



DEPARTMENT OF VETERANS AFFAIRS  
Under Secretary for Health  
Washington DC 20420

December 17, 2015

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-14-2948

Dear Ms. Lerner:

I am responding to your request for supplemental information on the Cheyenne Department of Veterans Affairs (VA) Medical Center, Cheyenne, Wyoming, and its ancillary facilities in Fort Collins and Greeley, Colorado, in response to the seven follow-up questions posed in your request for further information.

This supplemental report answers the questions on whether employees altered appointment records before the VA site visit, whether computer logs showed such manipulations, why specific employees were not re-interviewed, a request for specific employees to be re-interviewed, what information to gather from such interviews, and why a party to an alleged conversation was not interviewed. This report makes no supplemental recommendations to the Medical Center.

If you have any other questions, I would be pleased to address them. Thank you for the opportunity to respond.

Sincerely,

A handwritten signature in black ink that reads "David J. Shulkin, M.D." The signature is written in a cursive style.

David J. Shulkin, M.D.

Enclosure

Department of Veterans Affairs (VA)  
Supplemental Report to the  
Office of Special Counsel  
OSC File Number DI-2948

Cheyenne Veterans Affairs Medical Center  
Cheyenne, Wyoming  
Fort Collins Multi-Specialty Outpatient Clinic  
Fort Collins, Colorado  
and  
Greeley Multi-Specialty Community-Based Outpatient Clinic  
Greeley, Colorado

December 21, 2015

TRIM 2015-D-6687

Reponses to OSC follow-up questions on the Fort Collins Multi-Specialty Outpatient Clinic (hereafter, the Clinic) OSC Report File No. DI-2948.

OSC Question 1: Was [REDACTED] or any other Fort Collins VA employee directed to identify and change or otherwise fix or manipulate, improperly scheduled patient appointments and/or patient wait times, which resulted from the improper scheduling practices used at the facility, before OMI investigators arrived at the facility in November 2013?

VA Response: Yes, as substantiated by the report to OSC Report File No. DI-13-4425 and OSC DI-14-3017, and referenced in a conclusion under Allegation #2 in our 2015 report (OSC File Number DI-14-2948), the Medical Center had improperly directed employees to change desired dates to be within 14 days between March and November 2013, and although this was prior to OMI's site visit, there was no evidence that these directions were in response to the OMI visit.

OSC Question 2: Did [REDACTED], or any other Fort Collins VA employee manipulate patient appointment data or patient wait time data before OMI investigators arrived at the facility in November 2013 to investigate improper scheduling practices?

VA Response: OMI reviewed a meta data report for November 2013 provided by VA's Austin central database.<sup>1</sup> We focused on the weekends because that is when the whistleblower alleged improper actions had occurred. We found a total of 18 scheduling actions in November, 6 occurred on Saturday the 9<sup>th</sup> and the remaining 12 on Saturday the 30<sup>th</sup>. A telehealth technician and a patient services assistant

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<sup>1</sup> MetaData was obtained from the Veterans Health Administration's Corporate Data Warehouse (CDW) which is a national repository of data from Vista and several other VHA clinical and administrative systems. The CDW is physically located at the Austin Information Technology Center.

completed the 6 actions on November 9, 2013, and a respiratory therapist completed the other 12 actions on November 30, 2013; all performed for legitimate appointment scheduling reasons. Neither [REDACTED] nor [REDACTED] completed any of these actions.

**OSC Question 3:** To this end, we request that the VA review the computer systems containing patient appointment and patient wait time data including VISTA, to determine whether [REDACTED] [REDACTED] or any other Fort Collins VA employee logged into the system during October 2013 and changed any patient appointments and/or patient wait time data that would have been part of, included in, or otherwise affected by the November 2013 OMI investigation.

**VA Response:** See response to Question 2, for entries into the system prior to OMI's site visit.

The Secretary of VA, received the letter from OSC on October 25, 2013, and he, in turn, referred it to the Under Secretary for Health, who assigned the case to OMI on October 30, 2013. We did not notify the facility of our site visit until November 6, 2013, and we did not share the allegations with the facility until our entrance briefing on November 18, 2013. Therefore, it is not apparent how anyone at the facility logging onto the system between October 1 and November 18, 2013, could have been attempting to make changes to influence the investigation.

**OSC Question 4:** The referral indicated that in October 2013 Fort Collins staff employees were notified that OMI investigators were coming to investigate allegations of patient scheduling improprieties. The Friday before OMI investigators were to arrive, the whistleblower saw [REDACTED] printing numerous documents, including excel spreadsheets that had noticeable markings such as asterisks and contained patient data including, among other things, patient names, appointment dates and times, desired appointment dates, and wait time information. [REDACTED] told the whistleblower she got the documents and information from [REDACTED] Supervisor [REDACTED]. Looking at the documents, the whistleblower saw that [REDACTED] and [REDACTED] emailed these excel spreadsheets to [REDACTED]. It cannot be determined from the agency's report whether [REDACTED] was questioned about this email or its attached spreadsheets that were sent to [REDACTED]. Further, although the agency interviewed [REDACTED] during the 2015 investigation, it did not interview [REDACTED].

**VA Response:** OMI did interview [REDACTED] during the November 2013 investigation, but could not interview her during the January 2015 investigation, as she was no longer a VA employee.

OMI did not seek out the aforementioned spread sheets because we only became aware of their existence in this supplemental request and VA previously substantiated that employees at the Fort Collins MSOC were changing desired dates at the direction of their superiors, as reported in VA's response to OSC Report File No. DI-13-4425 and referenced in a conclusion under Allegation #2 in our 2015 report (OSC File Number DI-

14-2948). Based on the original investigation and the Office of Accountability Review's (OAR) investigation, disciplinary actions have been taken against leadership for instructing employees to change desired dates.

**OSC Question 5:** Thus, we request that the VA interview [REDACTED] and [REDACTED] about the email and the attached spreadsheets at issue to find out: what the email said and what it pertained to; who sent the email; who was on the email's distribution list; what was the purpose of the spreadsheets; what information was contained on the spreadsheets; which patients were on the spreadsheets or how/why were patients included on the spreadsheets; what did the spreadsheets represent; why were the spreadsheets compiled; who compiled the spreadsheets; why were the spreadsheets sent to [REDACTED] or anyone else on the email distribution list; and what was [REDACTED] or anyone who received the spreadsheets supposed to do with them or how were the spreadsheets supposed to be used.

**VA Response:** [REDACTED] and [REDACTED] are no longer VA employees. As indicated above, OMI was not aware of these specific spread sheets. However, as VA has previously substantiated, the Medical Center was instructing employees to change desired dates to within 14 days of the appointment date, and OAR has already conducted an accountability investigation into the facility's scheduling practices and imposed disciplinary actions.

**OSC Question 6:** We also request that [REDACTED] and [REDACTED] are interviewed to determine if patient data spolioation or manipulation occurred at the facility before the November 2013 OMI investigation into improper patient scheduling practices and find out: who directed Fort Collins VA employees to manipulate patient appointments and/or patient wait times before OMI investigators arrived in 2013 and why; what were employees told to do in this regard; did Fort Collins VA employees manipulate patient appointments and/or patient wait times before OMI investigators arrived in 2013; which employees manipulated the data at issue; what did these employees do with the data at issue; how did these employees manipulate the data at issue; which patients' data was manipulated; as to these patients, what data was manipulated; when did this occur; how long did it take; and why was the patient data at issue manipulated.

**VA Response:** [REDACTED] and [REDACTED] have retired from VA. As mentioned, on the basis of our original investigation, OAR conducted a follow-up investigation and imposed disciplinary actions on facility leadership for instructing staff to change desired dates as reported in the supplemental reports referenced above.

**OSC Question 7:** The referral also indicated that the whistleblower had a conversation with [REDACTED] and/or [REDACTED] in which [REDACTED] indicated that she was "working to fix appointments" before the OMI investigation started. This conversation occurred in October 2013 at a restaurant where

several employees had dinner and just before the whistleblower left; the conversation was overheard and witnessed by then-Fort Collins employee [REDACTED]. The agency's report shows that [REDACTED] was not interviewed. Thus, we request that the VA interview [REDACTED] to determine: what was discussed during the conversation at issue; what did he hear during the conversation; who were the conversation participants and what did they say; what was his understanding of or take away from the conversation; who else witnessed and/or heard the conversation; and did he discuss this conversation with anyone and if so with who.

**VA Response:** VA interviewed [REDACTED] via telephone on December 14, 2015. He recalled the conversation that took place at a noisy restaurant with [REDACTED] his wife, [REDACTED] and [REDACTED]. He stated the conversation centered on the Medical Support Assistant working to "clean up the desired date," similar to requests they had received on multiple occasions since March 2013, "I didn't see anything wrong with the request," as it had been the practice to adjust desired dates to within 14 days of the appointment date since March 2013. He stated that he was not aware of a pending OMI investigation and there was no discussion about a pending investigation. He informed VA that he does not know whether anyone actually worked that holiday weekend.