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OSC Obtains Stay for VA Doctor Fired after Disclosing Mistakes Made by Inexperienced Anesthesiologists at LA Medical Center

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./December 4, 2018 – The U.S. Office of Special Counsel (OSC) today announced it has obtained a 45-day stay of a personnel action by the Department of Veteran Affairs (VA) to separate Dr. Robert Cameron, a thoracic surgeon turned whistleblower, from employment at a VA medical center in Los Angeles. In granting the stay request, the Merit Systems Protection Board (MSPB) agreed with OSC's determination that the VA may have violated the law when it took personnel actions that could reasonably be viewed as retaliatory for Dr. Cameron's protected whistleblower disclosures.

"Given Dr. Cameron's terrific track record, the VA's decision to separate him from employment raises concerns," said **Special Counsel Henry J. Kerner**. "Before his termination, Dr. Cameron faced resentment by some of his colleagues for blowing the whistle on what he saw as risky staffing decisions for patients undergoing thoracic surgeries. OSC will thoroughly investigate and, if necessary, seek corrective action if we find Dr. Cameron was retaliated against for speaking up when he saw patients' health being put in jeopardy."

On June 22, 2018, the Greater Los Angeles Healthcare System (GLA) issued its decision to separate Dr. Cameron, effective July 7, 2018. Dr. Cameron involuntarily retired one day shy of his separation date, an alternate option suggested by his supervisor, who had proposed Dr. Cameron's separation. These events came on the heels of Dr. Cameron's protected whistleblowing about GLA's risky practice of staffing inexperienced general anesthesiologists on thoracic surgeries. Dr. Cameron also disclosed near-deaths that occurred during two separate thoracic surgeries that were staffed at random with whichever anesthesiologists happened to be available. He reasonably believed that those near-fatal complications would not have occurred if anesthesiologists who specialized in thoracic surgery had been present.

In its stay request, OSC cited evidence showing Dr. Cameron's disclosures generated profound resentment among GLA anesthesiologists and managers, which may have led to GLA's decision to end Dr. Cameron's employment. At the time of his disclosures, Dr. Cameron had served for 20 years as a permanent part-time physician with GLA, where he regularly received outstanding performance ratings. In issuing Dr. Cameron's separation, GLA asserted without credible grounds that Dr. Cameron's services were no longer required, only to change its purported reasons when OSC conducted its preliminary investigation.

In addition to the 45-day stay, MSPB also granted a formal order returning Dr. Cameron to his position to alleviate any economic and personal hardships while OSC continues its investigation.

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.