

STATE OF NEVADA

JIM GIBBONS
Governor

MICHAEL J. WILLDEN
Director



RICHARD WHITLEY, MS
Administrator

TRACEY D. GREEN, MD
State Health Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH DIVISION

4150 Technology Way, Suite 300
Carson City, Nevada 89706

Telephone: (775) 684-4200 · Fax: (775) 684-4211

February 8, 2010

Kim Morigeau
Department of Employment, Training and Rehabilitation
500 E. 3rd St. Section WISS
Carson City, NV 89713

Dear Ms. Morigeau:

This letter outlines the efforts that the Primary Care Office and Health Division have made regarding a complaint that was submitted to us on 1/5/2010, by Samrat Das M.D. Dr. Das is on a H1B work visa, and he alleged in the complaint that he is not being paid prevailing wage by his employer, El Dorado Medical Center, Las Vegas, Nevada.

Mr. Samrat Das began work for Dr. Rachakonda D. Prabhu on December 24, 2007. He received \$130,000 annually in salary his first year of employment and now, at the beginning of his third year, receives \$141,492 annually.

Dr. Das alleges that he should be receiving at least \$155,459 annually, based on the information in the Foreign Labor Certification Data Center.

On 1/5/2010, Ms. Christine Roden, Primary Care Office Manager, contacted Ron Hilke, Nevada's contact person regarding prevailing wage and foreign certification. This was at the direction of your office, after Ms. Roden was referred to your office by the Department of Labor help desk. Mr. Hilke indicated that he would initiate an investigation into Dr. Das' allegation at that time; he indicated that Dr. Das' wages should have been changed to reflect prevailing wage. On 1/8/2010, Ms. Roden faxed a copy of Dr. Das' last paycheck and a copy of his Curriculum Vitae.

On 1/26/2010, Ms. Roden called Mr. Ron Hilke and Mr. Hilke indicated that he had not yet initiated an investigation into Dr. Das' complaint but that he would do it on that day.

On 2/5/2010, Mr. Hilke was contacted by Ms. Roden and he indicated that he thought he had sent the package on to his Department of Labor contact, but he did not know the contact's phone number for follow-up. At this time, Ms. Roden called the Department of Employment Training and Rehabilitation agency and explained that the complaint investigation had not been initiated.

Background:

On September 10, 2009, Christine Roden met with Peter Lazaro, Senior Special Agent, U.S. Immigration and Customs Enforcement and Crane Pomerantz, United States Attorney Office regarding their on-going investigation into H1B visa violations of certain employers in the Las Vegas area. This included an investigation regarding prevailing wage violations. In addition, Mr. Pomerantz indicated that he felt that Nevada might be short changing American physicians by allowing foreign physicians to work in areas that the Department of Labor had not approved through the labor certification process.

We appreciate your willingness to refer this issue on to the appropriate individual(s) or unit in the Department of Labor. We look forward to your response.

Sincerely,



Richard Whitley, Administrator
Nevada Health Division

Christine Roden
4150 Technology Way
Carson City, NV 89706
croden@health.nv.gov

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Crane Pomerantz, Attorney
United States Attorney Office
333 S. Las Vegas Blvd. Suite 5000
Las Vegas, Nevada 89101

Dear Mr. Pomerantz:

This letter outlines the efforts that the Primary Care Office and Health Division have made in the last two years in our attempt to improve the working conditions of forty-three J-1 Visa Waiver physicians working in Nevada.

Several years ago, the Las Vegas Sun investigated the working conditions of the J-1 physicians and found many of them working in areas that were not approved by Immigration, some were working 100 hours a week, and some were not receiving prevailing wage.

In March, 2008, Peter Lazaro, Senior Special Agent, U.S. Immigration and Customs Enforcement requested and received approximately twenty-eight files from the Health Division, regarding physicians that worked for Dr. Rachakonda D. Prabhu over the previous seven years. Since that time, eight additional physician files have been sent to Mr. Lazaro regarding sponsor sites owned by Dr. Dhiresch Joshi and Dr. Doulué Ezeanolue.

Between March, 2008 and August, 2009, Mr. Lazaro communicated with Lynn O'Mara, Health Division and indicated that the Federal Attorney General's Office and Department of Labor were engaged in an on-going investigation into the abuses of J-1 Visa Waiver physicians in Nevada.

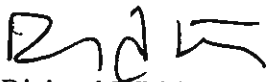
In the spring of 2009, Ms. Christine Roden, Health Division, provided Mr. Lazaro the results of site inspections, conducted by the Primary Care Office/Health Division. The site inspections revealed that seven physicians were not working in the worksite designated on their H1B petition. Ms. Roden provided redacted appointment listings as evidence of the non-compliance to Mr. Lazaro, at his request. In addition, Mr. Lazaro was provided information regarding pediatricians at El Dorado Medical Center that were "on-call" at several different hospitals; the hospitals were not in Health Professional Shortage Areas or underserved areas.

On September 10, 2009, Christine Roden met with you and Mr. Lazaro to discuss the J-1 program and procedures. It is my understanding, from what she told me, that you were preparing to take the case to the Grand Jury. Ms. Roden indicated that Mr. Lazaro had evidence of H1B violations in several of the sponsor sites in Las Vegas, including El Dorado Medical Center, owned by Dr. Prabhu. She indicated that you felt that Nevada might be short changing American physicians by allowing foreign physicians to work in areas that the Department of Labor had not approved through the labor certification process.

The Primary Care Office/Health Division has done all that we can do to improve the working conditions of these physicians. We want to retain these physicians in the underserved areas because they provide a valuable service that American physicians do not provide. However, we are not making much progress in addressing their concerns - the same issues keep reoccurring. In the last several months, we have received complaints from physicians who felt threatened by their employers, physicians that were not receiving prevailing wage, and physicians being told by employers to work in areas that are not listed on their H1B petition. All this information has been provided to Mr. Lazaro. Ms. Roden indicated that she has sent four emails and left three phone messages with Mr. Lazaro since September, 2009, asking for assistance, but has not received a response from him.

The Health Division does not know the status of your investigation, or what the Department of Labor intends to do about foreign physicians working in jobs that could be filled by American physicians. I am asking that you provide a written update regarding this situation, address it to either Christine Roden (address below) or to me, as soon as possible, so that the Health Division can develop a strategy for addressing the on-going issues in this program.

Sincerely,



Richard Whitley, Administrator
Nevada Health Division

Christine Roden
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Carson City, NV 89706
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February 8, 2010

Peter Lazaro, Senior Special Agent
U.S. Immigration & Customs Enforcement
Office of Investigations
600 Las Vegas Boulevard South, Suite #660
Las Vegas, Nevada 89101

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Sincerely,



Richard Whitley, Administrator
Nevada Health Division

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