



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 309
Washington, D.C. 20036-4505

August 1, 2017

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-16-1111

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), the Office of Special Counsel (OSC) is forwarding a Department of Veterans Affairs (VA) report based on disclosures of wrongdoing at Department of Veterans Affairs (VA), VA Montana Health Care System, Billings, Montana (Billings VA). OSC has reviewed the VA report, and in accordance with 5 U.S.C. § 1213(e), provides the following summary of the report and its findings. The whistleblower, Dr. Kelly T. Hale, a Billings VA dentist who consented to the release of his name, disclosed that Dr. Robert Bourne, Billings VA chief of Dental Services, directed subordinate employees to engage in practices that violate VA policies and directives and risk veteran patients' health. The agency substantiated Dr. Hale's allegations.

Dr. Hale's allegations were referred to former VA Secretary Robert A. McDonald for investigation pursuant to 5 U.S.C. § 1213(c) and (d). VA's Office of the Medical Inspector (OMI) was tasked with investigating the matter. On October 31, 2016, former VA Chief of Staff Robert D. Snyder submitted the agency's report to the Office of Special Counsel. Dr. Hale declined to provide comments to the report.

The OMI investigation concluded that (1) Dr. Bourne required Billings VA dentists to use paper forms to refer veteran patients to non-VA dental providers; (2) Billings VA Dental Services failed to enter consultations into the Computerized Patient Record System (CPRS); and (3) Dr. Bourne's denial of non-VA dental consultations required patients to travel great distances to receive care at a VA facility.

In response to these findings, the OMI recommended the following corrective actions to the VA, VHA, Veterans Integrated Service Network (VISN) 19, relating to the Billings VA: (1) immediately stop the practice of using unapproved paper consultation forms; (2) ensure that all referrals for non-VA dental care are entered into CPRS; (3) provide CPRS access to all Billings VA dentists; (4) provide training to all dental providers regarding non-VA dental care consultation requirements; (5) conduct an audit

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of all consultations for non-VA dental care from January 1, 2014 to June 30, 2016 to determine whether there was a delay in care or patient harm; and (6) initiate an Administrative Investigation Board (AIB) to review the payments for dental procedures completed in the community that are above the 50th percentile of the VHA Community Care Reference Fee Schedules rates. Further, the OMI recommended that Billings VA determine Dr. Bourne's responsibility and take appropriate educational, administrative, or disciplinary action.

The VA confirmed that Billings VA dentists no longer use unapproved paper consult forms, have access to CPRS, and enter all referrals for non-VA dental care into CPRS. The VA also confirmed that all dental providers received training regarding the non-VA dental care consultation requirements, that an AIB was convened to review payments for dental procedures, and that an audit of all consultations from January 1, 2014 to June 30, 2016 was conducted. Finally, in response to OMI's findings, Dr. Bourne "stepped down" from his role as chief of Dental Services on November 17, 2016, and currently serves as staff dentist. In addition, Acting Chief of Staff Dr. Benjamin Atwater was counseled on February 28, 2017 for failing to ensure that corrective actions were taken in a timely manner.

OSC has reviewed the original disclosure and the report and determined that the report meets all statutory requirements and the findings appear reasonable. As required by 5 U.S.C §1213(e)(3), OSC has sent copies of the unredacted report to the Chairmen and Ranking Members of the Senate and House Committees on Veterans Affairs. OSC has also filed a redacted copy of the report in OSC's public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,



Adam Miles
Acting Special Counsel

Enclosure