the J-1 Visa Waiver provisions. Therefore, in order to allow more productive use of the J-1 physician, voluntary agreement for the provision of primary care services at other eligible locations could be considered.

The following tables denote the numbers of scheduled patients by clinic and the average number of scheduled patients per day based on information submitted by the physician.

Haleyville Clinic Scheduled Visits ^{1/2/}

	Monday	Tuesday	Wednesday	Thursday	Friday	Total
April	4	19	14	14	0	51
May	9	17	3	38	6	73
June	6	24	3	22	2	57
July	1	10	4	30	3	48
Total	20	70	24	104	11	229
Average Scheduled Visits Per Day	1.4	4.6	1.8	6.5	.8	

Russellville Clinic Scheduled Visits ^{1/2/}

	Monday	Tuesday	Wednesday	Thursday	Friday	Total
April	28	20	4	23	5	80
May	28	21	3	36	42	130
June	48	25	0	35	37	145
July	40	32	0	52	26	150
Total	144	98	7	146	110	505
Average Scheduled Visits Per Day	9.5	5.5	.6	9	8	


Notes: 1/ Includes scheduled workdays.

2/ Does not include walk-in patients that were estimated as one per day at Haleyville by the physician. For comparative purposes, we assumed walk-in patients at Russellville would approximate those at Haleyville.

Although the patient schedules reflect appointment times consistent with the work schedule provided by the physician, there is, nevertheless, a significant difference in workload between the Haleyville clinic in a HPSA and the Russellville clinic, which is in an unclassified area. Additionally, the physician performs about 20 catheterizations per month at the Columbia/Northwest Medical Center in Russellville. Although these procedures are performed early in the morning and should not conflict with primary care responsibilities, the noted workloads, results of on-site visit, and the availability of an office location in Russellville create an appearance of conflict with full

implementation of J-1 Visa Waiver provisions specifying 40 hours per week of primary care in a HPSA.

Based on the cooperation received and assurances that the requirements of the J-1 Visa Waiver program would be fully implemented, we did not pursue this matter further. However, we are recommending that physician compliance with program provisions be monitored by program officials and that consideration be given to identifying and agreeing on alternative work sites in eligible areas in order to compensate for the limited workload at Haleyville.


Hubert N. Sparks
Inspector General



AUGUST 25, 1997

OIG REPORT 97-37(H)

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

SUBJECT: Interim Memorandum Survey Report--Review of Selected Health
Care Providers in Alabama

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 2 years; however, in August 1995, the minimum was changed to 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 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 four medical facilities in Alabama to review the status of four J-1 physicians. In three cases, nothing came to our attention that would indicate the physicians were not complying with J-1 Visa Waiver program provisions. In two instances, we contacted the physicians at their assigned work site. In one case, the physician was on leave; but staff indicated that the physician provides full-time primary care at the provider facility.

However, in one case, we noted that the J-1 physician did not appear to be fully complying with program provisions. The physician, who was sponsored by the Columbia/Northwest Medical Center of Russellville, Alabama, had office space at the approved HPSA site in Haleyville, Alabama, and at a non-HPSA location in Russellville, Alabama.

Our stop-by contacts with receptionists at the Haleyville and Russellville office locations and the Northwest Medical Center on August 4, 1997, indicated that the J-1 physician served patients at Haleyville primarily on an appointment basis; that, generally, visits to Haleyville were on Tuesday and Thursday; that catheterizations were performed at the Northwest Medical Center; and that patients were not scheduled on Wednesday.

The J-1 physician was not available at the time of our brief visit; but we noted the physician shared office space with another physician in a professional complex at 533 Gandy Street, which is adjacent to the Northwest Medical Center. The sign on the door notes the J-1 physician as board certified in internal medicine and cardiology. The sign on an empty office in the same complex that was previously occupied by the J-1 physician noted only cardiology under the physician's name.

A review of the applicable files disclosed that the J-1 physician completed the J-1 Visa Waiver Policy Affidavit and Agreement on December 28, 1995. The completed verification of employment form notes that the physician started employment on July 7, 1996, with the location of the medical practice being 902 - 26th Street, Haleyville, Alabama 35565. The notarized employment verification form was signed by the physician and Administrator/CEO of the Columbia/Northwest Medical Center on September 3, 1996.

The sponsor's letter of November 29, 1995, to the Federal Co-Chairman notes that the J-1 physician will provide a qualified primary care physician in a medical office in the city of Haleyville. Also, the J-1 physician will provide hospital care for patients requiring acute services and "on-call" services to patients from Winston and surrounding counties utilizing him as a primary care physician.

In April 1997, the Alabama Department of Public Health, as part of an ARC survey measuring program success, collected information with respect to J-1 physician activities. The survey form completed by an official of the sponsoring hospital April 20, 1997, noted that the J-1 physician started work in July 1996 and was still at the Haleyville site in Winston County. The question "still employed but work place changed? (Y/N)" was not answered.

Winston County, which includes Haleyville, is a designated HPSA. Franklin County, including Russellville, is undergoing review and is currently not classified. Our visual observations indicated numerous physicians with offices in the professional buildings adjacent to the Columbia/Northwest Medical Center.

The J-1 physician was contacted on August 15, 1997; and a lengthy discussion was held with respect to his practice location(s) and medical practice(s). In summary, although the J-1 physician insisted he provided more than 40 hours per week of primary care service to Haleyville area residents, he did not offer specifics with respect to his daily schedule and on-site time at the Haleyville and Russellville office locations.

The physician noted that he kept appointments at Haleyville and Haleyville hours could include early morning and late evening hours and weekend visits. He noted he also treated Haleyville area residents at the Northwest Medical Center in Russellville and at the office he shared with another physician in Russellville. He said he had shared the office in Russellville since about October 1996, which was shortly after the J-1 waiver period started. He said he performed 15-16 catheterizations per month at the Columbia/Northwest Medical Center, with most of these being performed very early in the morning, e.g., 6:00 am and 7:00 am, so as to avoid interference with his primary care duties. He emphasized several times that he provided substantially more than 40 hours of medical care per week and that his scheduling maximized his ability to fulfill his J-1 responsibilities, treat patients at the Russellville hospital, and keep up his cardiology skills. He noted he currently was using Wednesdays to study but was available to see patients. The physician indicated a willingness to take any action necessary to ensure full compliance with the J-1 requirements and said his past year's records were available for review.


During the discussion, the J-1 physician was informed that some of his comments with respect to actual time spent or availability at Haleyville were inconsistent with comments made by office staffers and that the sharing of an office in Russellville for the conduct of a private practice further raised questions about the practicality of fulfilling J-1 program requirements specifying service in Haleyville. Further, it was noted that our position with respect to the J-1 program was that physicians would generally be on-site at the approved site, which would facilitate immediate treatment of walk-in patients, rather than practicing primarily by appointment only.

Subsequent contact with office staff resulted in substantial revisions of comments with respect to the J-1 physician's practice. Essentially, staff at Haleyville and Russellville corroborated the J-1's comments of August 15, 1997, that he spent substantially more time at Haleyville than we were indicating based on comments received during our August 4, 1997 visits. Also, the J-1 physician contacted my office on August 20, 1997, and orally provided a detailed work schedule that reflected 40 hours per week at Haleyville.

We have requested the J-1 physician provide specific information with respect to practice locations and patient treatments during the past few months.

Due to the inconsistency of statements to date; the potential problems resulting from maintenance of two offices, one of which is not in a HPSA; and the simultaneous practice of primary care and cardiology in a HPSA and a non-HPSA, we are keeping this matter in an open status pending receipt of additional information with respect to prior and current practice locations and patient treatments.

A final report will be issued after evaluation and verification, as deemed necessary, of requested information.


Hubert N. Sparks
Inspector General



September 10, 1997

Mr. Charles S. Lail
Rural Health Programs Manager
Alabama Department of Health
P. O. Box 3017
Montgomery, AL 36130-3017

Re: OIG Report 97-37(H)

Dear Mr. Lail:

Attached is a copy of our updated report concerning compliance with J-1 Visa Waiver program provisions. The report contains information provided by Dr. H. Albizem with respect to his practice at Haleyville and Russellville, Alabama.

The attached work schedules provided by Dr. Albizem indicate service and/or intended practice at Haleyville consistent with program requirements. Although the extent of actual practice at Haleyville during the past year remains questionable, we are not pursuing this case further at this time based on Dr. Albizem's cooperation and commitment to increase the time at Haleyville.

As noted in our correspondence to Dr. Albizem, copy attached, we are concerned that the limited workload at Haleyville and his active Russellville practice can impact negatively on achieving compliance with program requirements. Therefore, we believe periodic monitoring to ensure compliance with the program requirements and the attached work schedule is appropriate. Also, consideration should be given to identifying alternative eligible locations in the Haleyville area where Dr. Albizem could provide primary care service to offset the limited Haleyville workload.

I contacted Dr. Albizem at the Haleyville clinic today; and during our conversation, he concurred that the Haleyville clinic had about a 2-day per week workload and, rather than sit at the Haleyville location 5 days per week, he would rather be providing service to patients at other locations. He said he had considered this option and finding space that met health requirements and the initial investment were important considerations.

I noted that a primary option was to provide service in another eligible area but that the most important point was to work out an acceptable arrangement with program officials in order to avoid being viewed as in noncompliance with program requirements.


Dr. Albizem noted that the current workload at Haleyville did not cover operating expenses. He also noted that he intended to remain in the area after completion of his J-1 Visa Waiver period. In this regard, our contacts indicated a high regard for Dr. Albizem. I told Dr. Albizem we were providing

information to program officials and he probably would receive a call from Alabama officials to discuss this situation, including alternative approaches.

We have also emphasized the need for Dr. Albizem to timely inform your office if the noted work schedule cannot be implemented.

Please call me if you have any questions.

Sincerely,


Hubert N. Sparks
Inspector General

Attachments



September 10, 1997


MEMORANDUM FOR MR. CHARLES HOWARD, ARC GENERAL COUNSEL
SUBJECT: Final Memorandum Audit Report

The attached report highlights one J-1 physician, Dr. Haytham Albizem, whose workload is substantially greater at a non-HPSA location. The report generally confirms that patient treatment at the HPSA location is primarily on Tuesday afternoons and Thursday mornings. It also appears there is insufficient workload at the approved clinic site in Haleyville, Alabama, to sustain the J-1 physician full-time. However, since the Russellville, Alabama office location is not in a HPSA, the current alternative of maintaining an active office in Russellville does not appear to be consistent with program requirements.

The physician has maintained that he is actually on-site at the HPSA site in Haleyville to a greater degree and available to see patients in Haleyville at any time.

Based on the noted circumstances, such as physician assurances to comply with program requirements, including additional time at Haleyville, we are not pursuing this case further at this time. However, we are recommending program staff followup to ensure compliance with requirements and consideration of identification and approval of alternate eligible work sites in the Haleyville area.

A separate point not included in the report is that the J-1 is an independent practitioner. This is the first such case I have seen, and I do not have an opinion about such a practice in relation to program operation. Since the physician does not have a guaranteed income level, there may be a tendency to maximize patient services at locations with the largest workload. However, our experience has been that health care provider employers utilizing J-1 physicians also can use the physicians at nonapproved locations in order to maximize income.


Hubert N. Sparks
Inspector General

Attachment



September 9, 1997

Haytham Albizem, M.D.
1504 Underwood Road
Russellville, AL 35653

Dear Dr. Albizem:

Thank you for the information provided with respect to your workload and performance. Based on discussions and a review of information, my office is not pursuing this matter further at this time. However, several comments are provided for your consideration.

The work schedules reflect substantially more patients at the Russellville location than at Haleyville. Also, the schedules are generally consistent with input received from staff during my visit on August 4, 1997, to the effect that most Haleyville patient scheduling is on Tuesdays and Thursdays.

As we discussed, my office's primary responsibility is to verify compliance with provisions of the J-1 Visa Waiver program that specify 40 hours of primary care at a Health Professional Shortage Area (HPSA). In this regard, we are providing information to state and ARC officials and are recommending followup by program officials at the Alabama State Agency and ARC to verify ongoing compliance; and similar followup by my office is an option.

Based on our discussions and the information you provided, it appears that the workload at Haleyville may not be sufficient to permit efficient implementation of program requirements. Therefore, you may wish to contact state and ARC officials about alternative eligible work sites where services could be provided on some days to offset limited patient workloads at Haleyville. We have made a similar comment to state and ARC program officials.

Of particular importance is the need to notify state and/or ARC officials about problems related to fulfillment of the J-1 Visa Waiver program requirements. Also, considering the existence of a practice location in Russellville, a non-HPSA, and your independent practice, as opposed to employment by a healthcare provider, the need to reach full understanding with program officials about eligible patient treatment and locations is increased.

Thus, I strongly recommend you contact program staff if the work schedule noted cannot be consistently implemented. It has been my experience that timely notification about implementation problems affords an opportunity to resolve the conditions to everyone's benefit.

Feel free to give me a call if you have any questions.

Sincerely,

Handwritten signature of Hubert N. Sparks
Hubert N. Sparks
Inspector General