



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

March 30, 2006

The President
The White House
Washington, DC 20500

Re: OSC File No. DI-05-1145

Dear Mr. President:

I received disclosures from a whistleblower at the Department of Health and Human Services, Indian Health Service, Acoma-Canoncito-Laguna (ACL) Service Unit, Albuquerque, New Mexico. The whistleblower, Dr. Mark Zimmerman, former Medical Officer, alleged that, from July 2004 until October 2004, Dr. Stephen Ryter, then-Clinical Director, routinely denied all requests for contract medical services. The ACL Service Unit relies upon contracts with other hospitals as a means of providing advanced medical services to its patients. Dr. Zimmerman alleged that Dr. Ryter's practice of denying all requests for contract services created a substantial and specific danger to the health of the hospital's patients because patients were not receiving proper medical care. As discussed in the attached Analysis of Disclosures, an agency investigation did not substantiate the whistleblower's allegations.

I required the Honorable Michael Leavitt, Secretary of Health and Human Services, to conduct an investigation into the whistleblower's disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary submitted a report to this office on November 7, 2005. Dr. Zimmerman provided comments on the agency report to this office pursuant to 5 U.S.C. § 1213(e)(1). As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report to you.

We have reviewed the agency report and have determined that it contains all of the information required by statute and most of the agency's findings appear to be reasonable. As required by § 1213(e)(3), I have sent a copy of the report and the whistleblower's comments to the Chairmen of the Senate Committee on Indian Affairs and the House Committee on Resources. We have also filed a copy of the report and the whistleblower's comments in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott J. Bloch".

Scott J. Bloch

Enclosures