



SEPTEMBER 30, 1999

REPORT 99-39(H)

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

SUBJECT:                      Memorandum Survey Report—Review of Selected Health Care  
                                 Providers and J-1 Visa Waiver Physicians in Alabama

### BACKGROUND

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 compliance with ARC J-1 Visa Waiver program requirements and to followup on our previous field survey with respect to several providers and physicians.

### SCOPE

On September 20 and 21, 1999, unannounced visits were made to 11 locations in eastern Alabama for the purpose of verifying information with respect to physicians with J-1 Visa Waivers. This included followup on three cases identified as questionable in our prior review and one case of noncompliance reported subsequent to our prior review.

## RESULTS

### **Followup Visits**

Our followup visits disclosed that, in two of three instances, the J-1 physicians were, or intended, to comply with program regulations. In one instance, the physician had started employment at a newly constructed office on May 1, 1999. In a second case, the physician was on-site supervising the final furnishing of his office that was scheduled to open within a couple of days. In this case, there had been substantial delay in the employer establishing an office, including an aborted attempt to start a practice at a nearby location around April 1999. These two physicians were provided the ARC J-1 Visa Waiver Policy and a Sample Notice to post in the office identifying the charge policy.

A third followup visit made to clarify conflicting information, with respect to the schedule of a J-1 physician, essentially confirmed the information received during our April 1999 visit and disputed information provided by the employer in July 1999 in response to a state agency request. Our April 1999 visit concluded that, based on a visit to one of the physician's noted locations, service was being provided at several locations, one of which was in a non-HPSA. The physician was at another location at the time of our visit, and a followup inquiry by the state agency elicited the response from the employer that the physician spent 4½ days at the location for which he was approved and ½ day at another location.

Our visit on September 20, 1999, to the physician's reported primary location disclosed that, based on staff input, the physician's schedule included two half-days at the primary location, with his remaining time spent at two other locations. Also, the physician performed catheterizations in line with his cardiology subspecialty at hospitals in a third location.

During a visit to one of the alternate locations, staff also confirmed the information provided by the receptionist at the initial visit site. While at this location, we also met with the physician's employer who had submitted information to the state agency, in July 1999, to the effect that the physician spent 4½ days per week at the approved location. Explanations were not sufficient to resolve the differences in information about the J-1 physician's work schedule.

Another issue impacting program compliance in this case pertains to the performance of catheterizations at two hospitals in line with a cardiology subspecialty. We were informed that these procedures were performed outside of the 40-hour workweek.

Since the J-1 physician was reported as out of state during the week of September 20, we are following up to obtain direct information from the physician about his current and past work schedule and extent of cardiology procedures performed during the waiver period. This information is necessary to determine the extent of eligible service to date.

### **Followup in Response to Reported Noncompliance**

A J-1 physician was reported to have abandoned his practice about May 1999 and relocated outside the Appalachian Region without reporting his action to ARC or the state agency.

Followup action had previously identified the physician's new location and employer, and coordination is ongoing with the Immigration and Naturalization Service (INS) to determine the

status of the physician and ARC options with respect to physician compliance with program requirements.

Our field visit essentially confirmed that the physician had been employed for a short period at his approved location and that the office was closed by his employer (his wife) apparently based on low-patient workload, resulting in the J-1 physician seeking an additional waiver from INS and relocating outside of the Appalachian Region.

Followup will continue with respect to this situation; and coordination with INS will include recommendations for INS program controls that will better ensure persons cannot obtain additional waivers, which conflict with previously approved waivers, without approval of the interested Government agency that recommended the initial waiver.

### **New Visits**

Unannounced visits to 6 locations disclosed that the six J-1 physicians were complying with program requirements. Contacts with staff and/or physicians on-site and followup contacts with physicians, where necessary, disclosed that the physicians were at the assigned location and performing primary care. In one case, the J-1 physician noted that services were being volunteered while awaiting the required work authorization.

However, in four cases, we were unable to verify that a notice, identifying service charges and specifying no individuals would be rejected due to inability to pay or because of participation in Medicare or Medicaid programs, had been posted. We provided the physicians with the ARC J-1 Visa Waiver Policy and a sample notice and emphasized the need for the policy to be fully implemented by the facility. In two instances, contacts were also made with employers in order to emphasize this requirement. In two cases, physicians were reminded to submit the Verification Form identifying their start date and place of employment.

A visit was made to a seventh location where two J-1 physicians were employed. The office was at the noted location, and daily hours were posted. However, the office was closed; and the physicians were on vacation the week of September 20. Followup by the state agency to confirm compliance will be recommended.

### RECOMMENDATIONS

ARC should evaluate the eligibility of the service provided by one physician and consider the extension of the waiver period for time that does not meet program requirements. Also, for a second physician, ARC should ensure placement in a HPSA to fulfill the 3-year service agreement if the physician is deemed eligible for such service by INS.

  
Hubert N. Sparks  
Inspector General



September 30, 1999

MEMORANDUM FOR The Federal Co-Chairman ARC General Counsel

SUBJECT: J-1 Visits to Alabama, September 20-21, 1999

The following listing summarizes the Alabama contacts made in connection with J-1 visits noted in OIG Report 99-39(H).

Followup Visits

- H. Sinha Office opened 5/1/99. 1/
M. Siddique Office to open around 9/30/99. 1/
C. Emanuel Conflicting schedule information. Potential for some ineligible service.
G. Anireddy Physician relocated outside Appalachian Region without notifying ARC or state.

First-time Visits

- B. Kopyta 1/
J. Jain 1/
A. Oshinowo
R. Gulati 1/
M. Fazil 1/
R. Cieskowski 1/ 2/
R. Go 2/

Notes:

- 1/ Notice identifying service charges needed in waiting area.
2/ Verification of Employment form needed.

Handwritten signature of Hubert N. Sparks, Inspector General