



DEPARTMENT OF VETERANS AFFAIRS
Under Secretary for Health
Washington DC 20420

June 13, 2016

The Honorable Carolyn N. Lerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036

RE: OSC File No. DI-15-1216

Dear Ms. Lerner:

I am responding to your request for supplemental information on the Department of Veterans Affairs (VA) Greater Los Angeles Healthcare System, specifically the West Los Angeles facility (hereafter, the Medical Center), in Los Angeles, California, and its Santa Maria Community-Based Outpatient Clinic (hereafter, the Santa Maria CBOC) located in Santa Maria, California. This is related to VA's report to the Office of Special Counsel (OSC) dated February 3, 2016.

On April 8, 2016, your office asked VA to provide an email update to respond to specific questions about the delay in processing prescriptions out of the Santa Maria CBOC and to address certain pharmacy staffing issues. Subsequently, on April 29, OSC requested a supplemental report in lieu of the email update, for VA to respond to these questions and to identify any corrective actions that the Medical Center or the Veterans Health Administration (VHA) has taken to address them. The Secretary has delegated to me the authority to sign the enclosed report and take any actions deemed necessary as referenced in 5 United States Code § 1213(d)(5).

You will find VA's response to your questions in the supplemental report, along with the status of the Medical Center's and VHA's corrective actions. If you have any other questions, I would be pleased to address them.

Thank you for the opportunity to respond, and your continued support of our Nation's Veterans.

Sincerely,

David J. Shulkin, M.D.

Enclosure

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SPECIAL COUNSEL
WASHINGTON, DC

**Department of Veterans Affairs
Supplemental Report
to the
Office of Special Counsel
Department of Veterans Affairs
Greater Los Angeles Healthcare System, Los Angeles, California and
Santa Maria Community-Based Outpatient Clinic
Santa Maria, California
OSC File Number DI-15-3017
May 17, 2016**

Background

The Under Secretary for Health (USH) requested that the Office of the Medical Inspector (OMI) assemble and lead a Department of Veterans Affairs (VA) team to investigate allegations lodged with the Office of Special Counsel (OSC) concerning the VA Greater Los Angeles (GLA) Healthcare System, specifically the West Los Angeles facility (hereafter, the Medical Center), in Los Angeles, California, and the Santa Maria Community-Based Outpatient Clinic (hereafter, the Santa Maria CBOC) located in Santa Maria, California; one of the Medical Center's clinics. Stephen J. Mayeri, MD, (hereafter, the whistleblower), who consented to the release of his name, alleged that there was understaffing and issues with delays and backlogs of prescriptions processed through the Santa Maria CBOC and the Medical Center, and that employees were engaging in conduct that may constitute violations of laws, rules or regulations, and gross mismanagement, which may lead to a substantial and specific danger to public health. VA conducted a site visit to the Medical Center on September 22–24, 2015, and issued a report on February 3, 2016, that contained seven recommendations for the Medical Center and four for the Veterans Health Administration (VHA).

On April 8, 2016, OSC requested that VA provide an email update to respond to specific questions about the delay in processing prescriptions out of the Santa Maria CBOC and pharmacy staffing issues. Subsequently, on April 29, OSC requested a supplemental report in lieu of the email update to address these questions and identify corrective actions taken by the Medical Center or VHA.

Questions from OSC:

What steps has the VA taken to ensure the Santa Maria CBOC pharmacy is appropriately staffed? What is the current status of any replacements for vacated positions, such as the pharmacist position at the Santa Maria CBOC, or any of the other vacated positions noted on page 12 of the report?

In its report, VA directed the Medical Center to develop a plan to provide immediate on-site or remote coverage for the PharmD vacancy at the Santa Maria CBOC, and to fill all authorized vacancies for pharmacists and Santa Maria CBOC staff members to meet

Physician Aligned Care Team (PACT) panel requirements, as set forth in VHA Handbook 1101.10.

In response, on October 4, 2015, the Medical Center's Pharmacy leadership developed a staffing plan to ensure that any pending orders from the Santa Maria CBOC or other community clinics were covered remotely by pharmacists based at Sepulveda or other central locations. Leadership also posted a job announcement for a PharmD position, but a qualified candidate was not identified in response to the initial recruiting efforts.

On April 11, 2016, the Medical Center converted a San Luis Obispo CBOC GS-13 Clinical Pharmacist (PharmD) position to a GS-12 Registered Pharmacist (RPh) position. This RPh now provides coverage at the Santa Maria CBOC. Pharmacy leadership subsequently recruited a GS-13 PharmD and a GS-12 RPh to provide service at both sites. On April 26, a candidate was identified for the GS-12 position and accepted; she is currently in the hiring process. The Pharmacy organization chart also includes one GS-13 PACT Clinical Pharmacist (PharmD) and one GS-12 RPh to service both the Santa Barbara and Oxnard CBOCs. These CBOCs are assigned to an Outpatient Site Manager, who is responsible for redistribution of workload to cover pending orders across all sites. If one site is short of pharmacists, or pending orders are increasing, workload is picked up by other sites. The managers work as a team to ensure that pending orders are handled in a timely manner.

Additionally, on page 12 of the report, OMI recommended that the VA 1), have the Assistant Deputy Under Secretary of Health for Clinical Operations, with support from VHA PBM, conduct a review to determine management accountability for the delays in patients receiving medications by mail, and 2), conduct a Workforce Management Review of all pharmacy services governed by the medical center to ensure an adequate organizational structure and staffing coverage. Have either of the above recommendations been implemented as of yet?

In its report, VA directed VHA to ensure that the Assistant Deputy Under Secretary for Health for Clinical Operations, with support from the VHA Chief Consultant, Pharmacy Benefits Management Services (PBM) conduct a review of the Medical Center's Pharmacy Service, specifically the processing and delivery of patient medication prescriptions identified for mail delivery, including the tracking, trending, and documentation of prescription processing backlogs according to VHA Handbook 1108.05; a determination of management accountability for the delays in patients receiving medications by mail; and a Workforce Management Review of all pharmacy services governed by the Medical Center to assess adequacy of organizational structure and staffing coverage.

The Assistant Deputy Under Secretary for Health for Clinical Operations, with support from the VHA Chief Consultant, PBM Services, will conduct a site visit and review of the Medical Center Pharmacy's services to address each of the three areas identified above. VHA expects to complete this review by September 2016.