

PETER A. DeFAZIO
4TH DISTRICT, OREGON

TRANSPORTATION AND
INFRASTRUCTURE
RANKING MEMBER



Congress of the United States
House of Representatives
February 6, 2018

PLEASE RESPOND TO:

- 2134 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3704
(202) 225-6416
- 405 EAST 8TH AVENUE, #2030
EUGENE, OR 97401
(541) 465-6732
1-800-944-9603
- 125 CENTRAL AVENUE, #350
COOS BAY, OR 97420
(541) 269-2609
- 612 SE JACKSON STREET, #9
ROSEBURG, OR 97470
(541) 440-3523
- defazio.house.gov

Secretary David Shulkin
U.S. Department of Veterans Affairs
810 Vermont Ave NW
Washington, D.C. 20420

Dear Secretary Shulkin:

I am concerned that as the VA works to complete the investigations into mismanagement, whistleblower retaliation, poor patient care, and low employee morale at the VA Roseburg Healthcare System (VARHS), I continue to receive constituent reports of retaliation and abuse against whistleblowers.

As you know, late last year with my support, Congress unanimously passed and President Trump signed into law the Dr. Chris Kirkpatrick Whistleblower Protection Act, which enhanced protections for federal whistleblowers and enacted reforms to ensure that managers who retaliate against whistleblowers are held accountable. Those engaging in retaliatory actions at VARHS are breaking the law.

I was assured by your staff, as the investigation launched, that VARHS management was reminded about the consequences of retaliation, yet the reports persist. Take, for example, the case of Dr. Scott Russi.

Dr. Russi is a retired Air Force Colonel who was deployed four times as a combat surgeon and once as a hospital commander during tours in Afghanistan and Iraq. After retiring, he moved to Springfield, Oregon where he became the trauma medical director at a local hospital. He was the on-call surgeon on October 1, 2015, when students from Umpqua Community College were rushed for treatment as a result of the deadly shooting that took place there. In early 2017, he began working at the brand-new Eugene VA clinic as a way to help his fellow veterans.

Dr. Russi was terminated from the VA mere months after beginning work at VARHS, under suspicious circumstances as a result of various encounters with a Chief of Surgery with a record of abuse, mismanagement, and substandard care. VARHS leadership, including the Chief of Surgery, used a secretive peer review process to attack the care he provided in four separate cases. Beyond being terminated, Dr. Russi's previous exemplary medical career is now under threat.

Last month, **during an active, ongoing VA investigation of VARHS**, Dr. Russi received a letter from then-VARHS Director Paxton stating that despite comprehensive supporting evidence he sent refuting the claims against his care, he had failed to provide any additional qualifying evidence that

changed the original findings of the peer review. The letter noted that if Dr. Russi failed to provide any additional relevant information, a final report to the Oregon State Licensing Board would be based solely on the negative evaluations from the peer reviews. As noted, this action was taken despite ongoing, independent reviews from the VA's Office of the Medical Inspector (OMI) and the Office of Accountability and Whistleblower Protection (OAWP) of Dr. Russi's case.

Dr. Russi notified my office about this action, and my office immediately contacted the acting Principal Deputy Under Secretary for Health, Dr. Miguel LaPuz, and requested he put this action on hold, to which he agreed. Please notify me immediately if the status of this action has changed.

While Dr. LaPuz shared that the VA is considering whether disciplinary action is necessary against Mr. Paxton and other leaders, Peter O'Rourke, Executive Director of OAWP, informed me that Dr. Russi may not be eligible for whistleblower protection status as a result of his disputed employment status. This is of serious concern as VA employees, regardless of their status, should be properly protected from retaliation and abuse.

The use of the peer review process as a mechanism to threaten and punish doctors has become an all too familiar tactic at VARHS, and there are reports of abuse at other VA Medical Centers around the country. I have heard from a number of VA employees who have been victimized by a manager's punitive use of the peer review process.

The peer review process should be used to help doctors improve their practice and improve health care for our nation's veterans, not a tool for administrators to attack quality providers or whistleblowers who call out nefarious practices.

I urge you to carefully review Dr. Russi's case and ensure that the VA is as clear, thorough, and transparent as possible. I also urge you to examine the peer review process and produce reforms that can strengthen this process and prevent abuses. If legislation is needed to safeguard this process or additional protections are needed for whistleblowers at all levels, I stand ready and willing to work with you.

As you have said before, fundamental change is needed within the VA, especially as it relates to the protection of whistleblowers and those seeking change that will allow the VA to provide veterans with the best care possible. I look forward to reviewing the VA's report of the investigations into VARHS.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. DeFazio". The signature is stylized and cursive.

Peter A. DeFazio
Member of Congress