

U.S. Office of Special Counsel

**OSC File No. DI-14-3321**

Comments as to the findings and conclusions contained within the agency report.

**Allegation #2: Kimo Cortini, a registered nurse repeatedly fell asleep during a one-on-one overnight suicide watch.**

Conclusion: VA was not able to substantiate the allegation.

Comment: This incident was discussed with the Nurse Manager, Kelly Devaul, in her office. There were no other witnesses to the discussion and she asked that I not discuss it with other staff members. I was told that it would be addressed with Mr. Cortini directly by her.

Mr. Cortini asked that I not discuss the incident with peers or co-workers. He reported being exhausted from working a day shift, performing a gig with his band in the evening, then returning to work an overnight shift.

**Allegation #3 Mr. Cortini failed to appropriately respond to a crisis on the unit, putting patients and staff at risk.**

Conclusion: VA was not able to substantiate

Comment: The Restraint and Seclusion Data Collection log completed on April 15, 2014 is incorrect. There were in fact two patients placed in seclusion on this day, at the same time. This writer assisted Barbara Davis, LPN with administering IM medications to both patients who were placed in separate seclusion rooms. After administration of the medications, both seclusion doors were closed and locked. The Nurse manager, Kelly Devaul, was called out of her office in the back hallway to assist with milieu management. Ms. Devaul chose to stay in the observation area outside of the seclusion rooms to monitor both patients and perform mandatory documentation every 15 minutes while they were in seclusion. As the charge RN that day, Mr. Cortini would have been responsible for accurate and timely completion of the Restraint and Seclusion collection logs. Mr. Cortini and Ms. Devaul made a unilateral decision to release both patients from seclusion without the presence of VA police. This was a violation of unit policy and put both staff and patients at risk.