

February 17, 2016

The Honorable Carolyn N. Lerner
Special Counsel
US. Office of Special Counsel
1730 M Street, NW
Suite 300
Washington, DC 20036
Re: OSC File No. DI-14-2763

Dear Ms. Lerner:

This is a response to the VA OIG investigation report and Mr. Nabors response concerning my complaint about activity at the CTVHCS Imaging Department concerning cancelling and reordering exams.

Several errors and misconceptions are made in the report.

Mr. Nabors states that I alleged that

- The radiology chief regularly canceled and rescheduled appointments that would have otherwise shown an extended wait time; and
- The radiology chief directed radiologists to cancel and reschedule appointments in a similar fashion when he was unavailable.

My allegations and beliefs from the complaint are stated below.

"I am a Radiologist at the Central Texas Veterans Health Care System in Temple. Approximately one to two years ago my supervisor Dr. Gordon Vincent instructed me to cancel pending Radiology exams and reschedule them. I wasn't sure at the time of the purpose of this, but when I heard in the news recently about similar processes going on in Austin and San Antonio (our Radiology Department also covers Austin), I felt I needed to report it. I now believe that the reason I was directed to cancel & reschedule exams was to keep our percentage for completion of exams on time above the true number. The picture I have enclosed (taken on 1/31/2014) is the file folder used to hold requests of overdue exams that I was directed to change."

I did not state that the chief of the department "regularly" cancelled and rescheduled appointments or that he directed other Radiologists to do this.

Mr. Nabors also states "The allegations OIG was investigating appeared to include the issues raised by the anonymous whistleblower."

The allegations I brought up were not addressed by this investigation.

A better explanation of how higher level exams (CT SCANS & MRI's) are requested and scheduled is necessary to explain my allegations.

When a clinician wants a higher level exam on a patient, they:

1. Enter a request for that exam in CPRS (the electronic medical record).
2. The request is printed up and
3. (at the time of the allegations) the Radiologists scheduled to read on those rotations (CT SCAN or MRI's), NOT the Chief of the service, reviewed the request and either approved it or "flagged" the study requesting more information from the clinician. The Radiologist did not cancel the exam.
4. After approval, the exam was sent to the schedulers to be scheduled in a time slot available.

The following was not a part of the regular process and are the basics of my allegations. As far as I know, the following has not occurred again in the past year.

On at least two occasions, Dr. Vincent brought me a folder marked

MRI
Dr. V
Cancel & Reschedule

See attached photo

In the folder were requests for MRI's. Dr. Vincent told me to go to the exam in CPRS, change the name of the Provider from my name to the name of the requesting physician, cancel the study and request (not reschedule) the study again using the current date under the clinician's name. Since I had never done this before, Dr. Vincent had to show me how to perform this task. I was only requested to do this on days Dr. Vincent was at work – NOT while I was acting chief.

I was never interviewed by the VA OIG and was never asked for the physical evidence in my possession. I did talk to some of the Radiologists who had been interviewed but did not ask them specifics about their interviews. One Radiologist I talked with did not perform the requested actions because he thought they were wrong. The OIG interviewers asked him if he had cancelled and rescheduled exams but did not ask him if Dr. Vincent had told him to do this, which he had. I was interviewed by two FBI agents and provided the details mentioned above.

Thank you for the opportunity to respond to the OIG report and Mr. Nabors response.

Sincerely,

MR I

DR. V.

Cancel & Reschedule