



January 31, 2008

Memorandum for: The Federal Co-Chair
 ARC Executive Director

Subject: OIG Report 08-05
 Review of Selected Health Providers
 And J-1 Visa Waiver Physicians
 In Mississippi

Attached is the report dealing with the review of compliance with the ARC J-1 Visa Waiver program requirements by providers and J-1 physicians.

The report contains two recommendations which are considered closed based on ARC's actions based on the draft report. The report is now closed.

The attached report includes two appendices' that include the names of the physicians and sponsors. As this information may be considered privacy act information, please do not release this report without clearance from the General Counsel.

A handwritten signature in black ink, appearing to read 'Cliff H. Jennings', with a stylized flourish at the end.

Clifford H. Jennings
Inspector General

Attachment

cc: General Counsel

**MEMORANDUM REPORT ON REVIEW OF
APPALACHIAN REGIONAL COMMISSION
J-1 VISA WAIVER PROGRAM**

**REVIEW OF SELECTED HEALTH PROVIDERS
AND J-1 VISA WAIVER PHYSICIANS IN MISSISSIPPI**

Period of Random Site Visits: December 3, 2007 through December 6, 2007

CAUTION: *Certain information contained herein is subject to disclosure restrictions under the Freedom of Information Act, 5 U.S.C. 522 (b) (4). Distribution of this report should be limited to Appalachian Regional Commission and other pertinent parties.*

Report Number: 08-05

Date: January 28, 2008

**MEMORANDUM REPORT ON REVIEW OF
APPALACHIAN REGIONAL COMMISSION
J-1 VISA WAIVER PROGRAM**

**REVIEW OF SELECTED HEALTH PROVIDERS
AND J-1 VISA WAIVER PHYSICIANS IN MISSISSIPPI**

Period of Random Site Visits: December 3, 2007 through December 6, 2007

Prepared By:

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TO: Appalachian Regional Commission (ARC)
Office of Inspector General (OIG)

FROM: Tichenor & Associates, LLP
Louisville, Kentucky

REPORT FOR: The Federal Co-Chairman
ARC Executive Director
OIG Report Number: 08-05

SUBJECT: Memorandum Review Report on Appalachian Regional
Commission (ARC) J-1 Visa Waiver Program – Review of
Selected Health Providers and J-1 Visa Waiver Physicians in
Mississippi.

PURPOSE: The purpose of our review was to determine the compliance with ARC J-1 Visa Waiver program requirements and that J-1 physicians perform primary care services in an Appalachian Health Profession Shortage Area (HPSA) for 40 hours per week.

BACKGROUND: This review was undertaken as part of a review 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 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 HPSA in the Appalachian Region. The ARC program requires the physician to serve at least 3 years (unless the 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 preliminary 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.

SCOPE: We performed a review of the program as described in the Purpose above. Our review was based on the terms of the ARC Federal Co-Chair's J-1 Visa Waiver Policy and on the application of certain agreed-upon procedures previously discussed with the ARC OIG. Specifically, we determined if the physicians were providing medical care in accordance with the approved practices. Our results and recommendations are based upon those procedures. These review procedures were performed in accordance with applicable Government Auditing Standards.

RESULTS: During the period December 3, 2007 through December 6, 2007, unannounced visits to eight physicians located in Mississippi were performed. The purpose of the visits was to verify the practices and locations of the physicians with J-1 Visa Waivers. The results of the visits were as follows:

1. Lack of Notice Posted in Patient Waiting Area of Availability of Service to Medicare, Medicaid, and Medically Indigent Patients

The ARC Federal Co-Chair's J-1 Visa Waiver Policy states that the facility or practice sponsoring the physician must agree to provide health services to individuals without discriminating against them because (a) they are unable to pay for those services or (b) payment for those health services will be made under Medicare or Medicaid; and, a notice must be posted in a conspicuous location in the patient waiting area at the practice site notifying patients of the charges for services as required in this policy.

Of the eight locations we visited where the J-1 physician is currently providing services, seven of the locations had no notice of the availability of service to Medicare, Medicaid, and medically indigent patients. Additionally, three of those locations had no sliding fee scale for medically indigent patients. (See Appendix B – Summary of Findings)

Recommendation:

We recommend that ARC, in conjunction with Mississippi state officials, ensure that the above employers properly post notices of the availability of treatment to Medicare, Medicaid and medically indigent patients in a conspicuous location in the patient waiting area in compliance with the ARC Federal Co-Chair's J-1 Visa Waiver Policy and that the three locations be required to implement a sliding fee scale for medically indigent patients.

ARC's Response:

In response to our recommendation ARC contacted state officials in Mississippi. As a result, the State has issued a letter to all J-1 Visa Waiver sponsors in Mississippi to ensure that they properly post notices that the facility or practice sponsoring the physician must agree to provide health services to individuals without discriminating against them because (a) they are unable to pay for those services or (b) payment for those health

services will be made under Medicare and Medicaid. (See Appendix C – ARC’s Response)

Auditor’s Comment:

ARC in conjunction with Mississippi state officials, has taken steps to ensure that all J-1 Visa Waiver sponsors in Mississippi properly post notices of the availability of treatment to Medicare, Medicaid, and medically indigent patients in a conspicuous location in the patient waiting area in compliance with the ARC Federal Co-Chair’s J-1 Visa Waiver Policy. As a result, this recommendation is considered closed.

2. Physician not Providing Approximately 40 Hours of Primary Care Per Week

The ARC Federal Co-Chair’s J-1 Visa Waiver Policy states that the physician must agree to provide primary medical care for at least forty hours per week in a designated HPSA in the Appalachian Region.

At one of the locations we visited, the physician claimed to work at the health clinic for 8 hours per day, five days a week. This would include the time for the physician’s lunch break. Also, the physician sees only 8-10 patients per day.

The number of hours claimed for time spent at the health clinic seems excessive compared to the number of patients that are being seen each day. (See Appendix B – Summary of Findings)

Recommendation:

We recommend that ARC, in conjunction with Mississippi state officials, review the current status of the physician and determine if the physician is in compliance with the ARC Federal Co-Chair’s J-1 Visa Waiver Policy.

ARC’s Response:

In conjunction with Mississippi state officials, ARC has reviewed the physician’s current work schedule and determined that the physician is in compliance with ARC policy. (See Appendix C – ARC’s Response)

Auditor’s Comment:

ARC has determined that the physician is in compliance with the ARC Federal Co-Chair’s J-1 Visa Waiver Policy. As a result, this recommendation is considered closed.

CONCLUSION: All of the eight physicians we contacted were satisfied with the program and practices and they generally expressed interest in staying in the area upon completion of their waiver period. (See Appendix A – J-1 Physician Visits in Mississippi)

Tichenor & Associates, LLP

Tichenor & Associates, LLP

Louisville, Kentucky

December 6, 2007

w/o

appendices'

A: B


APPENDIX C
ARC'S RESPONSE




MEMORANDUM

DATE: January 15, 2008

TO: Jack Somerville, CPA, Tichenor & Associates, LLP
Cliff Jennings, IG, Office of the Inspector General

THROUGH: Charles S. Howard, General Counsel 

FROM: Deann Reed Fairfax, J-1 Program Specialist, Office of General Counsel 

CC: Alvin Harrion, Division Director, Mississippi State Department of Health

SUBJECT: Review of Selected Employers and J-1 Visa Waiver Physicians in Mississippi

In response to the recommendations in the *Review of Selected Health Providers and J-1 Visa Waiver Physicians in Mississippi*, we contacted state officials in Mississippi. As a result, the State has issued a letter to all J-1 Visa Waiver sponsors in Mississippi to ensure that they properly post notices that the facility or practice sponsoring the physician must agree to provide health services to individuals without discriminating against them because (a) they are unable to pay for those services or (b) payment for those health services will be made under Medicare and Medicaid.

In conjunction with Mississippi state officials we have reviewed the current work schedule for Dr. Akpobome Patricia Wodi and have determined that she is in compliance with ARC policy.

We appreciate your review and accept your recommendations. If you have any questions, please do not hesitate to contact me at 202-884-7786 or dfairfax@arc.gov.