



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

July 11, 2019

The President
The White House
Washington, D.C.

Re: OSC File No. DI-18-2504

Dear Mr. President:

I am forwarding to you a report from the Department of Veterans Affairs (VA) provided to me in response to disclosures received from an employee of the Corporal Michael J. Crescenz VA Medical Center (Philadelphia VAMC), Philadelphia, Pennsylvania. The whistleblower, [REDACTED], who consented to the release of his name, is a Clinical Pharmacy Specialist at the Philadelphia VAMC.

[REDACTED] alleged that the Philadelphia VAMC failed to comply with Veterans Health Administration (VHA) Directive 1108.07, which requires that VA facilities develop policies to ensure that medications are stored at appropriate temperatures during transit to Home Based Primary Care (HBPC) patients. [REDACTED] also alleged that other VA facilities nationwide failed to comply with this Directive. [REDACTED] declined to comment on the agency report. I have reviewed the report and, in accordance with 5 U.S.C. § 1213(e), provide the following summary of the agency investigation and my findings.¹

The agency investigation substantiated [REDACTED] allegations. The investigation confirmed that Philadelphia VAMC leadership failed to develop policies to ensure that medications are stored at appropriate temperatures while in transit to HBPC patients. In response to the finding, the report recommended that Philadelphia VAMC establish local policies regarding the storage of medications at appropriate temperatures during transit, conduct competency assessments for transporting temperature-sensitive medications, and train staff members on the requirements of the local policy. The report further recommended that compliance with the local policy be monitored and noncompliance be addressed via educational and administrative methods. The report notes that, in response to these recommendations, Philadelphia VAMC has drafted the local policy, the competency assessments have been completed, and vaccine transport coolers and thermometers have been purchased.

The investigation also found that nationwide, 39% of 112 VA facilities surveyed were noncompliant with VHA Directive 1108.07. In response to this finding, the report recommended

¹ [REDACTED] allegations were referred to former Acting VA Secretary Robert L. Wilkie on April 19, 2018 pursuant to 5 U.S.C. § 1213(c) and (d). The VA's Office of the Medical Inspector was tasked with conducting the investigation. Secretary Wilkie reviewed and submitted the report on October 23, 2018.

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that the VA Office of Pharmacy Benefits Management (PBM) conduct a comprehensive survey of the field to determine specifically how many VA facilities are noncompliant and provide assistance to these facilities in developing the requisite policy. The investigation further recommended that, once the policies are developed, PBM should resurvey the field to monitor compliance and confirm that staff is adequately trained.

The VA confirmed that, as recommended in the report, the Philadelphia VAMC issued Medical Center Memorandum 119-21, *Transport of Temperature Sensitive Medications*, defining policies and procedures for the safe transport of temperature-sensitive medications. In addition, the Philadelphia VAMC issued two associated standard operating procedures (SOPs), which provide medication management information to both HBPC and Mental Health Intensive Case Management programs. The VA informed OSC that the recommended competency assessment was completed, current and incoming Philadelphia VAMC staff have been or will be trained on the new medication transport policies and procedures, compliance with the SOPs will be monitored moving forward, and noncompliance with the SOPs will be addressed via educational and administrative methods.

The VA further confirmed that, as recommended in the report, PBM completed a survey of VA facilities nationwide to determine whether they were in compliance with VHA Directive 1108.07. The survey found that, as of June 2018, 15% of VA facilities had not established policies addressing the safe transport of temperature-sensitive medications as required by the directive. According to the report, PBM and the Veterans Integrated System Network Pharmacy Executives have provided and continue to provide assistance to the identified facilities in establishing these policies. In addition, the VA committed to resurveying the identified facilities to confirm full compliance with VHA Directive 1108.07.

I have reviewed the original disclosure and determined that the agency report meets all statutory requirements and that the agency's findings appear reasonable. As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter and the agency report to the Chairmen and Ranking Members of the Senate and House Committees on Veterans' Affairs. I have also filed redacted copies of these documents and a redacted copy of the 1213(c) referral letter in our public file, which is available online at www.osc.gov. We commend [REDACTED] for bringing this matter to our attention. This matter is now closed.

Respectfully,



Henry J. Kerner
Special Counsel

Enclosures