



AUGUST 25, 1999

REPORT 99-38(H)

MEMORANDUM FOR The Federal Co-Chairman
 ARC Executive Director
 ARC General Counsel

SUBJECT: Memorandum Survey Report—Review of Selected Health
 Providers and J-1 Visa Waiver Physicians in New York State

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 requires the physicians 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 the 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.

SCOPE:

We performed unannounced visits to six locations in New York State on August 17 and 18, 1999, in order to determine if the six doctors approved for the J-1 Visa Waiver were practicing at their designated locations and if they were dedicating 40 hours per week to primary care

activities. We also visited one provider administrative office to followup on issues raised in our prior report, 99-3(H), October 15, 1998. Our results and recommendations are based on visits to the locations and contacts with physicians, staff or employers, including followup telephone contacts where necessary.

RESULTS:

The survey disclosed that actions had been initiated or were in progress to address issues raised in our prior report with respect to physicians employed by one sponsor. Four of the seven J-1 physicians noted in our prior report had recently completed their waiver periods and had left the sponsors' employ. This facilitated using the remaining three J-1 physicians in a manner that would ensure compliance with program regulations, including the reassignment of two physicians that we had identified previously as not being in full compliance.

Discussions with sponsor officials noted that one of the physicians had been reassigned from service at a nursing home to primary care responsibilities at medical clinics and that a second physician was being reassigned effective September 1, 1999, to provide full-time service within the Appalachian Region. The officials also agreed to provide updated schedule information with respect to the status of the on-board J-1 physicians and pertinent information, e.g., length of service, about the J-1 physicians whose waiver periods had expired.

We also visited six additional locations identified as having a J-1 physician and contacted either the physician or staff in order to verify if ARC program requirements were being met. These visits identified one instance where a physician's practice was primarily at a location different from the approved location and one instance where additional information was necessary to ensure that a physician's time spent on patient followup in non-HPSA areas did not detract from service at the approved location. Also, in two additional cases, physicians were notified of the need to submit updated employment verification forms to ARC.


A visit to Andes, New York, which was identified as the intended full-time location of a J-1 physician, disclosed that the practice in Andes was one-half day per week and the remainder of the practice was conducted in Margaretville, Delaware County, New York (about 11 miles distant). The physician had started in mid-July 1999 and explained that the workload in Andes was insufficient. He believed his employer was working to resolve this situation by arranging for a transfer to Margaretville, while the potential workload in Andes was evaluated. He indicated an interest in complying with program requirements. The physician and employer were provided information pertaining to transfers, and the physician's legal representative contacted our office to reiterate the physician's interest in complying with program requirements.

In the second instance, the receptionist in a Sharon Springs, New York office, noted that the J-1 physician was at this location in the morning and at locations in Amsterdam and Ft Plain, New York, in the afternoon. The physician was not available in Sharon Springs at the time of our 2:00 pm visit; and we were informed he was in Amsterdam. The physician, a Pediatrician, and his employer telephoned the OIG office to explain the physician's schedule and activities. Although some conflicting information was noted regarding the hours at Sharon Springs, both physicians said that on-site service is provided at Sharon Springs about 30 hours during the

week; appointments are accepted on weekends; and the J-1 physician is on-call at Sharon Springs 24 hours per day, 7 days per week. They both said that visits to other locations were directly related to followup care for young patients and that there are no pre-scheduled hours of service at the Amsterdam and Ft Plain locations. Updated information detailing the J-1 physician's schedule and activities was requested.

Our visits to the other four locations determined that the J-1 physicians were complying with program regulations although, in two instances, verification of employment forms were not available at ARC. In one of these cases, the physician performed some service at a location just outside the HPSA; but it appeared his on-site practice at the approved location was sufficient to meet program requirements.

Recommendations: ARC should initiate actions to ensure that the practices of the noted physicians are in compliance with program requirements. In one instance, the eligibility for transfer should be addressed; and in the second instance, New York State program officials should be requested to verify program compliance by the physician having substantial patient followup in non-HPSA areas.


Hubert N. Sparks
Inspector General



August 25, 1999


MEMORANDUM FOR Mr. Charles Howard, ARC General Counsel
Ms. Deann Greathouse

SUBJECT: Followup Visit to New York State

The attached report deals with the following J-1 physicians:

Provider	Physician	Status
FHN	J. Ahmad	Completed waiver period
FHN	S. Kmiecik	Completed waiver period
FHN	L. Laredo	Completed waiver period
FHN	B. Syam	Completed waiver period
FHN	M. Fejka	Still at The Cortland Hospital Clinic
FHN	M. Sharma	Now serves Marathon, NY and The Cortland Hospital Clinic
FHN	Y. Khan	Effective 9/1/99, will serve Groton, NY and The Cortland Hospital Clinic
Bassett Healthcare	G. Landry	Currently full-time at Sharon Springs
G. Rao	V. Adi	Serves Sharon Springs but considerable patient followup in non-HPSA locations
Madison Medical	J. Malakar	New office just opened in Cortland
Health Services Associates	V. Sharma	At a clinic in Cortland
B. Samudrala	S. Ravi	Practicing primarily at Margaretville rather than Andes, NY
Gelder Medical Group	M. Malachovsky	Primarily practices at Gilbertville; some at Sydney, NY; but should not restrict compliance.

As noted in the report, followup action is appropriate for Drs. Ravi and Adi; and we have notified these physicians of the need to provide updated information to ARC (letters attached).


Hubert N. Sparks
Inspector General

Enclosure



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A New Vision*

Office of the Inspector General

August 25, 1999

Gerald Landry, M.D.
Bassett Healthcare
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Sharon Springs, NY 13459

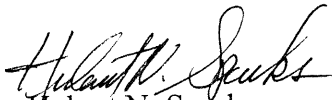
Dear Dr. Landry:

I am sorry I missed you during my brief stop by on August 17, 1999; but the office activity was such I did not believe it was necessary to interrupt your work.

ARC records do not contain the Verification Form; and thus, I would appreciate it if the attached blank form could be completed and returned to my office. For record purposes, please indicate the current work schedule and when service to Blenheim was discontinued.

Good luck with your practice.

Sincerely,


Hubert N. Sparks
Inspector General

Enclosure