

The Big Story

VA apologizes to whistleblowers facing retaliation

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James Tuchschtmidt, a top official at the Veterans Health Administration, the VA's health care arm, makes an opening statement while testifying before a House Veterans' Affairs Committee hearing on Capitol Hill in Washington, Tuesday, July 8, 2014. Tuchschtmidt said he was sorry that VA employees have suffered retaliation after making whistleblower complaints. (AP Photo/Cliff Owen)

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WASHINGTON (AP) — A top official at the Veterans Affairs Department says he is sorry that VA employees have suffered retaliation after making complaints about poor patient care, long wait times and other problems.

James Tuchschtmidt, the No. 2 official at the Veterans Health Administration, the VA's health care arm, apologized on behalf of the department at a congressional hearing Tuesday night.

"I apologize to everyone whose voice has been stifled," Tuchschtmidt said after listening to four VA employees testify for nearly three hours about VA actions to limit criticism and strike back against whistleblowers. "That's not what I stand for. I'm very disillusioned and sickened by all of this."

A federal investigative agency said Tuesday it was examining 67 claims of retaliation by VA supervisors against employees who filed whistleblower complaints — including 25 complaints filed since June 1, after a growing health care scandal involving long patient waits and falsified records at VA hospitals and clinics became public.

The independent Office of Special Counsel said 30 of the complaints about retaliation have passed the initial review stage and were being investigated further for corrective action and possible discipline against VA supervisors and other executives. The complaints were filed in 28 states at 45 separate facilities, Special Counsel Carolyn Lerner said.

Instead of using information provided by whistleblowers as an early warning system, the VA often "has ignored or attempted to minimize problems, allowing serious issues to fester and grow," Lerner told the House Veterans' Affairs Committee hearing. Worse, officials have retaliated against whistleblowers instead of investigating their complaints, she said.

Lerner said her office has been able to block disciplinary actions against several VA employees who reported wrongdoing, including one who reported a possible crime at a VA facility in New York.

The counsel's office also reversed a suspension for a VA employee in Hawaii who reported seeing an elderly patient being improperly restrained in a wheelchair. The whistleblower was granted full back pay and an unspecified monetary award, and the official who retaliated against the worker was suspended, Lerner said.

The VA said earlier Tuesday it was restructuring its Office of Medical Inspector following a scathing report by Lerner's agency last month.

Acting VA Secretary Sloan Gibson said the department would appoint an interim director of the medical inspector's office from outside the current office and was suspending the office's hotline immediately. All complaints would be referred to the VA's Office of Inspector General.

The head of the medical inspector's office retired June 30 following a report by the Office of Special Counsel saying that his office played down whistleblower complaints pointing to "a troubling pattern of deficient patient care" at VA facilities.

"Intimidation or retaliation — not just against whistleblowers, but against any employee who raises a hand to identify a problem, make a suggestion or report what may be a violation in law, policy or our core values — is absolutely unacceptable," Gibson said in a statement. "I will not tolerate it in our organization."

A doctor at the Phoenix veterans hospital, where dozens of veterans died while on waiting lists for appointments, said she was harassed and humiliated after complaining about problems at the hospital.

Dr. Katherine Mitchell said the hospital's emergency room was severely understaffed and could not keep up with "the dangerous flood of patients" there. Mitchell, a former co-director of the Phoenix VA hospital's ER, told the House committee that strokes, heart attacks, internal head bleeding and other serious medical problems were missed by staffers "overwhelmed by the glut of patients."

Her complaints about staffing problems were ignored, Mitchell said, and she was transferred, suspended and reprimanded.

Mitchell, a 16-year veteran at the Phoenix VA, now directs a program for Iraq and Afghanistan veterans at the hospital. She said problems she pointed out to supervisors put patients' lives at risk.

"It is a bitter irony that our VA cannot guarantee high-quality health care in the middle of cosmopolitan Phoenix" to

veterans who survived wars in Iraq, Afghanistan, Vietnam and Korea, she said.

Scott Davis, a program specialist at the VA's Health Eligibility Center in Atlanta, said he was placed on involuntary leave after reporting that officials were "wasting millions of dollars" on a direct mail marketing campaign to promote the health care overhaul signed by President Barack Obama. Davis also reported the possible purging and deletion of at least 10,000 veterans' health records at the Atlanta center. More records and documents could be deleted or manipulated to mask a major backlog and mismanagement, Davis said. Those records would be hard to identify because of computer-system integrity issues, he said.

Rep. Jeff Miller, R-Fla., chairman of the House veterans panel, praised Mitchell and other whistleblowers for coming forward, despite threats of retaliation that included involuntary transfers and suspensions.

"Unlike their supervisors, these whistleblowers have put the interests of veterans before their own," Miller said. "They understand that metrics and measurements mean nothing without personal responsibility."

Rather than push whistleblowers out, "it is time that VA embraces their integrity and recommits itself to accomplishing the promise of providing high-quality health care to veterans," Miller said.

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