

INDENTURED DOCTORS:

State frustrated by feds' sluggish probe into foreign-physician program

Investigation into abuse of program nears second year; frustrated state officials seek answers

By [Marshall Allen](#)

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Antsy state officials are growing frustrated with immigration authorities for their sluggish investigation into whether prominent Las Vegas physicians have abused a program that recruits foreign doctors to serve in medically needy communities.

The Homeland Security Department probe into violations of the so-called J-1 visa waiver program is approaching its second year, prompting uncharacteristically aggressive letters from health officials who are trying to maintain integrity within the program.

At issue is whether foreign-born doctors had been properly assigned in the Las Vegas area to serve the needy, or whether six Las Vegas doctors who are their employers had given them other assignments, unbeknown to the government, that would have made more money.

The head of the Nevada Health Division, Richard Whitley, said he was told that federal investigators had evidence of violations and were preparing to take the matter to a grand jury.

The investigation seems focused on the locations where the J-1 doctors were assigned by their bosses, and whether those sites were listed on the employers' applications to hire the foreign doctors, as is required.

Tennessee immigration lawyer Gregory Siskind, an expert on the J-1 program, said the Homeland Security Department appears to be trying to catch the Nevada employers on a technicality, which could be an effective prosecution strategy.

"It's like going after Al Capone for tax violations," Siskind said. "They're going after the low-hanging fruit, the easier-to-prove violations."

In letters sent last week to U.S. Immigration and Customs Enforcement and the U.S. attorney's office, Whitley complained that the ongoing problems still haven't been addressed.

"I think the state is protecting the integrity of the program," California immigration attorney Rita Sostrin said of Whitley's letters. "They want to make sure these doctors are treating the patients in the underserved areas who need these services."

The government probe was triggered by a 2007 Las Vegas Sun investigation that showed employers systematically abusing the J-1 program, and federal and state agencies chronically failing to provide proper oversight.

The months-long Sun investigation found that local doctors had been hiring the foreign doctors ostensibly for the underserved areas — where federal law requires they work at least 40 hours a week for at least three years — and then reassigning them to long hours in Las Vegas hospitals in nonunderserved areas, where they could bill higher charges on behalf of their employers.

The foreign doctors were reluctant to complain because their bosses sponsor their visas and could fire them, leading to their deportation.

The J-1 program was created by Congress, and although it's overseen by states, the federal government is supposed to enforce its guidelines. In response to the Sun's findings, Senate Majority Leader Harry Reid and Sen. Kent Conrad, D-North Dakota, called for a Homeland Security Department investigation.

For its part, the state Health Division improved its oversight of the program, conducting site visits to monitor compliance and filing complaints with the appropriate agencies when violations are discovered.

The state has identified the six Las Vegas doctors, including two prominent physicians, who are under federal investigation for alleged violations.

- Dr. Rachakonda D. Prabhu, a pulmonologist who built his practice with the labor of dozens of doctors involved in the J-1 program. Prabhu, who in November attended President Barack Obama's first state dinner at the White House, denies there is any investigation and would not comment for this story.
- Dr. Sherif Abdou, one of the founders of Summit Medical Group and the current president and CEO of Healthcare Partners of Nevada. Abdou told the Sun in October 2007 that it's possible he broke federal law because he never intended for the foreign doctors he hired to work in the underserved clinics. Abdou did not return calls for this story.
- Dr. Abdul Siddiqui, an internist who said last week that he was not able to abide by the terms of the J-1 program because it wasn't viable financially.
- Dr. Nutan Parikh, an oncologist who hired four foreign doctors to work in Pahrump, then also assigned them to work extra hours in Las Vegas hospitals. His former employees told the Sun in 2007 that the doctors never worked the required amount of time in the Pahrump clinic. Parikh said last week he tried to ensure the doctors abided by the terms of the program, but it may not have happened all the time.

The two other doctors whose files were subpoenaed by the feds are Dr. David Ezeanolue and Dr. Dhiresh Joshi. Christine Roden, who manages the program for the Health Division, said she discovered during her site inspections that they were not following the guidelines.

Joshi did not return the Sun's call for a comment for this story. Ezeanolue said he had heard of no investigation and that he has since been absolved of any allegations of wrongdoing by amending his visa application to show all the locations where his employee-doctor was working.

Whitley's letter last week to Assistant U.S. Attorney Crane Pomerantz indicated that in March 2008, Peter Lazaro, senior special agent with U.S. Immigration and Customs Enforcement, received files from 28 doctors who had been involved in the program.

According to Whitley's letter, Roden provided Lazaro with evidence from site visits about a year ago that showed seven J-1 doctors were not working in the locations designated by their employers when they sought approval to hire the foreign doctors. Roden also provided information proving doctors were "on call" at several hospitals not in a Health Professional Shortage area, the letter said.

In September, Roden was told a case was being prepared for the grand jury that would target several employers, according to Whitley's letter.

Roden told the Sun that Lazaro and Pomerantz had thick binders on each of the J-1 doctors and told her they had evidence that showed the physicians working in locations that some employers had not listed on their applications for H-1B visas. Roden said they asked her if she would testify before a grand jury.

The state has done everything it can to improve the conditions for J-1 doctors, Whitley wrote, but “we are not making much progress in addressing their concerns — the same issues keep recurring.”

Just recently, Whitley wrote, the state has received still more complaints from J-1 doctors who alleged they were being threatened by employers and being assigned to work in locations not listed on their visa applications.

Lazaro would not comment for this story. Justice Department officials did not return calls for comment.

The Sun has documented abuses by J-1 employers throughout the United States. But Siskind, the immigration lawyer, said the federal government rarely investigates such cases.

“It sounds like they’re dealing with it in Las Vegas now — and in other locations, that’s what they should be doing,” Siskind said.

Roden said the silence on the part of the federal investigators is unsettling.

“We’ve asked them in writing to tell us in writing and say what’s going on,” Roden told the Sun. “This has been two years. Maybe it went to a grand jury and they decided not to go forward. We’d like to know. It seemed pretty serious when they brought me in.”

Roden said it’s “sort of pointless” to write regulations at the state level that refer physicians with complaints about the program to the federal enforcement agencies if they are not going to take action.

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