



Written by [Raven Clabough](#) on July 2, 2014

## VA Whistleblowers Facing Retribution

Reports indicate that those in the Department of Veterans Affairs who blew the whistle on all the issues at VA hospitals are now experiencing retaliation.

The Veterans Administration has been under harsh scrutiny after reports exposed that the Phoenix facility had been altering its scheduling books and that at least 40 veterans had died while awaiting care. The *Washington Times* reported, “Whistleblowers at other facilities then came forward with similar reports of secret wait lists and poor scheduling, some of which have been substantiated by an internal audit.”



Further reports revealed that even after whistleblowers had brought these major issues to the attention of VA officials, the warnings were not heeded.

“The recent revelations from Phoenix are the latest and most serious in the years-long pattern of disclosures from VA whistleblowers and their struggle to overcome a culture of nonresponsiveness,” according to the letter from the special counsel’s office. “Too frequently, the VA has failed to use information from whistle blowers to identify and address systemic concerns that impact patient care.”

In a press release issued earlier this month, the U.S. Office of the Special Counsel (OSC) indicated that it has received numerous complaints of retaliation from employees at VA facilities in 19 states — Arkansas, Arizona, California, Colorado, Delaware, Florida, Georgia, Iowa, Kentucky, Michigan, North Carolina, New York, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Utah, Wyoming — but did not identify the facilities. The Special Counsel’s office has instituted an ongoing investigation.

Nick Schwellenbach, a spokesman for the OSC, told NBC News that the VA has “one of the highest reprisal case rates in the federal government. We’re concerned by what we’re seeing.... The frequency of retaliation complaints has given us a lot of pause.”

Valerie Riviello, a nurse at the Albany Stratton VA Medical Center in New York, indicated that she was reprimanded for releasing a sexual assault survivor who had been restrained to a bed for seven consecutive hours. The very next day she was reassigned to a desk job, a position that allows her no contact with patients, and is facing a 30-day unpaid suspension.

According to the *Washington Times*, Riviello is “one of more than 50 whistleblowers who say the Veterans Affairs Department retaliated against them for trying to do their jobs.”

Riviello believes that the retribution against her has served to intimidate other nurses at her facility from speaking up. “The nurses are afraid to complain or report anything,” she said. “They have 100 things they’ve noticed, but they’ve seen what is happening to me so they’re afraid to report anything.”

And the patients continue to suffer as a result.



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The *Washington Times* explained,

When the facility put the same female patient under restraints for 49 continuous hours in February, as a convenience to doctors who wanted to enjoy their holiday weekend, none of the nurses wanted to speak up.

Because the patient was so unpredictable, if she had to be placed in restraints again to prevent harm to herself or others, a doctor would have had to come in and evaluate her within an hour according to VA policy, Ms. Riviello said. Since doctors didn't want to possibly be disturbed in the middle of the night during a holiday weekend, she said, they just kept the patient in restraints for an extended time.

"To put someone in restraints and to keep them in restraints for any length of time or predetermined length of time is inhumane and it is against policy," she said. "The leadership has changed over the last three years and has taken veteran-centered care and made it more physician-driven and for the physicians' convenience."

The VA denies any retribution against whistleblowers and contends that they take all accusations "very seriously."

"VA employees have a number of venues available to them to raise issues and concerns," said Peter Potter, director of public affairs for the facility. "The Albany Stratton VA Medical Center values all internal and external reviews as opportunities to affirm the quality of our medical care and practices and to identify opportunities for improvement."

Riviello does not agree, and contends that the reprimand has now blemished her otherwise perfect record. "I feel like I've been humiliated and it's tarnished," she said. "Sitting at a desk eight hours a day doing a project that is something to keep me away from the clinical arena, it's too much."

The OSC is also investigating 49 claims of scheduling improprieties and similar cases of misconduct at VA facilities that allegedly led to potential patient harm. "OSC appreciates the VA's cooperation in providing interim relief to these employees," Special Counsel Carolyn Lerner said in a statement. "Receiving candid information about harmful practices from employees will be critical to the VA's efforts to identify problems and find solutions. However, employees will not come forward if they fear retaliation."

Retribution against whistleblowers is nothing new to this administration.

Four officials at the State Department and the CIA who helped provide sensitive information to Congress about the September 2012 attacks on two U.S. diplomatic compounds in Benghazi, Libya, had to retain lawyers as they were being [threatened](#) by members of the Obama administration. The attacks killed four Americans, including Ambassador J. Christopher Stevens. Ten others were injured.

Victoria Toensing, a lawyer representing one of the whistleblowers, stated in an interview, "I'm not talking generally, I'm talking specifically about Benghazi — that people have been threatened. And not just [officials in] the State Department. People have been threatened at the CIA."

Likewise, Vince Cefalu, an agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) who blew the whistle on its deadly Operation Fast and Furious (arming criminal Mexican drug syndicates) was served with termination papers.



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