

From: (b)(6)
Sent: 15 Aug 2018 16:05:37 -0500
To: Byrne, Jim (OGC);Mitrano, Catherine (SES) (OGC);Hipolit, Richard (OGC)
Cc: Ulliyot, John;Hutton, James;Powers, Pamela
Subject: RE: FACA lawsuit

Will do. Thanks.

(b)(6)

Press Secretary
Department of Veterans Affairs

202-461-(b)(6)

(b)(6)@va.gov

@(b)(6)

From: Byrne, Jim (OGC)
Sent: Wednesday, August 15, 2018 4:59 PM
To: (b)(6)@va.gov; Mitrano, Catherine (SES) (OGC) <Catherine.Mitrano@va.gov>; Hipolit, Richard (OGC) <Richard.Hipolit@va.gov>
Cc: Ulliyot, John <John.Ulliyot@va.gov>; Hutton, James <James.Hutton@va.gov>; Powers, Pamela <Pamela.Powers@va.gov>
Subject: RE: FACA lawsuit

Please run this response by your public affairs folks in the WH.

From: (b)(6)
Sent: Wednesday, August 15, 2018 4:56 PM
To: Byrne, Jim (OGC) <Jim.Byrne@va.gov>; Mitrano, Catherine (SES) (OGC) <Catherine.Mitrano@va.gov>; Hipolit, Richard (OGC) <Richard.Hipolit@va.gov>
Cc: Ulliyot, John <John.Ulliyot@va.gov>; Hutton, James <James.Hutton@va.gov>
Subject: FW: FACA lawsuit

Jim/Cathy/Dick,

Please see below from ProPublica. Are you OK with the following response:

Regarding the lawsuit

We refer you to the Department of Justice for comment.

Regarding Ike Perlmutter, Bruce Moskowitz and Marc Sherman

These individuals are not administration officials, and have no direct influence over VA.

That said, we appreciate hearing from anyone who has good ideas about improving care and benefits for Veterans, and talk to a broad range of people, including academics, doctors, Veterans groups and many others.

In fact, the department just set up a new office led by one of our top VA health care leaders that's focused solely on working with the academic community to learn more about health care best practices around the country and consider implementing them at VA.

Almost everything in the story was before Secretary Wilkie came to VA. Secretary Wilkie has been clear how he does business – no one from outside the administration dictates VA policies or decisions – that's up to him and President Trump. Period.

(b)(6)

Press Secretary

Department of Veterans Affairs

202-461-(b)(6)

(b)(6)@va.gov

@(b)(6)

From: Isaac Arnsdorf [mailto:(b)(6)@propublica.org]

Sent: Wednesday, August 15, 2018 4:51 PM

To: (b)(6)@va.gov

Cc: VA Public Affairs <VAPublicAffairs@va.gov>

Subject: [EXTERNAL] FACA lawsuit

Hi (b)(6)

I'm preparing an article about an upcoming lawsuit against the VA alleging that the outside advisory role of Ike Perlmutter, Bruce Moskowitz and Marc Sherman violates the Federal Advisory Committee Act.

Do you have any comment that I could include in the article?

My deadline is tomorrow morning at 11.

Thanks,

Isaac

Isaac Arnsdorf

PROPUBLICA

203.464.(b)(6)

(b)(6)@propublica.org

From: Byrne, Jim (OGC)
Sent: 15 Aug 2018 13:58:49 -0700
To: (b)(6) Mitrano, Catherine (SES) (OGC); Hipolit, Richard (OGC)
Cc: Ulliyot, John; Hutton, James; Powers, Pamela
Subject: RE: FACA lawsuit

Please run this response by your public affairs folks in the WH.

From: (b)(6)
Sent: Wednesday, August 15, 2018 4:56 PM
To: Byrne, Jim (OGC) <Jim.Byrne@va.gov>; Mitrano, Catherine (SES) (OGC) <Catherine.Mitrano@va.gov>; Hipolit, Richard (OGC) <Richard.Hipolit@va.gov>
Cc: Ulliyot, John <John.Ulliyot@va.gov>; Hutton, James <James.Hutton@va.gov>
Subject: FW: FACA lawsuit

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(b)(6)

Press Secretary
Department of Veterans Affairs
202-461-(b)(6)

(b)(6)@va.gov

@(b)(6)

From: Isaac Arnsdorf [mailto:(b)(6)@propublica.org]
Sent: Wednesday, August 15, 2018 4:51 PM
To: (b)(6)@va.gov>
Cc: VA Public Affairs <VAPublicAffairs@va.gov>
Subject: [EXTERNAL] FACA lawsuit

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Do you have any comment that I could include in the article?

My deadline is tomorrow morning at 11.

Thanks,
Isaac

Isaac Arnsdorf
PROPUBLICA
203.464. (b)(6)
(b)(6)@propublica.org

From: Powers, Pamela
Sent: 29 Aug 2018 14:19:53 +0000
To: Byrne, Jim (OGC)
Subject: FW: Revised VACO Substantial Interest Notification (Austin R. Evers 18-11822-F and 18-11960-F)
Attachments: image001.png, Revised Request 18-11822;11960-F (Evers).pdf, 18-11822;11960-F Req Evers.pdf

FYSA

Sent with Good (www.good.com)

From: (b)(6)
Sent: Wednesday, August 29, 2018 5:09:44 AM
To: Powers, Pamela; Syrek, Christopher D. (Chris)
Subject: FW: Revised VACO Substantial Interest Notification (Austin R. Evers 18-11822-F and 18-11960-F)

Good morning Pam/Chris,

This request is broad but includes current and former SecVA.

Thanks,

(b)(6)

(b)(6)
Director
Administrative Operations
Office of the Secretary
202-461-(b)(6)

From: (b)(6)
Sent: Wednesday, August 29, 2018 4:08:30 AM
To: VACO FOIA Substantial Notification
Cc: (b)(6)
Subject: Revised VACO Substantial Interest Notification (Austin R. Evers 18-11822-F and 18-11960-F)

A. Why are you sending this to the 10th floor? For informational purposes only.

On August 23, 2018, the FOIA Service received a FOIA request from Mr. Austin R. Evers, American Oversight requesting:

* All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between any of the individuals listed

* Veterans Affairs Officials

* Darin Selnick, Senior Advisor to the Secretary

* (b)(6) Special Advisor

* Individuals within the Offices of the Secretary and Deputy Secretary:

* David Shulkin, Former Secretary, and anyone acting on his behalf

* Vivieca Wright Simpson, Former Chief of Staff

* Pete O'Rourke, Former Chief of Staff, Former Acting Secretary, and Senior Advisor to the Secretary; and anyone acting on his behalf

* Robert Wilkie, Secretary, and anyone acting on his behalf

* Jacquelyn Hayes-Byrd, Acting Chief of Staff and Deputy Chief of Staff

* Thomas Bowman, Deputy Secretary, and anyone acting on his behalf

* Any political appointee* in the immediate Office of the Secretary or Deputy Secretary during the applicable time period not previously listed above

* Outside Recipients

* Dan Caldwell

* (b)(6)

* Pete Hegseth

* Pete Hegseth

* Any email address ending in @cv4a.org or @cvafoundation.org

* Isaac "Ike" Perlmutter

* Bruce Moskowitz

* Marc Sherman

* All email communications between any of the individuals listed in Column A and any external individuals or organizations (i.e., emails with addresses ending in .com/.org/.net/.mil/.edu) that mention one or more of the following search terms in the subject line, body of the email, or attachment: a. "Concerned Veterans"

* "Concerned Veterans"

* "Concerned Vets"

* CVA

* CV4A

* Please provide all responsive records from January 20, 2017, through the date of the search.

* On August 28, 2018, the requester revised his request to: We request that the Office of the Secretary and Office of the Deputy Secretary also search for responsive records.

B. Who is responsible for replying to the request?

The FOIA Service is referring this request to the Office of Public and Intergovernmental Affairs (OP&IA) (18-11822-F) and Office of the Secretary (OSVA) (18-11960) to respond directly to the requester.

C. Due date? 20 working days from the date the request is perfected.

(b)(6)

VACO FOIA Service
Quality, Privacy, and Risk (QPR)
Office of Information and Technology (OI&T)
Office: (202) 632-(b)(6) / Fax: (202) 632-(b)(6)
vacofiaservice@va.gov<mailto:vacofiaservice@va.gov>
FOIA Service Hotline: 1-877-750-3642

Please take a moment and let us know how we did by completing a quick evaluation: Got a minute? Rate Our Service!<<https://vaww.vashare.oit.va.gov/sites/QPR/Lists/QPR%20Customer%20Satisfaction%20Evaluation/Item/newifs.aspx>>

[cid:image001.png@01D3A63F.FC6D0530]

QPR's Mission Statement:

"To instill and promote a culture of quality, privacy and risk management in collaboration with our business partners to enable a better Veteran experience."



4 of
15

From: American Oversight FOIA
To: (b)(6)
Subject: [EXTERNAL] Re: Acknowledgement Letter 18-11822-F (Evers)
Date: Tuesday, August 28, 2018 4:10:29 PM

Ms. (b)(6)

Thank you for your email. Is VA referring the request only to the Office of Public and Intergovernmental Affairs? As we indicated in the request, most, if not all, of the identified VA officials are in the Office of the Secretary or the Office of the Deputy Secretary, and there have already been public released records reflecting communications between VA Secretary Shulkin and Ike Perlmutter and Bruce Moskowitz: <https://www.propublica.org/article/ike-perlmutter-bruce-moskowitz-marc-sherman-shadow-rulers-of-the-va>.

We request that the Office of the Secretary and Office of the Deputy Secretary also search for responsive records.

Sincerely,

Daniel McGrath
Staff Attorney
American Oversight
foia@americanoversight.org | 202.897.(b)(6)
www.americanoversight.org | @weareoversight

FOIA: VA-18-0457

On Aug 28, 2018, at 1:32 PM, (b)(6)@va.gov>
wrote:

Dear Mr. Evers,

This email acknowledges receipt of your electronic Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA) dated August 23, 2018, in which you requested:

- All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between any of the individuals listed
- Veterans Affairs Officials
 - Darin Selnick, Senior Advisor to the Secretary
 - (b)(6) Special Advisor
 - Individuals within the Offices of the Secretary and Deputy Secretary:

- David Shulkin, Former Secretary, and anyone acting on his behalf
 - Vivieca Wright Simpson, Former Chief of Staff
 - Pete O'Rourke, Former Chief of Staff, Former Acting Secretary, and Senior Advisor to the Secretary; and anyone acting on his behalf
 - Robert Wilkie, Secretary, and anyone acting on his behalf
 - Jacquelyn Hayes-Byrd, Acting Chief of Staff and Deputy Chief of Staff
 - Thomas Bowman, Deputy Secretary, and anyone acting on his behalf
 - Any political appointee* in the immediate Office of the Secretary or Deputy Secretary during the applicable time period not previously listed above
- Outside Recipients
 - Dan Caldwell
 - (b)(6)
 - [Redacted]
 - Pete Hegseth
 - Any email address ending in @cv4a.org or @cvafoundation.org
 - Isaac "Ike" Perlmutter
 - Bruce Moskowitz
 - Marc Sherman
 - All email communications between any of the individuals listed in Column A and any external individuals or organizations (i.e., emails with addresses ending in .com/.org/.net/.mil/.edu) that mention one or more of the following search terms in the subject line, body of the email, or attachment:
 - a. "Concerned Veterans"
 - a. "Concerned Veterans"
 - b. "Concerned Vets"
 - c. CVA
 - d. CV4A
 - Please provide all responsive records from January 20, 2017, through the date of the search.

The FOIA Service received your request on August 23, 2018, and assigned it FOIA tracking number **18-11822-F**. Please refer to this number when communicating with the VA about this request.

The records you requested, if they exist, would be maintained by Office of Assistant Secretary for Public & Intergovernmental Affairs (OP&IA). Therefore, we are redirecting your request to this office for a file search and a direct response to you. If you wish to know the status of your request, please contact them directly at the following address:

Department of Veterans Affairs
OP&IA, (002) VACO
Attn: Anita Major
810 Vermont Avenue, NW
Washington, DC 20420
Phone: (202) 461-7430
Fax: (202) 495-5228

This concludes the FOIA Service's response to your request.

We appreciate your interest in the VA.

Sincerely,

(b)(6)

VACO FOIA Service (005R1C)
Office of Privacy Information and Identity Protection (PIIP)
Quality, Privacy, and Risk (QPR)
Office of Information and Technology (OI&T)
Email: vacofoise@va.gov
Office: (202) 632-(b)(6)
Fax: (202) 632-(b)(6)
FOIA Service Hotline: 1-877-750-3642

Please take a moment and let us know how we did by completing a quick evaluation: [Got a minute? Rate Our Service!](#)

<image001.png>

QPR's Mission Statement:

"To instill and promote a culture of quality, privacy and risk management in collaboration with our business partners to enable a better Veteran experience."

11 AUG 23 2018
BY: FOIA SERVICE

Requested Records

American Oversight requests that the Department of Veterans Affairs (VA) produce the following records within twenty business days:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between any of the individuals listed in Column A and any of the individuals or groups listed in Column B:

Column A: Veterans Affairs Officials	Column B: Outside Recipients
<ul style="list-style-type: none"> • Darin Selnick, Senior Advisor to the Secretary • (b)(6) Special Advisor <p>Individuals within the Offices of the Secretary and Deputy Secretary:</p> <ul style="list-style-type: none"> • David Shulkin, Former Secretary, and anyone acting on his behalf • Vivieca Wright Simpson, Former Chief of Staff • Pete O'Rourke, Former Chief of Staff, Former Acting Secretary, and Senior Advisor to the Secretary; and anyone acting on his behalf • Robert Wilkie, Secretary, and anyone acting on his behalf • Jacquelyn Hayes-Byrd, Acting Chief of Staff and Deputy Chief of Staff • Thomas Bowman, Deputy Secretary, and anyone acting on his behalf 	<ul style="list-style-type: none"> • Dan Caldwell • (b)(6) • (b)(6) • Pete Hegseth • Any email address ending in @cv4a.org or @cvafoundation.org • Isaac "Ike" Perlmutter • Bruce Moskowitz • Marc Sherman

<ul style="list-style-type: none"> • Any political appointee* in the immediate Office of the Secretary or Deputy Secretary during the applicable time period not previously listed above 	
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*“Political appointee” should be understood as any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a non-career SES, any Schedule C employees, or any persons hired under Temporary Non-Career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments.

Please provide all responsive records from January 20, 2017, through the date of the search.

2. All email communications between any of the individuals listed in Column A and any external individuals or organizations (i.e., emails with addresses ending in .com/.org/.net/.mil/.edu) that mention one or more of the following search terms in the subject line, body of the email, or attachment:
 - a. “Concerned Veterans”
 - b. “Concerned Vets”
 - c. CVA
 - d. CV4A

Please provide all responsive records from January 20, 2017, through the date of the search.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or

discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.³ **It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.**⁴

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches.**⁵ **Furthermore, agencies that have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files.** For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone. Accordingly, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

⁴ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work-related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

⁵ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”⁶ If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”⁷ Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”⁸ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁹

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.¹⁰ Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, you are on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight hopes to decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

⁶ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

⁷ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁸ *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis in original).

⁹ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

¹⁰ *Mead Data Central*, 566 F.2d at 261.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's implementing regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to public understanding of those operations. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of activities of the government. The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how an advocacy organization is influencing federal government activities and policies.¹¹ The disclosure of the requested information may further reveal the extent of influence private individuals are exerting on federal government activities and policies by virtue of their personal relationship with the president.¹² The American people deserve to know if private individuals without official government roles or responsibilities are unduly affecting federal government policies. And, as described below, American Oversight has the intention and ability to disseminate the records it receives to a broad audience.

This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹³ American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,¹⁴ American Oversight promptly posted the records to its website and published an analysis of what the records

¹¹ Lee, *supra* note 1.

¹² See Arnsdorf, *supra* note 2.

¹³ American Oversight currently has approximately 11,900 page likes on Facebook and 44,500 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited August 21, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited August 21, 2018).

¹⁴ DOJ Civil Division Response Noel Francisco Compliance, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

reflected about DOJ's process for ethics waivers.¹⁵ As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.¹⁶

Accordingly, American Oversight qualifies for a fee waiver.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Dan McGrath at foia@americanoversight.org or (202) 897-(b)(6). Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

¹⁵ *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹⁶ *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

Short, Jacqueline

From: American Oversight FOIA <foia@americanoversight.org>
Sent: Thursday, August 23, 2018 2:41 PM
To: VACO FOIA Service Inbox
Subject: [EXTERNAL] FOIA Request (VA-18-0457)
Attachments: VA-18-0457.pdf

RECEIVED
AUG 23 2018
BY: FOIA SERVICE

Dear FOIA Officer:

Please find attached a request for records under the Freedom of Information Act.

Sincerely,

Daniel McGrath
Staff Attorney
American Oversight
foia@americanoversight.org | 202.897.(b)(6)
www.americanoversight.org | @weareoversight

FOIA: VA-18-0457

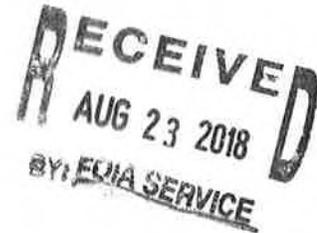
18-11822-F



August 23, 2018

VIA ELECTRONIC MAIL

U.S. Department of Veterans Affairs
810 Vermont Avenue NW
(005R1C) VACO
Washington, DC 20420
vacofoiaservice@va.gov



Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and your agency's implementing regulations, American Oversight makes the following request for records.

Press reporting indicates the significant degree of influence that Concerned Veterans for America, a Koch-backed advocacy group, has amassed during the Trump administration.¹ Concerned Veterans for America has former employees placed throughout executive branch agencies, including the U.S. Department of Veterans Affairs, the U.S. Department of Energy, the U.S. Department of Defense, the U.S. Department of Transportation, and the U.S. Department of Housing and Urban Development. Public reports, and released public records, further suggest that private individuals—including Bruce Moskowitz, Isaac “Ike” Perlmutter, and Marc Sherman—with personal connections to the president have held sway over issues affecting veterans affairs.²

American Oversight seeks records to understand the degree and nature of influence that Concerned Veterans for America is having on wide-ranging policy discussions that affect millions of Americans, as well as influence of private individuals with connections to the president on federal government actions and policies.

¹ Michelle Ye Hee Lee et al., *How a Koch-Backed Veterans Group Gained Influence in Trump's Washington*, WASH. POST, Apr. 7, 2018, https://www.washingtonpost.com/politics/how-a-koch-backed-veterans-group-gained-influence-in-trumps-washington/2018/04/07/398b67c4-3784-11e8-9c0a-85d477d9a226_story.html?utm_term=.462c52fba338.

² Isaac Arnsdorf, *The Shadow Rulers of the VA: How Marvel Entertainment Chairman Ike Perlmutter and Two Other Mar-a-Lago Cronies are Secretly Shaping the Trump Administration's Veterans Policies* (Aug. 7, 2018, 6:29 PM), <https://www.propublica.org/article/ike-perlmutter-bruce-moskowitz-marc-sherman-shadow-rulers-of-the-va>.



From: (b)(6)
Sent: 29 Aug 2018 07:09:44 -0500
To: Powers, Pamela; Syrek, Christopher D. (Chris)
Subject: FW: Revised VACO Substantial Interest Notification (Austin R. Evers 18-11822-F and 18-11960-F)
Attachments: image001.png, Revised Request 18-11822;11960-F (Evers).pdf, 18-11822;11960-F Req Evers.pdf

Good morning Pam/Chris,

This request is broad but includes current and former SecVA.

Thanks,

(b)(6)

(b)(6)

Director
Administrative Operations
Office of the Secretary
202-461-(b)(6)

From: (b)(6)
Sent: Wednesday, August 29, 2018 4:08:30 AM
To: VACO FOIA Substantial Notification
Cc: (b)(6)
Subject: Revised VACO Substantial Interest Notification (Austin R. Evers 18-11822-F and 18-11960-F)

A. Why are you sending this to the 10th floor? For informational purposes only.

On August 23, 2018, the FOIA Service received a FOIA request from Mr. Austin R. Evers, American Oversight requesting:

* All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between any of the individuals listed

* Veterans Affairs Officials

* Darin Selnick, Senior Advisor to the Secretary

* (b)(6) Special Advisor

* Individuals within the Offices of the Secretary and Deputy Secretary:

- * David Shulkin, Former Secretary, and anyone acting on his behalf
- * Vivieca Wright Simpson, Former Chief of Staff
- * Pete O'Rourke, Former Chief of Staff, Former Acting Secretary, and Senior Advisor to the Secretary; and anyone acting on his behalf
- * Robert Wilkie, Secretary, and anyone acting on his behalf
- * Jacquelyn Hayes-Byrd, Acting Chief of Staff and Deputy Chief of Staff
- * Thomas Bowman, Deputy Secretary, and anyone acting on his behalf
- * Any political appointee* in the immediate Office of the Secretary or Deputy Secretary during the applicable time period not previously listed above

* Outside Recipients

* Dan Caldwell

* (b)(6)

* [Redacted]

* Pete Hegseth

* Any email address ending in @cv4a.org or @cvafooundation.org

* Isaac "Ike" Perlmutter

* Bruce Moskowitz

* Marc Sherman

* All email communications between any of the individuals listed in Column A and any external individuals or organizations (i.e., emails with addresses ending in .com/.org/.net/.mil/.edu) that mention one or more of the following search terms in the subject line, body of the email, or attachment: a. "Concerned Veterans"

* "Concerned Veterans"

* "Concerned Vets"

* CVA

* CV4A

* Please provide all responsive records from January 20, 2017, through the date of the search.

* On August 28, 2018, the requester revised his request to: We request that the Office of the Secretary and Office of the Deputy Secretary also search for responsive records.

B. Who is responsible for replying to the request?

The FOIA Service is referring this request to the Office of Public and Intergovernmental Affairs (OP&IA) (18-11822-F) and Office of the Secretary (OSVA) (18-11960) to respond directly to the requester.

C. Due date? 20 working days from the date the request is perfected.

(b)(6)

VACO FOIA Service

Quality, Privacy, and Risk (QPR)

Office of Information and Technology (OI&T)

Office: (202) 632-(b)(6) Fax: (202) 632-(b)(6)
vacofiaservice@va.gov<mailto:vacofiaservice@va.gov>
FOIA Service Hotline: 1-877-750-3642

Please take a moment and let us know how we did by completing a quick evaluation: Got a minute? Rate Our Service!
<<https://vaww.vashare.oit.va.gov/sites/QPR/Lists/QPR%20Customer%20Satisfaction%20Evaluation/Item/newifs.aspx>>

[cid:image001.png@01D3A63F.FC6D0530]

QPR's Mission Statement:

“To instill and promote a culture of quality, privacy and risk management in collaboration with our business partners to enable a better Veteran experience.”



4 of

15

From: American Oversight FOIA
To: (b)(6)
Subject: [EXTERNAL] Re: Acknowledgement Letter 18-11822-F (Evers)
Date: Tuesday, August 28, 2018 4:10:29 PM

Ms. (b)(6)

Thank you for your email. Is VA referring the request only to the Office of Public and Intergovernmental Affairs? As we indicated in the request, most, if not all, of the identified VA officials are in the Office of the Secretary or the Office of the Deputy Secretary, and there have already been public released records reflecting communications between VA Secretary Shulkin and Ike Perlmutter and Bruce Moskowitz: <https://www.propublica.org/article/ike-perlmutter-bruce-moskowitz-marc-sherman-shadow-rulers-of-the-va>.

We request that the Office of the Secretary and Office of the Deputy Secretary also search for responsive records.

Sincerely,

Daniel McGrath
Staff Attorney
American Oversight
foia@americanoversight.org | 202.897.(b)(6)
www.americanoversight.org | @weareoversight

FOIA: VA-18-0457

On Aug 28, 2018, at 1:32 PM, (b)(6)@va.gov> wrote:

Dear Mr. Evers,

This email acknowledges receipt of your electronic Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA) dated August 23, 2018, in which you requested:

- All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between any of the individuals listed
 - Veterans Affairs Officials
 - Darin Selnick, Senior Advisor to the Secretary
 - (b)(6) Special Advisor
 - Individuals within the Offices of the Secretary and Deputy Secretary:

- David Shulkin, Former Secretary, and anyone acting on his behalf
 - Vivieca Wright Simpson, Former Chief of Staff
 - Pete O'Rourke, Former Chief of Staff, Former Acting Secretary, and Senior Advisor to the Secretary; and anyone acting on his behalf
 - Robert Wilkie, Secretary, and anyone acting on his behalf
 - Jacquelyn Hayes-Byrd, Acting Chief of Staff and Deputy Chief of Staff
 - Thomas Bowman, Deputy Secretary, and anyone acting on his behalf
 - Any political appointee* in the immediate Office of the Secretary or Deputy Secretary during the applicable time period not previously listed above
- Outside Recipients
 - Dan Caldwell
 - (b)(6)
 -
 - Pete Hegseth
 - Any email address ending in @cv4a.org or @cvafoundation.org
 - Isaac "Ike" Perlmutter
 - Bruce Moskowitz
 - Marc Sherman
 - All email communications between any of the individuals listed in Column A and any external individuals or organizations (i.e., emails with addresses ending in .com/.org/.net/.mil/.edu) that mention one or more of the following search terms in the subject line, body of the email, or attachment:
 - a. "Concerned Veterans"
 - a. "Concerned Veterans"
 - b. "Concerned Vets"
 - c. CVA
 - d. CV4A
 - Please provide all responsive records from January 20, 2017, through the date of the search.

The FOIA Service received your request on August 23, 2018, and assigned it FOIA tracking number **18-11822-F**. Please refer to this number when communicating with the VA about this request.

The records you requested, if they exist, would be maintained by Office of Assistant Secretary for Public & Intergovernmental Affairs (OP&IA). Therefore, we are redirecting your request to this office for a file search and a direct response to you. If you wish to know the status of your request, please contact them directly at the following address:

Department of Veterans Affairs
OP&IA, (002) VACO
Attn: Anita Major
810 Vermont Avenue, NW
Washington, DC 20420
Phone: (202) 461-7430
Fax: (202) 495-5228

This concludes the FOIA Service's response to your request.

We appreciate your interest in the VA.

Sincerely,

(b)(6)

VACO FOIA Service (005R1C)
Office of Privacy Information and Identity Protection (PIIP)
Quality, Privacy, and Risk (QPR)
Office of Information and Technology (OI&T)
Email: vacofaiase@va.gov
Office: (202) 632 (b)(6)
Fax: (202) 632 (b)(6)
FOIA Service Hotline: 1-877-750-3642

Please take a moment and let us know how we did by completing a quick evaluation: [Got a minute? Rate Our Service!](#)

<image001.png>

QPR's Mission Statement:

"To instill and promote a culture of quality, privacy and risk management in collaboration with our business partners to enable a better Veteran experience."

11 AUG 23 2018
BY: FOIA SERVICE

Requested Records

American Oversight requests that the Department of Veterans Affairs (VA) produce the following records within twenty business days:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between any of the individuals listed in Column A and any of the individuals or groups listed in Column B:

Column A: Veterans Affairs Officials	Column B: Outside Recipients
<ul style="list-style-type: none"> • Darin Selnick, Senior Advisor to the Secretary • (b)(6) Special Advisor <p>Individuals within the Offices of the Secretary and Deputy Secretary:</p> <ul style="list-style-type: none"> • David Shulkin, Former Secretary, and anyone acting on his behalf • Vivieca Wright Simpson, Former Chief of Staff • Pete O'Rourke, Former Chief of Staff, Former Acting Secretary, and Senior Advisor to the Secretary; and anyone acting on his behalf • Robert Wilkie, Secretary, and anyone acting on his behalf • Jacquelyn Hayes-Byrd, Acting Chief of Staff and Deputy Chief of Staff • Thomas Bowman, Deputy Secretary, and anyone acting on his behalf 	<ul style="list-style-type: none"> • Dan Caldwell • (b)(6) • (b)(6) • Pete Hegseth • Any email address ending in @cv4a.org or @cvafoundation.org • Isaac "Ike" Perlmutter • Bruce Moskowitz • Marc Sherman

<ul style="list-style-type: none"> • Any political appointee* in the immediate Office of the Secretary or Deputy Secretary during the applicable time period not previously listed above 	
---	--

*“Political appointee” should be understood as any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a non-career SES, any Schedule C employees, or any persons hired under Temporary Non-Career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments.

Please provide all responsive records from January 20, 2017, through the date of the search.

2. All email communications between any of the individuals listed in Column A and any external individuals or organizations (i.e., emails with addresses ending in .com/.org/.net/.mil/.edu) that mention one or more of the following search terms in the subject line, body of the email, or attachment:
 - a. “Concerned Veterans”
 - b. “Concerned Vets”
 - c. CVA
 - d. CV4A

Please provide all responsive records from January 20, 2017, through the date of the search.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or

discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.³ **It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.**⁴

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches.**⁵ **Furthermore, agencies that have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files.** For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone. Accordingly, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

⁴ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work-related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

⁵ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”⁶ If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”⁷ Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”⁸ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁹

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.¹⁰ Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, you are on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight hopes to decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

⁶ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

⁷ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁸ *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis in original).

⁹ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

¹⁰ *Mead Data Central*, 566 F.2d at 261.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's implementing regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to public understanding of those operations. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of activities of the government. The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how an advocacy organization is influencing federal government activities and policies.¹¹ The disclosure of the requested information may further reveal the extent of influence private individuals are exerting on federal government activities and policies by virtue of their personal relationship with the president.¹² The American people deserve to know if private individuals without official government roles or responsibilities are unduly affecting federal government policies. And, as described below, American Oversight has the intention and ability to disseminate the records it receives to a broad audience.

This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹³ American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,¹⁴ American Oversight promptly posted the records to its website and published an analysis of what the records

¹¹ Lee, *supra* note 1.

¹² See Arnsdorf, *supra* note 2.

¹³ American Oversight currently has approximately 11,900 page likes on Facebook and 44,500 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited August 21, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited August 21, 2018).

¹⁴ DOJ Civil Division Response Noel Francisco Compliance, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

reflected about DOJ's process for ethics waivers.¹⁵ As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.¹⁶

Accordingly, American Oversight qualifies for a fee waiver.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Dan McGrath at foia@americanoversight.org or (202) 897-(b)(6). Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

¹⁵ *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹⁶ *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

(b)(6)

From: American Oversight FOIA <foia@americanoversight.org>
Sent: Thursday, August 23, 2018 2:41 PM
To: VACO FOIA Service Inbox
Subject: [EXTERNAL] FOIA Request (VA-18-0457)
Attachments: VA-18-0457.pdf

RECEIVED
AUG 23 2018
BY: FOIA SERVICE

Dear FOIA Officer:

Please find attached a request for records under the Freedom of Information Act.

Sincerely,

Daniel McGrath
Staff Attorney
American Oversight
foia@americanoversight.org | 202.897.(b)(6)
www.americanoversight.org | @weareoversight

FOIA: VA-18-0457

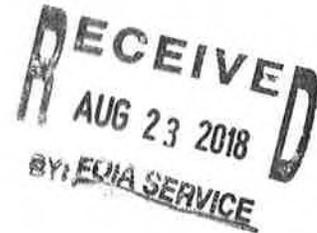
18-11822-F



August 23, 2018

VIA ELECTRONIC MAIL

U.S. Department of Veterans Affairs
810 Vermont Avenue NW
(005R1C) VACO
Washington, DC 20420
vacofoiaservice@va.gov



Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and your agency's implementing regulations, American Oversight makes the following request for records.

Press reporting indicates the significant degree of influence that Concerned Veterans for America, a Koch-backed advocacy group, has amassed during the Trump administration.¹ Concerned Veterans for America has former employees placed throughout executive branch agencies, including the U.S. Department of Veterans Affairs, the U.S. Department of Energy, the U.S. Department of Defense, the U.S. Department of Transportation, and the U.S. Department of Housing and Urban Development. Public reports, and released public records, further suggest that private individuals—including Bruce Moskowitz, Isaac “Ike” Perlmutter, and Marc Sherman—with personal connections to the president have held sway over issues affecting veterans affairs.²

American Oversight seeks records to understand the degree and nature of influence that Concerned Veterans for America is having on wide-ranging policy discussions that affect millions of Americans, as well as influence of private individuals with connections to the president on federal government actions and policies.

¹ Michelle Ye Hee Lee et al., *How a Koch-Backed Veterans Group Gained Influence in Trump's Washington*, WASH. POST, Apr. 7, 2018, https://www.washingtonpost.com/politics/how-a-koch-backed-veterans-group-gained-influence-in-trumps-washington/2018/04/07/398b67c4-3784-11e8-9c0a-85d477d9a226_story.html?utm_term=.462c52fba338.

² Isaac Arnsdorf, *The Shadow Rulers of the VA: How Marvel Entertainment Chairman Ike Perlmutter and Two Other Mar-a-Lago Cronies are Secretly Shaping the Trump Administration's Veterans Policies* (Aug. 7, 2018, 6:29 PM), <https://www.propublica.org/article/ike-perlmutter-bruce-moskowitz-marc-sherman-shadow-rulers-of-the-va>.



From: (b)(6)
Sent: 3 Aug 2018 11:18:18 -0500
To: Powers, Pamela; Syrek, Christopher D. (Chris); (b)(6) CIV OSD OUSD P-R (US)
Cc: Ulliyot, John; Hutton, James
Subject: FW: [EXTERNAL] Ike Perlmutter, Marc Sherman and Bruce Moskowitz
Attachments: RE: Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Folks – I wanted to flag the below for you.

ProPublica has been working on this story for weeks and has sent inquiries to me, the White House, Cam Sandoval and now Peter O'Rourke.

I responded to the reporter on July 18 with the attached. Peter and Cam did not respond to the reporter. The White House sent the reporter the following:

These individuals are not Administration officials, and have no direct influence over the Department of Veterans Affairs. The President welcomes the opinions of all Americans who share his vision of modernizing and reforming the VA to ensure our nation's heroes receive the care they deserve.

Please let me know if you have any questions.

Thanks,

(b)(6)
Press Secretary
Department of Veterans Affairs
202-461-(b)(6)
(b)(6)@va.gov
@(b)(6)

From: Isaac Arnsdorf
Sent: Friday, August 03, 2018 7:14:03 AM
To: COS-PMO; O'Rourke, Peter M.
Subject: [EXTERNAL] Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Hi Pete,

I'm writing an article about the influence of Ike Perlmutter, Marc Sherman and Bruce Moskowitz over the Department of Veterans Affairs. The story will describe how, despite having no official role and no relevant expertise, these three men have unprecedented authority over the VA.

Here are my specific questions:

1. Why did you and Secretary Wilkie travel to Mar-a-Lago on April 20? What ethics counsel approved this trip? What did you discuss with Perlmutter, Moskowitz and Sherman?
2. Why did you say Bruce Moskowitz and Aaron Moskowitz were the driving forces behind the medical device registry summit? What will be their role in the registry going forward?

3. In a Feb. 28 email, why did you give Perlmutter, Moskowitz and Sherman your personal contact information? Have you been conducting official business on your personal email? Have these records been searched in response to my FOIA request?
4. What was the mental health “emergency ‘committee’” that Moskowitz wrote about in a Feb. 28 email to you? Why did you reply, “I will begin a project plan and develop a timeline for action”?
5. What is your response to the Washington Post [report](#) that you “will be reassigned to a less visible role overseeing a new office focused on improving VA operations”?

Thanks,
Isaac

Isaac Arnsdorf

PROPUBLICA

203.464.(b)(6)

(b)(6)@propublica.org

From: (b)(6)
Sent: 18 Jul 2018 18:37:27 +0000
To: 'Isaac Arnsdorf'
Subject: RE: Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Thanks, Isaac. Please see below and please confirm receipt. – Curt

We appreciate hearing from experts both inside and outside VA as we look for better ways to serve our nation's heroes. This broad range of input from individuals both inside and outside VA has helped us immensely over the last year and a half – a period that hands-down has been VA's most productive in decades.

Under President Trump's leadership, VA has made groundbreaking progress, particularly in the areas of accountability, transparency and efficiency across the department while enjoying an unprecedented series of legislative successes.

We look forward to building on these improvements as we continue to reform VA under President Trump.

(b)(6)
Press Secretary
Department of Veterans Affairs
202-461-(b)(6)
(b)(6)@va.gov
@(b)(6)

From: Isaac Arnsdorf [mailto:(b)(6)@propublica.org]
Sent: Tuesday, July 17, 2018 10:28 AM
To: (b)(6)@va.gov
Subject: [EXTERNAL] Re: Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Hi (b)(6)

I don't have a hard deadline yet because I'm interested in seeing your answers first. I think a couple days would be a reasonable amount of time.

Thanks again,
Isaac

From: "(b)(6)@va.gov"
Date: Tuesday, July 17, 2018 at 10:24 AM
To: Isaac Arnsdorf (b)(6)@propublica.org
Subject: RE: Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Hi, Isaac. What is your deadline?

Thanks,

(b)(6)

Press Secretary
Department of Veterans Affairs

202-461-(b)(6)

(b)(6)@va.gov

@(b)(6)

From: Isaac Arnsdorf [mailto:(b)(6)@propublica.org]

Sent: Tuesday, July 17, 2018 9:31 AM

To: (b)(6)@va.gov>

Subject: [EXTERNAL] Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Hi (b)(6)

I'm writing an article about the influence of Ike Perlmutter, Marc Sherman and Bruce Moskowitz over the Department of Veterans Affairs. The story will describe how, despite having no official role and no relevant expertise, these three men have unprecedented authority over the VA.

Here are my specific questions:

1. Why do Perlmutter, Sherman and Moskowitz advise VA officials?
2. What is their relevant experience or expertise?
3. Why doesn't the agency use the advisory mechanism provided under FACA?
4. Why don't these advisers abide by the same oversight and ethical standards as government employees?
5. What is the total cost in taxpayer dollars of officials' travel to Mar-a-Lago to meet with Perlmutter, Sherman and Moskowitz?
6. Were these trips approved by counsel? Please provide documentation.
7. Why did Robert Wilkie meet with Marc Sherman on April 2? What did they discuss?
8. Why did Robert Wilkie and Peter O'Rourke travel to Mar-a-Lago on April 20? What ethics counsel approved this trip? What did they discuss with Perlmutter, Moskowitz and Sherman?
9. On or about March 4, 2017, Shulkin called Perlmutter and Moskowitz to review an agenda before presenting it to the President. What was on this agenda and why did he need to review it with Perlmutter and Moskowitz first?
10. On Feb. 28, March 31, and April 17, 2017, Perlmutter convened conference calls with senior officials from Johnson & Johnson. I understand these discussions were related to the #BeThere campaign, leading to Dr. Shulkin's ringing the closing bell at the New York Stock Exchange with Marvel, Disney and Johnson & Johnson on Nov. 7, 2017. Why were Marvel and Disney included even though the campaign involved only Johnson & Johnson?
11. On Nov. 7, 2017, Secretary Shulkin stood on the platform at the New York Stock Exchange next to Captain America. How does this comply with 5 CFR 2635.702(c)?
12. In an Oct. 20, 2017, a VA official asked ethics counsel about the NYSE event, raising Shulkin's relationship with Perlmutter as a possible concern. Did the ethics counsel approve the event, and what explanation did he or she provide?
13. What will be the role of Bruce Moskowitz, Aaron Moskowitz, and/or the Biomedical Research and Education Foundation in the implementation of the VA's new medical device registry?

14. What was the cost of the Medical Device Registry Summit?
15. Why does Camilo Sandoval describe himself as Perlmutter's spy and compare himself with Mr. Fox from "Pulp Fiction"? What is his relationship with Perlmutter and Jared Kushner?
16. Why did Sandoval move to VA from Treasury?
17. What is Sandoval's response to the sexual harassment allegations against him?
18. Who asked Jake Leinenkugel to prepare the Dec. 4 memo to Sandoval? Who did Sandoval share the memo with?
19. On Sept. 18, 2017, in an email to VA officials, Perlmutter wrote: "We have been talking to Dr. Shulkin for many months about identifying the existence of healthcare delivery issues at VA medical centers... [W]e think that some of the VA hospitals are delivering some specialty healthcare when they shouldn't and when referrals to private facilities or other VA centers would be a better option... Our solution is to make use of academic medical centers and medical trade groups, both of whom have offered to send review teams to the VA hospitals to help this effort." What became of this proposal?
20. I understand the VA was planning to engage the American College of Surgeons to analyze the quality of VA's surgical programs, at the suggestion of Dr. Moskowitz. How much would this cost the VA? Why wasn't the collaboration finalized?
21. Why did the VA consider working with Apple to develop an app by Dr. Moskowitz's son? Why didn't the project proceed?
22. In a March 7 email to Dr. Moskowitz and Mr. Sherman, Mr. Sandoval wrote, "Apparently I was supposed to share this Attachment with you last month per John's note below." The attachments were "EHRM Cerner Apple Compare _final.pptx" and "Apple App Background and Questions _final.docx." Why was Sandoval supposed to share these documents with Moskowitz and Sherman?
23. How did VA officials address the concerns about the Cerner contract raised by Perlmutter, Moskowitz and Sherman?
24. After Cerner accepted all the recommendations from the Mitre report, why did it still take months to sign the Cerner contract?
25. What changed about the Cerner contract between when Perlmutter, Moskowitz and Sherman didn't want Shulkin to sign it in March, and when Wilkie signed it in May?
26. In a Feb. 28 email, why did O'Rourke give Perlmutter, Moskowitz and Sherman his personal contact information? Has he been conducting official business on his personal email? How is VA ensuring his compliance with the Federal Records Act?
27. What was the mental health "emergency 'committee'" that Moskowitz wrote about in a Feb. 28 email to O'Rourke and Shulkin? Why did O'Rourke reply, "I will begin a project plan and develop a timeline for action"?
28. Once confirmed, will Wilkie assert his own authority over the VA or take direction from Perlmutter, Sherman and Moskowitz?

Thanks,
Isaac

Isaac Arnsdorf

PROPUBLICA

203.464. (b)(6)

(b)(6) @propublica.org

From: (b)(6)
Sent: 20 Jul 2018 10:51:25 -0500
Subject: OCLA Weekly Wrap-Up
Attachments: OCLA Weekly Wrap Jul 13-19, 2018.docx, July20_GAO_Notes.docx

Attached is the OCLA Weekly Wrap Up. It wraps up the previous Friday's legislative activities through the current Thursday's legislative activities and includes a separate report on GAO activities. If you need more information in real time, please reach out to the OCLA Point of Contact listed on each entry.

Brooks D. Tucker
Assistant Secretary
Office of Congressional and Legislative Affairs





U.S. Department of Veterans Affairs Office of Congressional and Legislative Affairs

Weekly Summary and Status Report

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Reporting Period July 13-19, 2018

- Strategic Priorities (to include legislation introduced)
- Congressional Briefings and Meetings
 - Monday
 - Tuesday
 - Wednesday
 - Thursday
 - Friday

Scheduled Events

- Congressional Briefings and Meetings
- Congressional Hearings and Forums (to include trips and visits)

- ◆ Denotes new entry in this edition
- Denotes change from last edition

Strategic Priorities

Priority 1: Greater Choice for Veterans

The MISSION Act passed with overwhelming bipartisan support through both chambers and was signed into law by the President on June 6, 2018. The link to read the Act is <https://www.congress.gov/115/bills/s2372/BILLS-115s2372enr.pdf>.

Priority 2: Focus Resources

The President's FY 2019 Budget requests \$198.6 billion for VA — \$88.9 billion in discretionary funding (including medical care collections), of which \$76.5 billion is requested as the FY 2019 AA for Medical Care including collections.

In total, the discretionary request is an increase of \$6.8 billion, or 8.3 percent, over the President's FY 2018 Budget request. It will sustain the progress we have made and provide additional resources to improve patient access and timeliness of

medical care services, while improving benefits delivery for our Veterans and their beneficiaries.

Priority 3: Modernizing VA Systems and Services

EHRM -- adopt the same electronic health record (EHR) system as the Department of Defense (DoD). This transformation is about improving VA services and significantly enhancing the coordination of care for Veterans who receive medical care not only from VA, but DoD and our community partners.

Continue IT Modernization through the incorporation of business process re-engineering to support Financial Management Business Transformation across the Department.

This approach would continue modernization of our financial management system by transforming the Department from numerous stovepipe legacy systems to a service business transaction environment.

Priority 4: Improve Timeliness

In FY 2019, VA will expand Veteran access to medical care by increasing medical and clinical staff, improving its facilities, and expanding care provided in the community. The FY 2019 request will support nearly 315,688 medical care FTE, an increase of 5,792 above the 2018 level.

VBA is also undertaking a similar approach to modernize its appeals process through legislative reform, increased resources, technology, process improvements, and increased efficiencies. The requested \$74 million for appeals processing increases VBA's appeals FTEs by 605, more than 40 percent above 2018.

Priority 5: Suicide Prevention

The VA continues to expand Veterans' mental health services, utilizing process modernization, executive orders, and budgetary expansion.

Follow-on Actions from 2017 Legislation

Congress expects measurable results through the utilization of new tools provided in legislation.

High priority areas of congressional interest include:

- Care in the Community
- Appeals Modernization
- EHRM
- GI Bill
- VHA, HR, VBA Modernization (to include financial management and opioids)
- Accountability and Whistleblower Protection
- Mental Health

Congressional Briefings and Meetings

Supplemental Entries to previous Weekly Reports

- **July 12, 2018.** 2:00 P.M.; Teleconference

OCLA POC: (b)(6) 1-(b)(6)

Driver: Sen. Moran staff request

Subject: Dodge City Community College

Participants: Sen. Moran personal staff and representatives from Dodge City Community College

VA Participants (VBA Education Service): Robert M. Worley, Director; (b)(6) Assistant Director for Policy and Procedures; (b)(6) Assistant Director, Operations; (b)(6) Assistant Director, Oversight & Accountability; (b)(6) Team Chief, Compliance, Liaison & Approval; (b)(6) Education Officer, St Louis VA; (b)(6) Senior Management Program Analyst; Michael Marks, Education Liaison Representative; and (b)(6) Education Chief, VA Debt Management Center.

Meeting Highlights:

- Dodge City Community College (DCCC) asked for this call because they could not understand the basis of their debt to VA. Mr. Worley explained that the issue traces back to VA advisories issued in September and December 2014 and that VA has a compliance mandate. Mr. Worley offered to meet with DCCC and go through the paperwork debt by debt.
- VA also agreed to put a stay on collections until the school meets with VA.

Due Outs: Education Service will meet with Dodge City Community College.

Reporting Period July 13-19, 2018

Friday July 13, 2018

- **July 13, 2018.** 9:30 A.M.; 335 Cannon

OCLA POC: (b)(6) 1-(b)(6)

Driver: Proactive status briefing on the Forever GI Bill.

Subject: 4 Corners Forever GI Bill Status Briefing.

VA Participants: Robert Worley, Director, Education Service; (b)(6) (b)(6) Deputy Director, Education Service; Lloyd Thrower, Deputy CIO, Account Manager for Benefits, OI&T; and Daniel McCune, Executive Director, Enterprise Portfolio Management Division, OI&T.

Meeting Highlights:

- VA participants discussed the current state of IT development and whether VA is ready to launch new software to comply with Forever GI Bill deadlines.
- HVAC and SVAC staff inquired about back-up plans and work-arounds.

Due Outs: VA participants will appear at an HVAC EO hearing on Wednesday, July 18.

• **July 13, 2018. 11:30 A.M. Teleconference**

POC: (b)(6) 1 (b)(6)

Driver: Acting Secretary O'Rourke and Congressman Sean Duffy recently spoke regarding the implementation of Section 4 of Public Law 114-256, which pertains to the appointment of licensed hearing aid specialists in the VA healthcare system. Congressman Duffy and HVAC staffers are concerned that the Acting Secretary claimed that the law does not require VA, in consultation with stakeholders, to establish qualification standards for the appointment of licensed hearing aid specialists.

Subject: Implementation of P.L. 114-256 - Hearing Aid Specialists

Participants: VA: Dr. Lou Beck, Deputy Under Secretary for Health for Policy and Services, VHA; Dr. (b)(6) National Director, Audiology and Speech Pathology, Clinical Care, Rehabilitation, and Restoration Directorate, VHA; Mr. (b)(6) Human Resource Specialist, WMC, VHA; (b)(6) Personnel Law, OGC; **HVAC:** (b)(6) Professional Staff; **Rep. Duffy's Staff:** (b)(6) Legislative Director.

Meeting Highlights:

- Rep. Duffy's staff requested two things upfront: 1) That VA convene a meeting with stakeholders to establish qualification standards for the appointment of licensed hearing aid specialists, and 2) that while they appreciate the VA's Congressionally Mandated Report (CMR), they wish they and received it in a more timely fashion.
- (b)(6) explained that HVAC staff are now aware they are responsible for sharing CMRs with Member's office and will share them sooner in the future.
- VA shared that while the Department appreciates Rep. Duffy's support of hearing aid specialists and Veterans, the hiring of hearing aid specialists is discretionary and the VA made an informed decision not to implement this part of the law. One of the main roadblocks in VA's hiring is the challenge to hire a profession that has not set its own industry standards and qualifications, with no consistent practices across the country.
- While the understood that challenge, Rep. Duffy's office reminded VA that the stakeholder meeting to establish qualification standards is a mandatory part of the law and would appreciate it if VA moved forward with the meeting.

Due Outs: VA will work to arrange a meeting with hearing aid specialist stakeholders and get back in touch with HVAC and Rep. Duffy's office with an update within 30 days.

Monday July 16, 2018

- **■ July 16, 2018. 2:00 P.M.;** 130 Cannon HOB

OCLA POC: (b)(6) 1-(b)(6)

Driver: Rep. Westerman (AR) Staff Request

Subject: Update regarding Veterans Health Care System of the Ozarks

Participants: (b)(6) w/Rep. Westerman (AR-4); **VA:** Skye McDougall, VISN 16 Director; (b)(6), Interim Medical Center Director, Fayetteville VAMC

- **◆ July 16, 2018. 4:00 P.M.;** Teleconference

OCLA POC: (b)(6) 1-(b)(6)

Driver: Reactive SVAC Minority Brief

Subject: Specialty Clinics

Participants: (b)(6) **VA:** Dr. Teresa Boyd, ADUSH for Clinical Operations, VHA and Dr. Laurence Meyer, Chief Officer Specialty Care Services, VHA

Meeting Highlights:

- The purpose of this briefing was to provide background and procedural information regarding how a specialty clinic is processed and approved. Ms. (b)(6) mentioned that during her trip to Montana she heard from several people that some specialty clinics have been closed.
- Dr. Meyer and Dr. Boyd explained that most specialty clinics are approved at a local VAMC/VISN level but largely rely on the Veteran demand in the area. For a specialty clinic such as a cardiac clinic, the demand must exist to support and maintain provider and staff technical competencies. Additionally, the VA would need to hire providers for that area to include necessary ancillary staff and those critical positions may be difficult to hire.
- Dr. Meyer and Dr. Boyd explained that it could be that a specialty clinic closed in Montana however, the VA does whatever it can to ensure services are provided to those Veterans (through telehealth, part-time providers, community availability, etc).

Due Outs: None

- **◆ July 16, 2018. 4:00 P.M.;** Meeting

OCLA POC: (b)(6) 1-(b)(6)

Driver: Member's request to meet with VISN 17 Director

Subject: VHA facilities in VISN 17, in particular WACO

Participants: Congressman Bill Flores and his Veterans LA, (b)(6)
(b)(6) **VA:** Jeffery L. Milligan, Network Director VISN 17.

Meeting Highlights:

- Rep. Bill Flores (R-TX) is a new Member on HVAC and asked to meet with Mr. Milligan who was in town VHA's monthly National Leadership Conference
- This was a conversational meet and greet. Rep. Flores expressed acceptance of the decision to move the Psychiatric Residential Treatment Program from Waco to Temple with the understanding that a Sexual Trauma Program would move to WACO and that there also was a proposal under review to house homeless Veterans on the Waco campus.
- Primary concern was to maintain the Center of Excellence
- Anticipates a Veterans Town Hall later this year. Mr. Milligan agreed to participate.

Due Outs: Status of proposed EUL project (Homeless Veterans) for Waco

Tuesday July 17, 2018

- **◆ July 17, 2018. 1:30 P.M.; Teleconference**

POC: (b)(6) 202-224 (b)(6)

Driver: Reactive. Minority Whip Steny Hoyer's (MD-05) Staff requested a meeting with CFM regarding the status of Charlotte Hall CBOC.

Subject: Charlotte Hall CBOC Update (00080978)

Participants: Rep. Steny Hoyer (MD-05); **VA:** (b)(6) Director, Lease Execution; (b)(6) Director, Project Delivery

Meeting Highlights:

- At the inception of the call, CFM accepted responsibility and apologized for the perceived communication gap. The facility construction was discussed in detail, to include the awardee, award date, structure location, and lease rent.
- Mr. (b)(6) conveyed the design delivery from a post-award perspective.
- Staff asked about a ground breaking for the project; CFM noted the request and explained that it is premature to estimate a timeline for a ground breaking. If all of the milestones are met, Summer 2020 would be the anticipated ground breaking for this facility.
- Staff appreciated the conversation and asked to be proactively updated on the status of the project.

Due Outs: Staff would like to receive in writing the facility and awardee details mentioned during the meeting.

- **◆ July 17 2018. 3:00 P.M. 825A Hart**

OCLA POC: (b)(6) 1 (b)(6)

Driver: SVAC Minority Staff was briefed on the status of VA's EHRM project.

Subject: Electronic Health Record Modernization Program

Participants: SVAC Minority Staff: (b)(6) and (b)(6) **VA:**
Genevieve Morris, Chief Health Information Technology Officer, EHRM and
John Windom, Deputy Chief Health Information Technology Officer, EHRM

Meeting Highlights:

- SMEs provided updated information on the 100 day outlook, governance, interoperability, change management, lessons learned, risks, workflows, funding, contract management and staffing.
- Staff was interested in community providers assisting with workflows in the EHRM system, selection of the appointment scheduling system, and communication with the VISNs on the EHRM.

Due outs: None

Wednesday July 18, 2018

• **◆ July 18, 2018. 10:00 A.M.: Teleconference**

OCLA POC: (b)(6) 1 (b)(6)

Driver: Senator Murray's staff request

Subject: IVF implementation

Participants: (b)(6) Legislative Assistant, Senator Murray; VA: Dr. (b)(6) Director, Reproductive Health; Dr. Patricia M. Hayes, Chief Consultant, Women's Health Services; (b)(6) Clinical Program Analyst; and (b)(6) Clinical Lead, Health Systems Specialist, PC3/Choice.

Meeting Highlights:

- Mr. (b)(6)'s request stated that "We appreciated Secretary Wilkie's clear commitment at the nomination hearing to fully implementing the program and ensuring care is easily available."
- He wanted a general update on the IVF program, including updated numbers, the expiration of Health Net's contract, and how the program is working through the transition to the Mission Act. He wanted to ensure that the contract transition and end product would not cause disruption of care for Veterans.
- VA explained that the Mission Act is still under development; therefore VA could only talk about current program activity.
- There are currently 45 IVF providers under contract with VA and 106 couples Health Net are/or have been treated through the program.
- Other discussion focused on: the statement of work for the CCN and VA stated there is no anticipation of disruption of service throughout this process; VA also expressed limitations of the program under the current law, including spending caps, spousal care, and transportation cost of preserved embryos from DoD to contract providers.

Due Outs: Provide TriWest Region statistics, geographical dispersion of the 45 IVF providers, and update on the transition of the program through the MISSION Act implementation when it becomes available.

- **◆ July 18, 2018. 10:30 A.M.;** 334 Cannon HOB

OCLA POC: (b)(6) 1-(b)(6) (b)(6) 1-(b)(6)

Driver: HVAC DAMA/Health Request

Subject: Roundtable - Burn Pits and Potential Toxic Exposures: Establishing Links to Benefits and Health Care

Participants: VBA: Beth Murphy, Director, Compensation Service; (b)(6) Senior Advisor to the Director of Compensation Service; VHA: Dr. (b)(6) Chief Consultant, Post Deployment Health Services; Dr. (b)(6) Director, War Related Illness and Injury Study Center (WRIISC-NJ); (b)(6) Program Analyst, Post-9/11 Era Environmental Health Program, Post Deployment Health Services

Meeting Highlights:

- Chairmen Dunn and Bost along with Ranking Members Brownley and Esty convened the Roundtable on Burn Pits and Toxic Exposures. In addition to the VA there were 11 VSOs and a representative from the National Academies in attendance to offer their views. DoD was once again invited to participate, and again declined. Members voiced their disappointment and suggested a bipartisan taskforce between the House Veterans Affairs Committee and the House Armed Services Committee to ensure DoD participation in the future.
- Several Member questions focused on the status of VA research into toxic exposures and any significant findings made by the Airborne Hazards Center of Excellence. Additionally, both Members and VSOs commented on improving benefit and claims approval process.
- A number of VSO reps and Members made comments regarding legislating presumptives to ensure coverage of Veterans that have been exposed to airborne hazards, similar to legislation for Blue Water Navy Veterans. VA did not comment in support of legislative presumptives, however cautioned that significant research was still needed.

Due Outs: Chairman Dunn requested Dr. (b)(6)'s published medical findings on airborne hazards and elevated levels of asthma.

- **July 18, 2018.** 11:00 A.M.; 421 Cannon

POC: (b)(6) 202-224-(b)(6)

Driver: Proactive: RAMP and Decision Ready Claims

Subject: RAMP & DRC Brief (00042845)

Participants: Various Member Offices; VA (b)(6) Counsel for Legislation, Regulations, and Policy, BVA; VBA/AMO SME

Meeting Highlights:

- Staff from 18 Member offices attended; Rep. Rouzer (NC-07), Rep. Brat (VA-07), Rep. Smucker (PA-16), Rep. Griffith (VA-09), Rep. Jenkins (WV-03), Rep. Scott (VA-03), Rep. Tipton (CO-03), Rep. Goodlatte (VA-06), Rep. Perlmutter (CO-07), Rep. Smith (WA-09), Rep. Abraham (LA-05), Rep. Engel (NY-16), Rep. Delaney (MD-06), Rep. Collins (NY-27), Rep. Hudson (NC-08), Del. Bordallo (Guam) Sen. Menendez (NJ) and Sen. Van Hollen (MD).

- SMEs presented the Department's Decision Ready Claim initiative and the Rapid Appeals Modernization Program. Briefing slides were provided to the Staff.

Due Outs: None

- **July 18, 2018.** 12:00 P.M.; 703 Hart

POC: (b)(6), 202-224-(b)(6)

Driver: Reactive. In response to a letter sent from Senator Warner, the Virginia VAMC Directors and VISN 6 Director will meet with the Senator.

Subject: CLC Ratings in Virginia

Participants: Sen. Mark Warner; **VA:** Ronald Johnson, Director; Hampton VAMC; John Brandecker, Director; Hunter Holmes McGuire VAMC; Rebecca Stackhouse, Director; Salem VAMC; DeAnne Seekins, VISN 6 Director

Meeting Highlights:

- Senator Warner mentioned he was alarmed and concerned when the report was released on CLCs. He asked the Directors to explain the fundamentals of the report and detail what has seemed to go wrong.
- Dr. (b)(6) discussed the premise and perimeters of the report, explaining the report reflects measures versus standards. The Department's rushed effort to be transparent contributed to some patient coding errors. Those errors do a disservice to accurately representing the quality of treatment and care provided at the CLC facilities in Virginia.
- Senator Warner was most interested in the VISN's plans to improve the facilities. Ms. Seekins explained that the VISN is currently working to develop protocol that will work to stratify the data into more appropriate metrics.

Due outs: None

- **July 18, 2018.** 1:15 P.M.; 231 Russell

POC: (b)(6), 202-224-(b)(6)

Driver: Reactive. In response to a letter sent from Senator Kaine, the Virginia VAMC Directors and VISN 6 Director will meet with the Senator.

Subject: CLC Ratings in Virginia

Participants: Sen. Tim Kaine; **VA:** Ronald Johnson, Director; Hampton VAMC; John Brandecker, Director; Hunter Holmes McGuire VAMC; Rebecca Stackhouse, Director; Salem VAMC; DeAnne Seekins, VISN 6 Director

Meeting Highlights:

- (b)(6) took the meeting on behalf of Senator Kaine who had a conflicting engagement; Mr. (b)(6) relayed the Senator's gratitude for the proactive nature of the meeting. He mentioned that since sending the letter, the amount of information he's received from the VISN/Virginia facility Directors has been immense and helpful. He asked that the VISN/VA support a continued proactive relationship with his office.

- Dr. (b)(6) discussed some of the challenges from an overarching geriatrics and extended-care provider perspective. She also covered some of the facility highpoints.

Due outs: None

- **◆ July 18, 2018.** 2:00 P.M. · 412 Cannon

POC: (b)(6) 202-224 (b)(6)

Driver: Proactive. VISN 6 Leadership will be on the Hill to meet with the Virginia Senators regarding CLC ratings in Va. Since Hampton VAMC has suboptimal quality ratings, Hampton VAMC MCD and VISN 6 Director will meet with Rep. Taylor to discuss the plan of action to address issues at the facility.

Subject: CLC Ratings in Virginia

Participants: Rep. Scott Taylor (VA-02); **VA:** Ronald Johnson, Director; Hampton VAMC; DeAnne Seekins, VISN 6 Director

Meeting Highlights:

- (b)(6) took the meeting on behalf of Rep. Taylor due to extended floor votes; The SMEs took the opportunity to discuss their facilities at length, covering several highpoints, exclusive to VA facilities within the VISN, that are not appropriately conveyed via CLC ratings.

Due Outs: None

- **■ July 18, 2018.** 3:30 P.M.; Teleconference

OCLA POC: (b)(6) 1 (b)(6)

Driver: Rep. David Young's request

Subject: Priority list VA construction Shenandoah

Participants: Professional staff from the office of Rep. David Young (R-IA-3) will speak with, **VA:** (b)(6) Director Capital Asset Management Service; (b)(6) Management Analyst Office of Asset Enterprise

Management

Meeting Highlights:

- Office requested a briefing on the FY2019 VA construction priority list, especially as it relates to the status of Shenandoah CBOC and where they lay in terms of priority.
- VA SMEs explained the normal process and what was different for Shenandoah CBOC, including why it wasn't included on the FY19 priority list. Confirmed the lease is being pursued-it has not been solicited yet, but should be soon. It is planned for award for FY19, but we don't have specific dates to date.

Due Outs: Staff very pleased with update. Requested they be put in contact with local Congressional/facility POCs who can help coordinate monthly meetings with staff to discuss progress and updates on solicitation.

Thursday July 19, 2018

- ◆ **July 19, 2018.** 9:30 A.M.; 825A Hart

OCLA POC: (b)(6), 1-(b)(6)

Driver: SVAC Request

Subject: 101 on VA's Life Insurance Program

Participants: SVAC staff

VA Participant: Vincent Markey, Director, VA Insurance Center; and (b)(6)
(b)(6) Deputy Director, VA Insurance Center

- **July 19, 2018.** 9:30 A.M.; CHOB RM 414

OCLA POC: (b)(6) and (b)(6), 1-(b)(6)

Driver: Subcommittee Chairman Request

Subject: Veteran Suicide Numbers and Data

Participants: HVAC O&I Subcommittee Chairman Bergman; **VA:** Dr. Keita Franklin, Executive Director, Suicide Prevention Program, VHA and Dr. (b)(6) Health Systems Specialist, VHA.

- ◆ **July 19, 2018.** 10:00 A.M. 340 Cannon

OCLA POC: (b)(6), 1-(b)(6)

Driver: HVAC staff follow-up briefing on VET360 IT System.

Subject: VET360 IT System

Participants: **HVAC Majority Staff: Minority Staff: VA:** Bill James, (A) PDAS, OIT.

- ◆ **July 19, 2018.** 11:00 A.M.; 334 Cannon

OCLA POC: (b)(6), 1-(b)(6)

Driver: HVAC O&I Minority Briefing Request (Ranking Member, Rep. Kuster)

Subject: Oversight of Opioid Agonist Treatment Programs (OATP)

Participants: **HVAC Minority Professional Staff; VA:** Dr. (b)(6) National Mental Health Program Director – Substance Use Disorders (SUD), Office of Mental Health and Suicide Prevention (b)(6) Director, External Accreditations; Dr. (b)(6) Psychologist, Baltimore VAMC; Stephanie O’Connell, Social Worker, Baltimore VAMC (b)(6) Attorney, Office of General Counsel

Meeting Highlights:

- Dr. (b)(6) gave an overview of the National OATP program
- (b)(6) explained the contract and accreditation process along with differentiating between the scope and purpose of The Joint Commission and OIG survey
- (b)(6) and Dr. (b)(6) discussed the clinical and operational progress within the Baltimore VAMC
- (b)(6) clarified VA prescribing authorities

Due Outs: VA has been asked to provide the following information to HVAC Min. Committee Staff:

- What legal barriers, if any – prevent the VA from creating a standing order for naloxone

- Scalability of VA STORM Predictive Modeling
- Comparative effectiveness of buprenorphine vs. injectable naloxone
- Pharmacy Benefits program cost (naloxone kits)
- Funding estimates for Stepped Care Model for Pain Management Program

• **◆ July 19, 2018. 1:00 P.M., 521 Dirksen**

OCLA POC: (b)(6), 1 (b)(6)

Driver: Request from Sen. Moran's staff

Subject: MISSION Act Implementation

Participants: Sen. Moran's personal staff, **VA:** Dr. Melissa Glynn, Assistant Secretary for Enterprise Integration, Ms. (b)(6) Office of Enterprise Integration, Dr. SreyRam Kuy, Special Advisor, Office of the Secretary, Dr. Kameron Matthews, Acting Deputy Under Secretary for Health for Community Care, VHA, Ms. (b)(6) Executive Officer to the DUSH for Community Care.

Meeting Highlights:

- Dr. Glynn and Dr. Matthews provided a high level overview of the MISSION Act implementation structure established within the Department. Dr. Glynn explained the functions of the Office of Enterprise Integration Execution Management and Oversight to ensure implementation success.
- Sen. Moran's staff highlighted that oversight and effective communications with the field were priorities for them moving forward. They requested that information be available to hold town halls with providers, Veterans, VA staff to ensure everyone is receiving the correct information moving forward. The staff also noted that the market assessments required by the MISSION Act should be transparent and be provided to the Committees for oversight.
- Sen. Moran's office is interested in hearing more information as VA moves through the implementation process.

Due Outs: None

• **◆ July 19, 2018. 2:00 P.M.; 334 Cannon**

OCLA POC: (b)(6) 1 (b)(6)

Driver: Proactive HVAC Brief

Subject: MISSION Act Implementation

Participants: HVAC Professional Staff, **VA:** Dr. Melissa Glynn, Assistant Secretary for Enterprise Integration, Ms. (b)(6) Office of Enterprise Integration, Dr. SreyRam Kuy, Special Advisor, Office of the Secretary, Dr. Kameron Matthews, Acting Deputy Under Secretary for Health for Community Care, VHA, Ms. (b)(6) Executive Officer to the DUSH for Community Care.

Meeting Highlights:

- The purpose of the briefing was to provide the HVAC staff with a high level overview of the MISSION Act implementation structure established within the Department.
- Dr. Glynn explained the functions of the Office of Enterprise Integration Execution Management and Oversight and briefly touched on the important objectives to achieve a high performing integrated VA Network.
- Dr. Glynn also described the implementation government process and the program management office's key activities for implementation success.
- Additionally, Dr. Matthews detailed how the Office of Community Care was moving forward to work proactively on regulation packages as well working through the market assessment process and Community Care Network requests for proposals.

Due Outs: Provide several documents, to include: Enterprise Integration Program Management Office charter, public meeting transcripts, field guidebook/talking points, communications plan, responsibility matrix, and national resource sharing agreement.

- **July 19, 2018. 2:30 P.M.; Teleconference**

OCLA POC: (b)(6) 1 (b)(6)

Driver: SVAC Majority Request

Subject: Character of Service Determination Process

Participants: VBA (b)(6) Assistant Director of Policy, Compensation Service

- **◆ July 19, 2018. 2:30 PM, Teleconference**

OCLA POC: (b)(6) 1 (b)(6) (b)(6) 1 (b)(6)

Driver: HVAC DAMA Majority request for call

Subject: IT Implementation for Appeals Modernization

Participants: (b)(6) VBA/AMO, (b)(6) VBA/AMO, Lloyd Throer (OI&T), (b)(6) VBA/OBPI, (b)(6) (Digital Services), (b)(6) (VBA).

Meeting Highlights:

- HVAC staff asked for an explanation of the revised estimates of percentage IT functionality to be completed by August versus December for Appeals Modernization.
- VA explained that the initial estimates were provided very early in the process and were expected to change, that revised estimates still reflect completion of work by the deadline, that updated IT implementation timelines have been included in the 90-day CMRs, that the most recent estimates (provided this week) reflected only VBMS and excluded Caseflow, and that percentage functionality delivered is not a useful measure of IT projects.
- VA shared with HVAC more detailed information about the implementation timeline than the 90-day CMRs include.

Due Outs: VA agreed to send regular email updates regarding IT implementation timelines for Appeals Modernization to HVAC, even if nothing has changed

- **◆ July 19, 2018.** 4:00 P.M.; Teleconference/Town hall

OCLA POC: (b)(6); 1 (b)(6)

Driver: Rep. Brad Wenstrup's request

Subject: Veterans Telephone Town Hall

Participants: Rep. Brad Wenstrup (R-OH-2) participated in a Veterans telephone town hall with, **VA:** (b)(6) Assistant Director of the Ohio Regional Office; Willie Clark, Deputy Under Secretary for Field Operations; (b)(6) Acting Workload Management Team Chief for Operations Education Service; (b)(6) Executive Officer to the DUSH for Community Care

Meeting Highlights:

- Rep. Wenstrup organized a telephone town hall targeted to Veterans in Ohio's 2nd district; calling 24,000 phones in his district identified as either Veterans or active duty military. Congressman began with an introduction and legislative update, allowed VA SMEs in the room to introduce themselves and their job title, and explained the event format and how to submit questions before opening the lines for constituent calls.
- Huge volume of callers monitored by staff screeners; common topics submitted included a focus on: MH services offered by VA, Choice/privatization concerns, opioids and pain management, Agent Orange claims, RAMP/appeals process, and an update on the Forever GI Bill.
- Event was very well received by all-Congressman followed up with a note expressing his thanks and view that the event was very successful, and we discussed the potential to use this model for future VA outreach efforts.

Due outs: None

Congressional Hearings and Forums

- **◆ July 17, 2018.** 10:30 P.M. 334 Cannon

OCLA POC Name: (b)(6) 1 (b)(6)

Driver: HVAC Full Committee Held a Hearing on VA's Implementation of the Accountability and Whistleblower Protection Act: One Year Later.

Subject: Implementation of VA's Accountability and Whistleblower Protection Act.

Participants: **HVAC Full Committee VA:** Peter O'Rourke, Acting SECVA, Kirk Nicholas, Executive Director for OAWP, Nathan Maenle, Principal Deputy Assistant Secretary for HRA.

Hearing Highlights:

- The hearing focused on VA's implementation of the Accountability Whistleblower Protection Act and whether the Act is being used as the law intended.
- Members were interested in whistleblowers protection against retaliation, unfairly targeting lower level employees, employees' morale, Unions' Official Time, and OIG access to OAWP disclosures.
- Rep. Kuster inquired about the status of OAWP's cases in Manchester, NH and Bedford, MA--both cases are currently under investigation. She also inquired about the MSPB findings regarding VA's sexual harassment rates and training being conducted by VA.
- AFGE president discussed --VA unfairly targeting lower level employees and not holding enough supervisors accountable for their actions, the law not being implemented properly, and OAWP not training none supervisory employees of their rights under the Act.

Due outs: All deliverables have been tasked to OAWP and HRA for action.

- **◆ July 18, 2018.** 2:00 P.M.; 334 Cannon

OCLA POC: (b)(6) 1-(b)(6)

Driver: HVAC Hearing Invitation

Subject: HVAC EO Forever GI Bill Implementation Oversight Hearing

VA Witnesses: Robert Worley, Director, Education Service; accompanied by (b)(6) Deputy Director, Operations, Education Service; Lloyd Thrower, Deputy CIO, Account Manager for Benefits, Office of Information and Technology; and Daniel McCune, Executive Director, Enterprise Portfolio Management Division, Office of Information and Technology.

Hearing Highlights:

- (b)(6) opened the hearing by asking whether VA was ready to implement all the provisions of the Forever GI Bill (FGIB) that are required by August 1, 2018, especially Section 107, which changes the calculation for the Monthly Housing Allowance. VBA and OI&T testified that of 17 provisions of the FGIB that are due August 1, 15 are ready to go. The other two (Sections 107 and 501) are close, but VA may not be able to deploy the software until about August 11. The (b)(6) acknowledged the frequent briefings that VA has delivered to the Committee on this subject and appreciated VA's promise to keep the Committee informed of IT developments in FGIB implementation.
- Rep. Steve Russell (OK), who is not on HVAC (but is on Armed Services and Oversight & Government Reform), attended the hearing as well. He asked VA to look into paying schools bi-weekly or monthly instead of per semester. (b)(6) committed to examining that proposal.
- Chairman Roe also attended the hearing. He expressed concern that his office would get calls from constituents and inquired whether Gen. Worley expects a smooth rollout.
- The hearing concluded at approximately 2:50 p.m.

Due Outs: VA will work with HVAC on the issue of more frequent payments to schools.

Upcoming Congressional Briefings and Meetings

- **◆ July 20, 2018.** 3:30 P.M. Ribbon Cutting
OCLA POC: (b)(6) 202-226 (b)(6)
Driver: Rocky Mountain VAMC Ribbon Cutting
Subject: Congressional Tour of the new Rocky Mountain VAMC
Participants: Senator Michael Bennet (CO); Representative Mike Coffman (CO-6); **VA:** (b)(6) Strategic Planner, Eastern Colorado Healthcare System
- **◆ July 21, 2018.** 9:00 A.M. Ribbon Cutting
OCLA POC: (b)(6) 202-226 (b)(6)
Driver: New Rocky Mountain VAMC
Subject: Rocky Mountain VAMC Ribbon Cutting Ceremony
Participants/Speakers: Rep. Jared Polis (CO-2); Rep. Ed Perlmutter (CO-7); Rep. Diane DeGette (CO-1); Rep. Mike Coffman (CO-6); Senator Cory Gardner (CO); and Senator Michael Bennet (CO) **VA:** Sallie House-Handfielder, Director, Eastern Colorado Health Care System, VHA; and Peter O'Rourke, Acting Secretary of Veterans Affairs, Department of Veterans Affairs
- **July 23, 2018.** 10:00 A.M.; Teleconference
OCLA POC: (b)(6) 1- (b)(6)
Driver: Reactive HVAC Majority Brief
Subject: Recovery Audits Buckets
Participants: HVAC Majority Staff – (b)(6)
(b)(6) **VA:** Dr. Mark Upton, Executive Director of Performance Improvement and Reporting, VHA, others TBD
- **◆ July 23, 2018.** 1:00 P.M.; 412 Russell
OCLA POC: (b)(6), 1- (b)(6)
Driver: Proactive Offer
Subject: Introductory Meeting with USB Paul Lawrence
Participants: SVAC majority and minority staff
VA Participants: Paul Lawrence, Under Secretary for Benefits; Margarita Devlin, Principal Deputy Under Secretary for Benefits, VBACO, and (b)(6)
(b)(6) Acting Chief of Staff, VBACO
- **◆ July 23, 2018.** 1:00 P.M.; Teleconference

OCLA POC: (b)(6) 1-(b)(6)

Driver: Sen. Debbie Stabenow's request

Subject: Houghton Michigan Vet Center Services

Participants: Professional staff from the office of Sen. Debbie Stabenow (D-MI) will speak with, **VA:** (b)(6) Chief Officer Readjustment Counseling Service

• **July 23, 2018. 1:30 P.M. Teleconference**

POC: (b)(6) 202-224-(b)(6)

Driver: Rep. LaMalfa's Office

Subject: Complaints about QTC Contract Physician

Participants: (b)(6) Legislative Assistant; **VA:** (b)(6) Assistant Director for Contract Exams, Compensation Service

• **July 23, 2018. 2:00 P.M. 340 Cannon**

OCLA POC: (b)(6) 1-(b)(6)

Driver: HVAC staff follow-up briefing on VEText IT System.

Subject: VEText IT System

Participants: **HVAC Majority Staff: Minority Staff: VA:** Bill James, (A) PDAS, OIT.

• **July 24, 2018. 9:30 A.M.: Teleconference**

OCLA POC: (b)(6) 1-(b)(6)

Driver: Sen. Debbie Stabenow's request

Subject: How VA connects current and returning veterans with community-based organizations

Participants: Professional staffer (b)(6) from the office of Sen. Debbie Stabenow (D-MI) will speak with, **VA:** (b)(6) Assistant Director Military to Civilian Transition, Benefits Assistance Service (BAS); Mike Frueh, Executive Director, BAS

• **July 24, 2018. 3:30 P.M. 226 Cannon HOB**

OCLA POC: (b)(6) 202-226-(b)(6)

Driver: Northport VAMC

Subject: Meeting with Congressman Suozzi

Participants: Rep. Thomas Suozzi **VA:** Ed Bradley, Acting Executive Director, Office of Enterprise Asset Management; (b)(6) Director of Investment & Enterprise Development, Office of Enterprise Asset Management; and (b)(6) Management Analyst, Office of Enterprise Asset Management.

• **July 25, 2018. 1:30 P.M. 1023 LHOB**

POC: (b)(6) 202-224-(b)(6)

Driver: Rep. Knight's Office

Subject: Complaints About Community Care Initiative

Participants: (b)(6) Legislative Assistant; **VA:** Dr. Rich Stone, Principle Deputy Under Secretary for Health

• **July 25, 2018. 3:00 P.M. 412 Russell**

OCLA POC: (b)(6), 1-(b)(6)

Driver: Proactive VA 4 Corners Brief

Subject: Choice 1.0 Leases Update Follow-up

Participants: 4 Corners Professional Staff, **VA:** Stella Fiotes, Executive Director, Office of Construction and Facilities Management, and Amanda Hendry, Director of Lease Execution, and (b)(6) Deputy Director, Lease Execution from the VA Office of Acquisition, Logistics, and Construction.

• **July 30, 2018. 11:30 AM, Senate Russell 412**

OCLA POC: (b)(6), 1-(b)(6)

Driver: SVAC Majority request for briefing

Subject: Implementation of S. 2155, Section 309 (Protecting Veterans from Predatory Lending)

Participants: Mr. (b)(6) Director, Loan Guaranty Service; Mr. (b)(6) Assistant Director of Loan Policy and Valuation

• **July 31, 2018. 10:00 A.M.:** Teleconference

OCLA POC: (b)(6), 1-(b)(6)

Driver: SVAC Majority Request

Subject: Regional Office Responses to Congressional Inquiries

Participants: VBA: Willie Clark, DUSB; Ron Burke, ADUSB

• **July 31, 2018. 10:30 AM, Teleconference (800-767-(b)(6) Code**

(b)(6)

OCLA POC: (b)(6), 1-(b)(6)

Driver: HVAC EO Majority request for call

Subject: Home Loan Guarantee and Specially Adapted Housing

Participants: (b)(6) Chief, Specially Adapted Housing; (b)(6) Program Analyst, Specially Adapted Housing; (b)(6) Assistant Director, Loan Policy and Valuation; (b)(6) Program Management Officer; (b)(6) Assistant Director, Rehabilitation Services and Policy and Procedures; (b)(6) Supervisor, Policy and Procedures; (b)(6) Senior Policy Analyst; (b)(6) Independent Living Coordinator.

• **TBD. Time: TBD: 2104 Rayburn**

OCLA POC: (b)(6); 4-(b)(6)

Driver: Proactive response to Member Letter

Subject: VA Community Living Centers

Participants: (b)(6) Chief of Staff to Congressman Vern Buchanan (R-FL-16) **VA:** Larry Connell, Senior Advisor to the Secretary; Dave Balland, Deputy Assistant Secretary, Office of Congressional and Legislative Affairs; (b)(6) Senior Advisor to the Under Secretary for Health

◆ **TBD. TBD; Teleconference**

POC: (b)(6) 202-224 (b)(6)

Driver: Proactive. NCA will meet with Rep. McEachin Staff to discuss identifying Veterans and providing markers in a Historically Black Cemetery in Richmond, Va.

Subject: Evergreen Cemetery (00079689)

Participants: Rep. A. Donald McEachin's (VA-04) Staff; **VA:** Kimberly Wright, Executive Director of Field Programs, NCA (b)(6) Deputy Director, Memorial Programs Service, NCA

TBD. Time TBD; Telephonic

POC: (b)(6) 202-224 (b)(6)

Driver: Reactive. Will meet to discuss a partnership with the Hampton Veterans Affairs Medical Center (VAMC) and Hampton University's Proton Therapy institute; similar to what the University of Pennsylvania has with Walter Reed.

Subject: Hadron Carbon Beam Therapy Center (00069852)

Participants: Rep. Bobby Scott (VA-03) Staff; Hampton University Proton Therapy Institute; **VA** (b)(6) MD, Chief of Staff, VAPAHCS; and Thomas J. Fitzgerald III, Director, VAPAHCS.

• **TBD. Conference Call**

OCLA POC: (b)(6) 1 (b)(6)

Driver: Press Release regarding Modernized Leasing Program

Subject: 4 Corners briefing on Modernized Leasing Program

Participants: 4 Corners; **VA**, TBD

• **TBD. (Postponed – September 27, 2017): 2:00 P.M.; Teleconference**

OCLA POC: (b)(6) 1 (b)(6)

Driver: Member office request

Subject: Medical Marijuana

Participants: Ms. (b)(6) Legislative Director, for Congressman Matthew Gaetz (FL-01) **VA:** (b)(6) Acting Chief Consultant and Population Health

• **TBD: Location TBD**

OCLA POC: (b)(6) 1 (b)(6)

Driver: Not mentioned

Subject: Veterans Experience Office.

Participants: Dr. Lynda Davis, Chief Veteran Experience Officer, VEO, will provide Rep. Tom Rice (R-SC7)

• **TBD. Location TBD**

OCLA POC: (b)(6); 1 (b)(6)

Driver: Sen. Duckworth's request

Subject: How VA certifies a business as Veteran-owned.

Participants: Professional staff from Sen. Tammy Duckworth's (D-IL) office will meet with, **VA:** (b)(6) Deputy Director for Executive Actions.

- **TBD;** (Staff has requested recurring briefings to provide updates pending completion of study.)

OCLA POC: (b)(6) 1-(b)(6)

Driver: Follow-up call with (b)(6) Investigative Counsel, HVAC-O&I re VA Intramural Research Funding Review

Subject: VA Intramural Research

Participants: Ms. (b)(6) HVAC-O&I and Ms. (b)(6) Personal staff to Rep. Poliquin **VA:** Dr. Rachel Ramoni, DMD, ScD, Chief Research and Development Officer, Ms. (b)(6) Director of Operations.

- **TBD: Teleconference**

POC: (b)(6) 202-224-(b)(6)

Driver: Reactive: Regarding establishing a community care clinic, the VA process for site selection, construction, etc. of a telemedicine clinic

Subject: Buck County Telemedicine Clinic.

Participants: Sen. Bob Casey (PA) Staff; **VA:** (b)(6) Facility Telehealth Coordinator, VHA

- **TBD**

POC: (b)(6) 1-(b)(6)

Driver: Rep. Roe request

Subject: Rep Roe asked for follow up from Dr. Clancy during the May 22nd , VISN 1, 5, 22 HVAC Hearing. Chairman Roe wanted additional information on VISN Directors firing Medical Center Directors and supplementary information on VISN restructure efforts

Participants: Dr. Clancy, Steve Young.

- **TBD: Cannon 412**

POC: (b)(6) 202-224-(b)(6)

Driver: Reactive: During a meeting with the Congressman, VA offered to reconvene after meeting separately with GSA.

Subject: Hampton Roads Construction Project (00066241)

Participants: Rep. Scott Taylor (VA-02); **VA:** Stella Fiotes, Director CFM

- **June __, 2018 (Rescheduled from June 7). 12:30 P.M. TBD; 520 Hart**

OCLA POC: (b)(6) 1-(b)(6)

Driver: (b)(6) requested a briefing

Subject: Briefing on VA Telemedicine

Participants: (b)(6) Legislative Assistant; (b)(6) VA Fellow

VA: Dr. Kevin Galpin, VHA Director, Telehealth Services.

Upcoming Congressional Hearings and Forums

- ◆ **July.23- 27, 2018.** Staff delegation

OCLA POC: (b)(6), (b)(6)

Driver: Committee funded oversight visit to Montana

Subject: VHA facilities and Vet Centers in Montana – Focus Mental Health

Participants: (b)(6) Counsel, SVAC-D

- ◆ **July 24, 2018.** 10:00 AM, Cannon HOB Rm 334

OCLA POC: (b)(6), 1 (b)(6)

Driver: HVAC Hearing Invitation

Subject: Full Committee Hearing, “Assessing Whether VA is on Track to Successfully Implement Appeals Reform”

Participants: [not yet confirmed by HVAC] Ms. Cheryl L. Mason, Chairman, Board of Veterans’ Appeals, accompanied by Mr. David McLenachen, Director, Appeals Management Office; Mr. Lloyd Thrower, Deputy Chief Information Officer, Account Manager for Benefits; and Mr. Richard J. Hipolit, Deputy General Counsel for Legal Policy, Office of General Counsel

- Appeals Implementation HVAC 24 July
- Health Prosthetics Roundtable HVAC/Health 25 July
- VA Long Term Care HVAC/Health 30 July
- Legislative BWN Full 1 Aug

- ◆ **July 25, 2018.** 10:30 A.M.; Teleconference

OCLA POC: (b)(6), 1 (b)(6)

Driver: HVAC-Health Member Roundtable

Subject: Orthotics and Prosthetics

Participants: VA: (b)(6) MD, Regional Amputee Medical Director, VA Puget Sound Health Care System, Seattle, WA; (b)(6) (b)(6) PhD, DPT, CP, FAAOP, Acting National Director, Orthotic and Prosthetic Clinical Services, and Deputy Chief for Research & Surveillance Division, DoD/VA Extremity Trauma and Amputation Center of Excellence; (b)(6) s, Ph.D., Chief, Health Professions Education (acting)/Director, Associated Health Education, Office of Academic Affiliations and Mr. (b)(6) J.D., Director, VHA Office of Regulatory and Administrative Affairs. **Other invited guests include:** DoD, VAOIG, several VSO, trade associations and industry representatives.

- ◆ **August 1, 2018.** 2:30 p.m.; 418 Russell

OCLA POC: (b)(6), 1 (b)(6)

Subject: SVAC Legislative Hearing

Witnesses: VA:TBD

Agenda:

- H.R. 299**, Blue Water Navy Vietnam Veterans Act of 2017
- H.R. 5418**, Veterans Affairs Medical-Surgical Purchasing Stabilization Act
- S. 514**, No Hero Left Untreated Act
- S. 1596**, BRAVE Act of 2017
- S. 1952**, VA Financial Accountability Act of 2017
- S. 1990**, Dependency and Indemnity Compensation Improvement Act of 2017
- S. 2485**, Medal of Honor Surviving Spouses Recognition Act of 2018
- S. 2748**, BATTLE for Servicemembers Act
- S. 2881**, Mare Island Cemetery Transfer Act
- S. 3184**, to amend title 38, United States Code, to modify the requirements for applications for construction of State home facilities to increase the maximum percentage of nonveterans allowed to be treated at such facilities, and for other purposes.
- S. __**, Veterans Dental Care Eligibility Expansion and Enhancement Act of 2018
- S. __**, VA Hiring Enhancement Act
- S. __**, to require the Secretary of Veterans Affairs to establish a program to award grants to persons to provide and coordinate the provision of suicide prevention services for veterans transitioning from service in the Armed Forces who are at risk of suicide and for their families, and for other purposes.
- S. __**, Modernization of Medical Records Access for Veterans Act
 - Discussion Draft on Transition Assistance reform

Congressional Letters

Date of Letter	Date Received	Member	State-Party	Description	Tracking #
July 16, 2018	July 16, 2018	SEN Charles Schumer	NY-D	Request for CBOC in North Hempstead	VIEWS 00081969
July 18, 2018	July 18, 2018	Rep. David Valadao	CA-R	Concerns with HUD-VASH	VIEWS 00082896
July 18, 2018	July 18, 2018	SEN John Tester	MT/D	Concerns regarding individual employment	VIEWS 00083060

If you have any questions or comments please contact (b)(6) at
 (b)(6)@va.gov or (b)(6) at (b)(6)@va.gov



Department of
Veterans Affairs

Office of Congressional Washington, DC 20420
and Legislative Affairs (202) 461-6490

Government Accountability Office (GAO) Work
July 20, 2018

– For Internal Use Only –

Entrance Conferences

None.

Exit Conferences

July 17, 2018: GAO presented its findings on ***Information Technology Cloud Computing*** (Job Code 102299). This review was conducted in response to a request made by the Chairman of the House Committee on Oversight and Government Reform and its Subcommittee on Government Operations and Information Technology.

GAO's key questions were:

- Evaluate selected agencies' progress in implementing cloud services and determine the extent to which the agencies have experienced cost savings.
- Describe agency-reported examples of successful cloud migrations and deployments.

Meeting Summary: GAO provided a statement of facts prior to the meeting. OIT agreed to provide recent data to more accurately reflect progress VA has made by July 31. GAO stated that recommendations to VA will be based on what additional information is provided.

GAO anticipates providing its report for comment in Fall 2018 and allowing 30 days for comment. GAO anticipates issuing its final report in winter 2018.

July 17, 2018: GAO presented its findings on ***Veterans Choice Program Providers Payment Timeliness*** (Job Code 102637). This review was conducted in response to a request made by the Ranking Member of the Senate Committee on Veterans Affairs.

GAO's key questions were:

1. To what extent have the Department of Veterans Affairs and its third party administrations (TPA) established requirements related to the timeliness of payments to community care providers and what mechanisms do VA and the TPAs have in place to monitor compliance with those requirements?
2. How and to what extent has VA monitored the TPA's timeliness in processing payments to community care providers and what actions has VA taken to address any identified timeliness issues and to hold TPAs accountable?

Meeting Summary: GAO provided a statement of facts prior to the meeting that VA agreed with, and provided minor clarifying edits. GAO anticipates making recommendations in the areas of timeliness of approvals for secondary authorization requests, and requirements for customer service calls.

GAO anticipates providing its report for comment in mid-August 2018 and allowing 30 days for comment. GAO anticipates issuing its final report in September 2018.

GAO Draft Reports:

None.

GAO Final Reports:

VA HEALTH CARE: Progress Made Towards Improving Opioid Safety, but Further Efforts to Assess Progress and Reduce Risk Are Needed (GAO-18-380). VA's 60-day update is due to GAO July 27, 2018. GAO made five recommendations to VA:

- **Recommendation 1:** The Undersecretary for Health should ensure that Central Office, VISNs, and medical facilities document the actions they take towards achieving OSI goals.
- **Recommendation 2:** The Undersecretary for Health should ensure that any OSI goals that have not been met have clearly defined, measurable outcomes, including milestones or numerical targets, as appropriate, and timeframes.
- **Recommendation 3:** The Undersecretary for Health should track the use of the OTRR (or any subsequent tool) by providers prior to initiating opioid therapy.
- **Recommendation 4:** The Undersecretary for Health should ensure that all VISNs have implemented an academic detailing program that supports all medical facilities in the VISN and that all VHA medical facilities have a designated primary care pain champion as required.
- **Recommendation 5:** The Undersecretary for Health should require VHA medical facilities to take steps to ensure provider adherence to opioid risk mitigation strategies, including querying PDMPs, obtaining written informed consent, and conducting urine drug screening. For example, these steps could include creating alerts in the electronic medical record system to remind primary care teams when these actions should be completed or strengthening facility monitoring of providers.

VETERANS CHOICE PROGRAM: Improvements Needed to Address Access-Related Challenges as VA Plans Consolidation of its Community Care Programs

Needed (GAO-18-281). VA's 60-day update is due to GAO August 3, 2018. GAO made ten recommendations to VA:

- **Recommendation 1:** The Under Secretary for Health should establish an achievable wait-time goal for the consolidated community care program that VA plans to implement that will permit VHA to monitor whether veterans are receiving VA community care within time frames that are comparable to the amount of time they would otherwise wait to receive care at VHA medical facilities.
- **Recommendation 2:** The Under Secretary for Health should design an appointment scheduling process for the consolidated community care program that VA plans to implement that sets forth time frames within which (1) veterans' referrals must be processed, (2) veterans' appointments must be scheduled, and (3) veterans' appointments must occur, which are consistent with the wait-time goal VHA has established for the program.
- **Recommendation 3:** The Under Secretary for Health should establish a mechanism that will allow VHA to systematically monitor the average number of days it takes for VAMCs to prepare referrals, for VAMCs or TPAs to schedule veterans' appointments, and for veterans' appointments to occur, under the consolidated community care program that VA plans to implement.
- **Recommendation 4:** The Under Secretary for Health should implement a mechanism to prevent veterans' clinically indicated dates from being modified by individuals other than VHA clinicians when veterans are referred to the consolidated community care program that VA plans to implement.
- **Recommendation 5:** The Under Secretary for Health should implement a mechanism to separate clinically urgent referrals and authorizations from those for which the VAMC or the TPA has decided to expedite appointment scheduling for administrative reasons.
- **Recommendation 6:** The Under Secretary for Health should (1) establish oversight mechanisms to ensure that VHA is collecting reliable data on the reasons that VAMC or TPA staff are unsuccessful in scheduling veterans' appointments through the consolidated community care program VA plans to implement, and (2) demonstrate that it has corrected any identified deficiencies.
- **Recommendation 7:** The Secretary of Veterans Affairs should ensure that the contracts for the consolidated community care program VA plans to implement include performance metrics that will allow VHA to monitor average driving times between veterans' homes and the practice locations of community providers that participate in the TPAs' networks.

- **Recommendation 8:** The Secretary of Veterans Affairs should establish a system for the consolidated community care program VA plans to implement to help facilitate seamless, efficient information sharing among VAMCs, VHA clinicians, TPAs, community providers, and veterans. Specifically, this system should allow all of these entities to electronically exchange information for the purposes of care coordination.
- **Recommendation 9:** The Under Secretary for Health should conduct a comprehensive evaluation of the outcomes of the two appointment scheduling pilots it established at the Alaska and Fargo VA Health Care Systems (where VAMC staff, rather than TPA staff, are responsible for scheduling veterans' Choice Program appointments), which should include a comparison of the timeliness with which VAMC staff and TPA staff completed each step of the Choice Program appointment scheduling process, as well as the overall timeliness with which veterans received appointments.
- **Recommendation 10:** The Under Secretary for Health should issue a comprehensive policy directive and operations manual for the consolidated community care program VA plans to implement and ensure that these documents are reviewed and updated in a timely manner after any significant changes to the program occur.

From: COS-PMO
Sent: 28 Feb 2018 05:23:38 -0800
To: O'Rourke, Peter M.
Subject: FW: Contact information

From: IP
Sent: Wednesday, February 28, 2018 5:22:32 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Cc: iperl(b)(6) mbsherman; Bruce Moskowitz; DJS
Subject: [EXTERNAL] Re: Contact information

Pete,

I enjoyed meeting with you and the Secretary yesterday. I feel confident that you will be a terrific asset moving forward to get things accomplished.

I am here 24/7 to help.....Best...Ike

On Feb 28, 2018, at 6:37 AM, "COS-PMO" <COS-PMO@va.gov> wrote:

All,

It was an honor to meet you all yesterday. I want to ensure that you have my VA and personal contact information.

VA cell: 202-823-7548
Personal cell: 202-997-(b)(6)
Direct VA email: CoS-PMO@va.gov
Personal email: (b)(6)@reagan.com

I will protect our conversations from yesterday and as instructed by the Secretary last night, not discuss the content with any of the individuals what were mentioned.

Thank you for your support of the President, the VA, and me as we work to make the VA great.

Pete

Sent with Good (www.good.com)

From: COS-PMO
Sent: 28 Feb 2018 03:46:42 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Re: Mental Health

From: Peter O'Rourke
Sent: Wednesday, February 28, 2018 3:45:39 AM (UTC-08:00) Pacific Time (US & Canada)
To: Bruce Moskowitz
Cc: COS-PMO
Subject: [EXTERNAL] Re: Mental Health

Received. I will begin a project plan and develop a timeline for action.

Thank you.

Peter O'Rourke
(202) 997-(b)(6)

From my iPhone

On Feb 28, 2018, at 6:40 AM, Bruce Moskowitz <(b)(6)@mac.com> wrote:

Sent from my iPad
Bruce Moskowitz M.D.

Begin forwarded message:

From: Bruce Moskowitz <(b)(6)@mac.com>
Date: February 28, 2018 at 6:25:54 AM EST
To: David Shulkin <secshulkin@gmail.com>, "Peter M. O'Rourke" <Peter.ORourke@va.gov>
Cc: mb;(b)(6)@gmail.com, IP (b)(6)@frenchangel59.com>, lper;(b)(6)@gmail.com
Subject: Mental Health

The emergency "committee" is mental health and that should be the first one to get right and move ASAP. I need to know all existing committees and initiatives on a chart. I have to pull in a significant number of assets to get boots on the ground to

actually give timely care. I will need you to contact besides our academic partners, the following, U of PENN, U. OfChicago,UCLA, U of SanFrancisco, Stanford, Columbia, the Mack Center of technological innovation, the Bloomberg school of public health and Ondrea Gleason MD head of American Association of Chairs of Psychiatry. This committee will need a direct working relationship with Telemedicine, the Choice Program to get the job done. They will need the authority to seep away any beuqacratc process that slows the initiative.

Sent from my iPad
Bruce Moskowitz M.D.

From: COS-PMO
Sent: 28 Feb 2018 03:38:49 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Re: Contact information

From: Bruce Moskowitz
Sent: Wednesday, February 28, 2018 3:38:12 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Cc: iper(b)(6) ip; mbsherman
Subject: [EXTERNAL] Re: Contact information

Thank you

Sent from my iPad
Bruce Moskowitz M.D.

> On Feb 28, 2018, at 6:37 AM, COS-PMO <COS-PMO@va.gov> wrote:

>

> All,

>

> It was an honor to meet you all yesterday. I want to ensure that you have my VA and personal contact information.

>

> VA cell: 202-823-7548

> Personal cell: 202-997(b)(6)

> Direct VA email: CoS-PMO@va.gov

> Personal email: (b)(6)@reagan.com

>

> I will protect our conversations from yesterday and as instructed by the Secretary last night, not discuss the content with any of the individuals what were mentioned.

>

> Thank you for your support of the President, the VA, and me as we work to make the VA great.

>

> Pete

>

>

>

> Sent with Good (www.good.com)

From: COS-PMO
Sent: 28 Feb 2018 06:08:03 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Fwd: Medical Device Registry Summit - Planning Group
Attachments: Medical Device Registry Summit Agenda - Draft.docx, ATT00001.htm, Summit Planning Notes - Feb 21, 2018.docx, ATT00002.htm, Medical Devices in the Real World.pdf, ATT00003.htm

From: Peter O'Rourke
Sent: Wednesday, February 28, 2018 6:07:08 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Subject: [EXTERNAL] Fwd: Medical Device Registry Summit - Planning Group

Peter O'Rourke
(202) 997-(b)(6)

From my iPhone

Begin forwarded message:

From: Bruce Moskowitz <(b)(6)@mac.com>
Date: February 28, 2018 at 7:46:05 AM EST
To: Secshulkin@gmail.com(b)(6)@reagan.com
Subject: Fwd: Medical Device Registry Summit - Planning Group

The physician Kuy, SreyRAM from the VA is excellent. She needs to be cloned!! She gets things done and is an excellent organizer.

Sent from my iPad
Bruce Moskowitz M.D.

Begin forwarded message:

From: "Kuy, SreyRam (HOU)" <SreyRam.Kuy@va.gov>
Date: February 28, 2018 at 6:58:50 AM EST
To: (b)(6) GHLF' <(b)(6)@ghlf.org>, Bruce Moskowitz (b)(6)@mac.com>, <moskowitzaa(b)(6)@me.com>, Thomas Concannon (b)(6)@rand.org>, "McIntosh, Bruce (NCPS)" <Bruce.McIntosh@va.gov>, (b)(6)

(b)(6)@atlasresearch.us>, "(b)(6) (Atlas Research)"
<(b)(6)@va.gov>, "Marinac-Dabic, Danica"
<Danica.Marinac-Dabic@fda.hhs.gov>, "(b)(6)"
(b)(6)@ghlf.org>, (b)(6)@dc-crd.com>,
(b)(6)@dc-crd.com>

Subject: Medical Device Registry Summit - Planning Group

Dear Colleagues,

Thanks for all your hard work around our efforts planning this summit!

Attached are:

1. DRAFT agenda for the Medical Device Registry Summit – revise, edit, change, send in comments
2. Notes from our meeting last week
3. A really interesting article from the NEJM this month – Thanks Dr. Moskowitz for sharing!

If I've left anyone off the email list, please do feel free to add them on.

Thanks, and looking forward to continuing this great work.

Reminder, here's the call info for this morning at 7:30 am eastern. Again, many apologies to our Pacific/Mountain and Central time colleagues.

Conference call line:

Dial 800-767-(b)(6) Code (b)(6)

SreyRam Kuy, MD, MHS, FACS

Special Advisor to the Secretary
Department of Veterans Affairs

Associate Chief of Staff
Quality, Safety & Value
Michael E. DeBakey VA Medical Center

Mobile: 713-503-4274
Office: 202-461-4875

Draft, Pre-Decisional, Only for Internal VA use

Medical Device Registry Summit

May --- 2018

Draft Agenda

Meeting Objective: Bring together VA, FDA, and other federal agencies and key stakeholders for a national summit about medical device registry efforts

1. **Welcome and introductions of participants and organization**

2. **Moderated Roundtable Discussion with Key Agency Leadership**
 - ✓ Panel Moderator – facilitates with questions
 - ✓ Secretary of the VA
 - ✓ FDA Commissioner
 - ✓ CMS leadership
 - ✓ HHS Leadership

3. **Topic Focused Presentations**
 - ✓ Why Registries Matter – Data about how it helps lower costs, improve outcomes – Subject Matter Expert TBD
 - ✓ The VA Implant Registry – Bruce McIntosh or other
 - ✓ NEST – the next frontier in device surveillance and outcomes management – Speaker
 - ✓ Other Key Topics

4. **Closing Remarks, Thanks to Sponsors and Participants, Outline Key Next Steps**
 - ✓ Speaker TBD

Draft, Pre-Decisional, Only for Internal VA use

Medical Device Registry Summit

February 21, 2018
Meeting Minutes

Meeting Objective: Bring together VA, FDA, and other federal agencies and key stakeholders for a national summit about medical device registry efforts

1. Welcome and introductions of participants and organization

First Name	Last Name	Organization	Role
Aaron	Moskowitz		
(b)(6)			
Bruce	McIntosh	Veterans Affairs	NCPS
Bruce	Moskowitz		
Danica	Marinac-Dabic		
(b)(6)			
SreyRam	Kuy	Veterans Affairs	Special Advisor to the Secretary
Thomas	Concannon		

2. Discuss current state of VA/UDI

Current state of VA

- Product recall office in the VA takes 0-10 days to initiate a recall, with an estimated 99% recall rate
- Bruce is conducting a stop-gap analysis focusing on implants, both biologic and non-biologic (mostly biological tissue in the VA population)
- Suggestion from Danica: expand stop-gap analysis to close calls

UDI

- CFR requires UDI manufacturers
- Getting information on the implanted devices, see if you can make that fast and easily go into patient medical records
- Track what gets implanted
- However, UDI has some push back from manufacturers, including:
 - Too expensive, small manufacturers who cannot afford it
 - Might not work for all devices because of packaging
 - Should be acquired by anyone purchasing a device
 - GUDID database
 - Need to bring in all these data sources and get an API to bring into your system

3. Discuss purpose and goals for the "Medical Device Registry"

Draft, Pre-Decisional, Only for Internal VA use

Registry's Importance for Patients

- Patients do not know the manufacturer of devices or type of device
 - This becomes an issue if they do not know why their device needs to get a revision
- Need to capture this importation and develop a national registry to easily do recall
- Need tracking system and registry

4. Discuss purpose and goals for the "Medical Device Registry" Summit

Narrow the Focus to Make It Specifically about the Problem

- What people are interested in:
 - Cost benefit analysis
 - 400% price reduction for manufacturers
 - Implant registry improves cost and quality with a good system
 - Not just in case of error; the registry can act as an early detection system
 - Really hopes for longer standing registries where you get outcome reports from them, pull something from the market if quality or safety is lower (i.e. if the device is not doing its job)
 - The registry will be a valuable resource and tool
- Patient groups would love to use information to fund the study for feedback with people with devices
 - Many research opportunities
- Rachel Ramoni can give input to incorporate outcomes
- Can locate a device in an organization (RSLD) such as an IV pump, and can find a device in an organization
- Can help in the long term improve their product, become safer, and of better quality than the competitor

5. Determine Format of the "Medical Device Registry" Summit

Part 1

- Discuss the rationale for the Medical Device Registry, including use cases, purpose, etc.
- Hear from each stakeholder, perspective, what is in it for them, barriers, SWAT analysis (better, faster, cheaper)

Part 2

- How to structure data capture; discuss stop gap analysis from NCPS and, potentially, the Mercy Hospital Study

6. Determine Panel of Speakers/Attendants

Summit invitees should include:

- Medtronic
- Johnson and Johnson
- Recommend smaller companies, like Titan
- Invite a portfolio of patient groups (**Danica** going to send to us)
 - (b)(6) group, nice demonstration of organic collection of data to large roundtable
- Need to invite an additional voice, preferable a front-line provider
- Need to invite provider groups

7. Ideas for Medical Device Registry

Draft, Pre-Decisional, Only for Internal VA use

Idea: Have a Patient Safety Device Score

- People need to report
 - Train and educate people, do a root cause analysis, consider reporting structures
- Learn from users' experiences and use their issues (learning from the field, field is seeing this)
- Open database through NIH, can match with registries for global device

8. Next Steps Forward

1. Create agenda template: **Danica**
 - Draft agenda: **SreyRam/**(b)(6)
2. Initiate contact with key stakeholders: **Danica/Aaron/**(b)(6)
3. Reach out for speakers and attendance (e.g. patient advocacy groups, manufacturers, provider groups, Cerner, major medical journals, etc.): **Danica/Aaron/**(b)(6)
4. Look for summit venues: **Aaron** (b)(6) can help as well)
5. Create one-pager of summit or project, and modify for external audience: **SreyRam**
6. Pick a date, based on FDA's calendar: (b)(6)

dle minor ailments, maybe checking blood pressure and hemoglobin levels occasionally. After all, the retail clinic chains have been saying for years that they will expand significantly into chronic care management; if the value were so compelling (or access to new patients so likely), that should have happened already. Insurers could have created joint ventures with retail clinics or benefit designs that more strongly encouraged use of those clinics. The fact that they haven't could indicate that clinics have less potential than the framers of NewCo claim. Providers can return to business as usual.

The less cynical might observe that health care is ripe for change, and NewCo is well positioned to capitalize on the demand for that change. Patients are now accustomed to high-quality, digitally enabled services and are growing weary of the antiquated way they access primary care. It's hard to park at the doctor's office, one still can't

usually book an appointment online, the wait is impossible to predict, and those are just tips of the iceberg of health care dysfunction. Seamless communication among insurers, pharmacies, and prescribers would save a lot of time and misery. Some of the healthiest and most profitable patients might gladly embrace CVS as a primary care provider, particularly if they're offered lower copayments and easy scheduling.

I would argue that providers' reaction should be the same whether they believe CVS-Aetna is a game changer or merely a pocket liner for executives and their advisors. The battle to take medical risk for patients and to manage and deliver the products and services they require is heating up. If CVS-Aetna cannot lure patients away with lower prices and convenient services, some other player will surely try.

Providers will have to figure out how to provide better, more convenient, less costly care — to offer the best affordable pathway to good health. They can choose

to team up with NewCo if they believe total cost and quality of care will be improved that way, or work with other insurers to design products that minimize interactions with NewCo if they believe otherwise.

Competition can cut both ways for providers, but as long as it's not diminished by this mega-deal — a question to be sorted out by antitrust investigators — patients stand to gain. Let the games begin.

Disclosure forms provided by the author are available at NEJM.org.

From the Department of General Management, Harvard Business School, Boston, and the Kennedy School of Government, Harvard University, and the National Bureau of Economic Research, Cambridge — all in Massachusetts.

1. Ashwood JS, Gaynor M, Setodji CM, Reid RO, Weber E, Mehrotra A. Retail clinic visits for low-acuity conditions increase utilization and spending. *Health Aff (Millwood)* 2016;35:449-55.

2. Starc A, Town RJ. Internalizing behavioral externalities: benefit integration in health insurance. NBER working paper No. 21783. Cambridge, MA: National Bureau of Economic Research, December 2015 (<http://www.nber.org/papers/w21783>).

DOI: 10.1056/NEJMp1717137

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 An audio interview with Dr. Dafny is available at NEJM.org

Medical Devices in the Real World

Frederic S. Resnic, M.D., and Michael E. Matheny, M.D., M.P.H.

When it comes to medical devices, the Food and Drug Administration (FDA) is tasked with the herculean balancing act of ensuring efficacy and safety while accelerating access to new technologies for patients most likely to benefit from them. These two goals are inherently in conflict, but the FDA must make decisions daily, with imperfect information, regarding the approval and continued use of devices.

The approval process has been criticized for being burdensome and slow, and new medical devices are frequently available for use outside the United States well before FDA review and clearance occur. Yet the FDA has also been criticized for inadequate evaluation of medical devices, and there have been notable recalls due to serious and occasionally fatal consequences of device failures. Further challenging this balanc-

ing act is the dynamic nature of medical devices, which, unlike drugs, undergo continuous iteration and design improvements.

The recently passed 21st Century Cures Act provides guidance in balancing these competing priorities by directing the FDA to consider how best to use real-world evidence (RWE) for reasonable assurance of device safety and effectiveness while accelerating access to important new tech-

nologies.¹ RWE includes information generated through routine health care delivery, including electronic health records (EHRs), billing data, clinical registries, and other data sources. Unfortunately, this information is inherently flawed by inconsistency, incompleteness, and bias from the very treatment decisions we might wish to elucidate. For these reasons, rigorous observational statistical methods are required to mitigate the limitations of real-world data.

As EHRs are adopted ever more broadly, RWE will become a more accessible and lower-cost source of detailed clinical information that could help clinicians and regulators understand the performance of medical devices in real-world practice. The recently implemented FDA regulations requiring use of a structured unique device identifier (UDI) will also help to unlock RWE for medical devices. Whereas drugs have had a standardized coding system for many years, the lack of a UDI for devices has greatly hampered use of RWE for evaluation of medical devices after market release. As UDIs become used routinely throughout our purchasing, inventory, clinical documentation, and billing systems, the ability of RWE to associate a particular device with a particular patient at a specific point in-time will make it an ever more powerful resource.

As clinicians with responsibility for our patients' well-being, we should carefully consider how RWE could be used, and potentially misused, in support of complex regulatory decisions regarding medical devices. The FDA recently published guidance on potential use of RWE for supporting initial decisions to approve

or clear devices for use in the United States as well as postmarketing assurance of medical device safety and performance.² Although there are substantial opportunities for applying RWE to both these domains, we believe that such evidence will be most valuable in the near future for postmarketing, since it is particularly in this setting that our current systems are inadequate for ensuring the safety and evaluating the performance of modern medical devices. The largest gaps in our understanding of devices relate to use outside the context of controlled clinical trials, and it is there that the majority of RWE will be collected.

For the past 40 years, the FDA has relied extensively on physicians to report adverse events suspected to be related to a medical device. Unfortunately, clinicians significantly underreport such events: some estimates suggest that only 0.5% of all device-related adverse events are reported to the FDA. Meanwhile, traditional postapproval studies, frequently required as a condition of approval, are often far too small, lack adequate controls, are expensive to conduct, and rarely lead to actionable information regarding safety or performance of the device.

RWE from high-quality sources could supplement the adverse-event reporting process and might be able to replace many postapproval studies that are currently required, saving substantial expense and time. The routine use of RWE for active surveillance of devices, through routine monitoring of patients' experiences, offers tremendous opportunities for early identification of safety signals, which can inform clini-

icians, patients, and regulators about potential problems and inform manufacturers where they might focus redesign efforts to improve the device. Studies of active surveillance have demonstrated its ability to identify performance differences between approved devices and to save significant time as compared with traditional adverse-event reporting.

In contrast, we believe that the FDA should adopt a more cautious approach to using RWE to support device-approval decisions. Perhaps the best initial use of RWE in the premarketing setting is to leverage electronic clinical data resources to support pragmatic clinical trials by embedding the necessary data collection into ongoing registries or EHR systems. Such approaches could significantly reduce the cost and time required to complete a study as compared with traditional randomized clinical trials. Clinical follow-up through routine care or prespecified electronic patient contact could offer tremendous efficiencies, while also permitting broader patient populations to participate in trials of innovative therapies.

Another application of RWE could be to support expansion of the populations or conditions for which a device is approved. The value of RWE for this purpose has been borne out by recent experience with transcatheter aortic-valve replacement (TAVR) devices: the FDA broadened the indications for TAVR use on the basis of an analysis of the RWE from the national Transcatheter Valve Therapy registry. The first TAVR device was approved in 2011 for insertion either through the femoral artery or through a small chest incision and direct place-

ment through the apex of the heart. However, many patients who would benefit from TAVR could not be treated using these vascular access options. Within 2 years, the FDA leveraged the early national experience using the registry to expand the options to include access routes such as the subclavian artery and the thoracic aorta.³ By all accounts, this approach cost substantially less and took significantly less time than the studies that would otherwise have been required to demonstrate efficacy in new groups of patients.

We believe, however, that there are important risks in basing initial market-approval decisions for high-risk medical devices on contemporary RWE. Even with the most stringent methods of statistical adjustment, RWE-based analyses are observational in nature, with inherent biases in treatment choice coloring the patterns and associations that might be observed. An example of the risks posed by reliance on imperfect clinical data can be found in the recently evaluated device designed for treating poorly controlled hypertension with radiofrequency ablation of the autonomic nerves supplying the kidneys. Although

early European randomized, but unblinded, trials and extensive postapproval clinical studies had shown that this new technology had impressive efficacy, the pivotal FDA-mandated, U.S., blinded, sham-controlled study revealed no advantage of the device over the best medical therapy.⁴ This example highlights the potential risks of basing regulatory approval on imperfect clinical evidence; reliance on the best available RWE for this device would probably have exposed many U.S. patients to an invasive procedure, with all its attendant risks, for no clinical benefit.

Over the next few years, the accelerating adoption of integrated EHR systems and information standards will undoubtedly provide us with many new opportunities to leverage RWE to elucidate which patients could benefit the most from medical devices, while assisting manufacturers in improving their products. The FDA and the clinical community can work together to maximize the impact of these emerging new sources of rich clinical information to support regulatory decisions and clinical choices. Our collective efforts can focus initially on active surveillance and

other postapproval applications of RWE that can improve our understanding of the performance of medical devices, including which patients benefit the most from particular technologies. As experience grows with the application of RWE, extending its use into phases of the review process will become more reliable and appropriate.

Disclosure forms provided by the authors are available at NEJM.org.

From the Lahey Clinic, Burlington, and Tufts University School of Medicine, Boston — both in Massachusetts (F.S.R.); and the Veterans Affairs Tennessee Valley Healthcare System and Vanderbilt University Medical Center — both in Nashville (M.E.M.).

1. P.L. 114-255. December 13, 2016 (<https://www.congress.gov/114/plaws/publ255/PLAW-114publ255.pdf>).

2. Guidance for industry: use of real-world evidence to support regulatory decision-making for medical devices; Silver Spring, MD: Food and Drug Administration, Center for Devices and Radiological Health, 2017 (<https://www.fda.gov/downloads/medical-devices/deviceregulationandguidance/guidancedocuments/ucm513027.pdf>).

3. FDA facts: postmarket patient registry ensures access to safe and effective devices. Silver Spring, MD: Food and Drug Administration, 2017 (<https://www.fda.gov/aboutfda/innovation/ucm484826.htm>).

4. Bhatt DL, Bakris GL. Renal denervation for resistant hypertension. *N Engl J Med* 2014;371:184.

DOI: 10.1056/NEJMp1712001

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When the CHIPs Are Down — Health Coverage and Care at Risk for U.S. Children

Lisa C. Dubay, Ph.D., and Genevieve M. Kenney, Ph.D.

Despite bipartisan agreement on a 5-year plan in both the Senate and the House of Representatives, Congress failed to reauthorize the Children's Health Insurance Program (CHIP) last

fall, causing uncertainty and worry for families and state CHIP directors alike. Families in several states, including Colorado and Virginia, received letters saying that their children could lose their

CHIP coverage, and Alabama and Connecticut announced that they were going to stop new CHIP enrollments because of funding shortfalls.¹ Shortly before leaving town for the holidays, Congress

From: COS-PMO
Sent: 28 Feb 2018 15:52:44 -0800
To: O'Rourke, Peter M.
Subject: FW: List

From: IP
Sent: Wednesday, February 28, 2018 3:52:05 PM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Subject: [EXTERNAL] List

Pete,

Per our conversation. Below is list of the individuals who have been called upon by the President or Secretary at different times to provide their expert advice include the following:

1. Dr. (b)(6) President and CEO of the Cleveland Clinic and member of the Commission on Care
2. Dr. (b)(6) President and CEO of the Mayo Clinic
3. (b)(6) Chair Department of Public Affairs of the Mayo Clinic
4. Dr. (b)(6) President and CEO of Partners HealthCare (Massachusetts General and Brigham and Women's Hospitals)
5. Dr. (b)(6) Dean and CEO of Johns Hopkins Medicine
6. Marc. B. Sherman, Senior Partner at international business restructuring and financial consulting firm Alvarez & Marsal. Mr. Sherman specializes in fixing financial and operational problems.
7. (b)(6) Chairman and CEO of Kaiser Foundation Health Plan, Inc. and Hospitals — known as Kaiser Permanente, one of America's leading integrated health care providers and not-for-profit health plans.
8. Dr. Bruce Moskowitz, a noted private practice physician who has studied the crucial need to overhaul our system of delivering veterans' health care.
9. Laura ("Laurie") Perlmutter, a member of the Board of Trustees of NYU Langone Medical Center and of the Board of Advisors of the Laura & Isaac Perlmutter Cancer Center at NYU Langone,
10. Isaac ("Ike") Perlmutter, a noted business operator, successful turnaround entrepreneur and member of the Board of Trustees of NYU Langone.
11. Dr. Michael Zinner, Chairman of the American College of Surgeons.

Thank you,

Ike

From: COS-PMO
Sent: 28 Feb 2018 06:09:12 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Fwd: [External] VA inspections

From: Peter O'Rourke
Sent: Wednesday, February 28, 2018 6:08:30 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Subject: [EXTERNAL] Fwd: [External] VA inspections

Peter O'Rourke
(202) 997-(b)(6)

From my iPhone

Begin forwarded message:

From: "Michael J. Zinner" <(b)(6)@baptisthealth.net>
Date: February 28, 2018 at 7:22:32 AM EST
To: Bruce Moskowitz <(b)(6)@mac.com>
Cc: (b)(6)@facs.org" (b)(6)@facs.org", (b)(6)@facs.org" <(b)(6)@facs.org>, "(b)(6)@facs.org", "Secshulkin@gmail.com" <Secshulkin@gmail.com>, IP (b)(6)@frenchangel59.com>, "mbs(b)(6)@gmail.com" <mbs(b)(6)@gmail.com>, "lperl(b)(6)@gmail.com" <lperl(b)(6)@gmail.com>, (b)(6)@reagan.com" <(b)(6)@reagan.com>
Subject: Re: [External] VA inspections

Thank you
Mike

Michael J. Zinner MD, FACS
CEO and Executive Medical Director

Miami Cancer Institute
3rd Floor Executive Offices
8900 North Kendall Dr
Miami, FL 33176

Office: 786 527-(b)(6)
Cell: 617 543-(b)(6)

On Feb 28, 2018, at 7:13 AM, Bruce Moskowitz

(b)(6)@mac.com> wrote:

The form has been filled out and emailed back. The Secretary needs to submit a budget and work order. Marc Sherman and I will discuss with you the timing and centers to be evaluated.

Thank you

Sent from my iPad

Bruce Moskowitz M.D.

From: COS-PMO
Sent: 28 Feb 2018 06:06:15 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Fwd: Supply Chain Organization

From: Peter O'Rourke
Sent: Wednesday, February 28, 2018 6:05:36 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Subject: [EXTERNAL] Fwd: Supply Chain Organization

Peter O'Rourke
(202) 997-(b)(6)

From my iPhone

Begin forwarded message:

From: Bruce Moskowitz (b)(6)@gmail.com>
Date: February 28, 2018 at 8:46:57 AM EST
To: David Shulkin <secshulkin@gmail.com>, (b)(6)@reagan.com
Cc: IP <(b)(6)@frenchangel59.com>, lper(b)(6)@gmail.com, mbs(b)(6)@gmail.com
Subject: Fwd: Supply Chain Organization

This is very important to get done from our standpoint. Thank you

Sent from my iPad
Bruce Moskowitz M.D.

Begin forwarded message:

From: (b)(6)@jhmi.edu>
Date: February 28, 2018 at 8:43:16 AM EST
To: "brucem(b)(6)@gmail.com"
<brucem(b)(6)@gmail.com>, (b)(6)@frenchangel59.com"
(b)(6)@frenchangel59.com>
Subject: Fwd: Supply Chain Organization

Gentlemen,

Below is an email to Melissa Glynn, with whom I have been working (Melissa is great and is a true ally) to get something done here. She is in charge of Enterprise Integration as Asst. Sec.

I have heard nothing more from anyone in leadership regarding a complete supply chain reorganization that is much needed and proposed by me back in December. I was under the belief that the DepSec was on board. The two emails are self explanatory.

I will let you know of Friday if anything is moving. If not, not sure what else to do. Without this complete reorganization, I do not see how the VA can be successful in its effort to change significantly and rapidly.

(b)(6)

Sent from my iPhone

Begin forwarded message:

From: (b)(6)@va.gov>
Date: February 28, 2018 at 8:30:21 AM EST
To: (b)(6)@jhmi.edu>
Subject: FW: Supply Chain Organization

Regards,

(b)(6)
Chief Supply Chain Officer
Veterans Health Administration
811 Vermont Avenue, NE
Washington, D.C. 20002
Office: 202-632-(b)(6)
Mobile: 202-330-(b)(6)

From: Glynn, Melissa S.
Sent: Wednesday, February 28, 2018 8:29 AM
To: (b)(6)
Subject: RE: Supply Chain Organization

(b)(6)

I have a meeting with the DepSec today and will

raise with him. We have been derailed by recent events

Sent with Good (www.good.com)

From: (b)(6)
Sent: Wednesday, February 28, 2018 5:12:33 AM
To: Glynn, Melissa S.
Subject: Supply Chain Organization

Melissa,

I have seen nor heard of any movement on this plan since early January. VHA is in the process of hiring new managers for several areas. I am of the opinion that the hiring of new managers is not truly what is needed, but rather a restructuring of the entire VA supply chain to address our many shortcomings. We have more than enough people. What is lacking is the right mix of talent and vision.

Of import is the need to consolidate leadership and the entire supply chain into a centralized support service providing much needed leadership throughout the organization, with centralized control of the budget for all positions (contracting, logistics) and development of service level agreements between supply chain and the three administrations it will serve (NCA, VBA and VHA). The supply fund must necessarily be under the control of the office of the CSCO. If the VA is to gain control of its ENTIRE supply chain and be effective in managing the same, I can see no other way.

I know this is a big leap for VA. I know it runs counter to the culture of this organization and impinges on the autonomy the facilities and VISN's enjoy. I also know it runs counter to the culture of VACO. The VA currently has three supply chains: the VISN and Facility level supply chain, OALC and Contracting, and VHA Supply Chain "leadership". The continuation of this "tri"-furcated supply chain only guarantees, in my opinion, the continuation of its failures. I honestly believe it will impact the DMLSS implementation, the fix of the current MSPV (J&A is still not done) and the roll out of the new one. The VA absolutely needs one CSCO,

reporting to the DepSec, with the charge of fixing this in as rapid a fashion as possible and it needs to occur much sooner rather than later. Time is running out.

If nothing else, this reorg plan proposed in December and January allows the VA the chance to change the dynamic: this is a culture of “No, we can’t do that and I am offering no alternatives” from various offices that have NO responsibility for the outcomes associated with their decisions to “The order of the day is to find the way to get it done.”

There is, of course, an alternative: turn VHA’s entire supply chain, including all contracting for all things patient care, over to DLA/DHA. They have leadership that knows what a healthcare supply chain is all about and can provide the levels of service, product mix, standardized operations and processes, etc., that we seem unable to provide. It fits with Congress’s directive to share services and information to streamline operations and save money, it fits with the Administration’s desire for fast and effective action.

I cannot stress how important this is.

Regards,

(b)(6)

Chief Supply Chain Officer
Veterans Health Administration
811 Vermont Avenue, NE
Washington, D.C. 20002
Office: 202-632-(b)(6)
Mobile: 202-330-

From: COS-PMO
Sent: 8 Mar 2018 08:45:28 -0800
To: O'Rourke, Peter M.
Subject: FW: Screenshot 2018-03-08 at 7.48.52 AM

From: IP
Sent: Thursday, March 08, 2018 11:42:14 AM (UTC-05:00) Eastern Time (US & Canada)
To: COS-PMO
Subject: [EXTERNAL] FW: Screenshot 2018-03-08 at 7.48.52 AM

From: IP
Sent: Thursday, March 08, 2018 10:34 AM
To: vacodjs1@va.gov
Cc: COS-PMO (COS-PMO@va.gov)
Subject: FW: Screenshot 2018-03-08 at 7.48.52 AM

David,

See the email below from a doctor here. I am hopeful that the restructuring will correct these dangerous behaviors that threaten the health and lives of the vets. I wonder how many more thousands of vets suffer the same dangerous care as this woman. The Inspector General's report is only the tip of the iceberg.

Ike

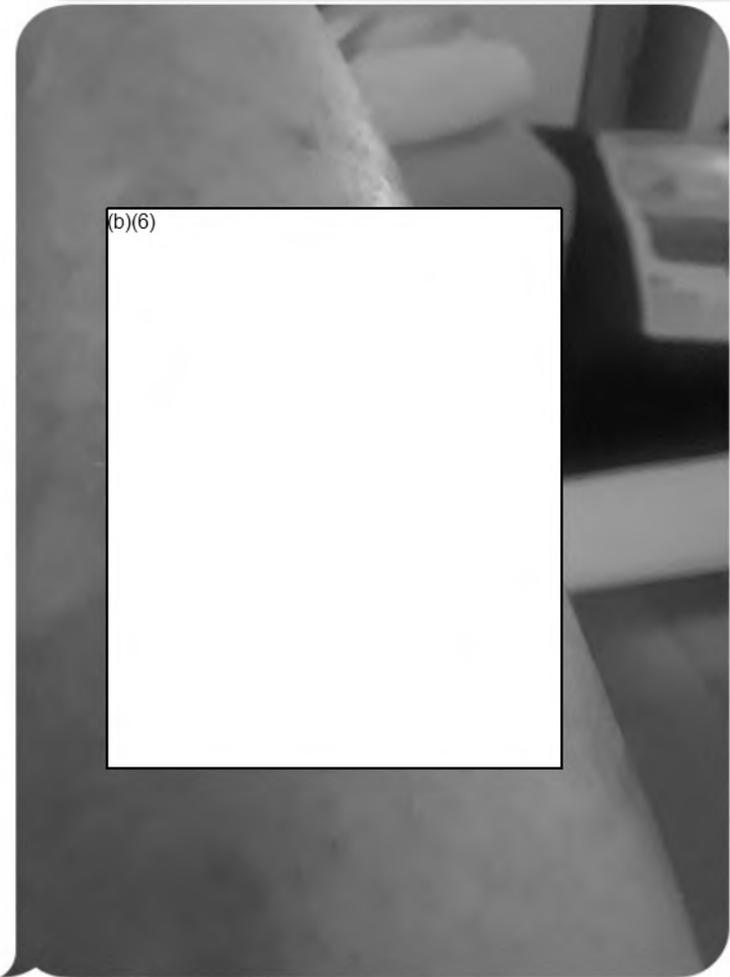
From: L Perl [mailto:(b)(6)@gmail.com]
Sent: Thursday, March 08, 2018 8:13 AM
To: IP
Subject: Fwd: Screenshot 2018-03-08 at 7.48.52 AM
Begin forwarded message:

From: (b)(6) MD <(b)(6)@aol.com>
Date: March 8, 2018 at 7:52:08 AM EST
To: Laurie Perlmutter <(b)(6)@gmail.com>
Subject: Screenshot 2018-03-08 at 7.48.52 AM

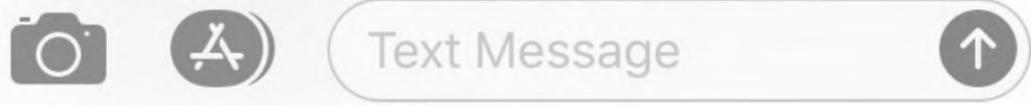
Apparently she can not get resolution at the va
I'd like to find a way to help her
I'm not sure if it's cancer or infected or some other issue
I see a lot of skin cancer and problems
I also have been asked to help get agent orange claims for skin diseases
certified as agent orange related
Shouldn't that be automatic ? Why should the vets or their doctors have to
jump through hoops
Thanks

(b)(6)

Visible, painful, removable.
They don't know what it is so
I'm crazy. This whole skin thing
has been going on for a few
years now. It's rather ruined my
life



Thank you for your concern I



(b)(6) MD FAAD
Professor, University of Miami.
Consulting Associate, Duke University.
Clinical Associate in Dermatology, University of Pennsylvania School of
Medicine
www.palmbeachcosmetic.com
561 655 (b)(6)
1500 North Dixie Highway, Suite 303
West Palm Beach, FL
33401

From: COS-PMO
Sent: 8 Mar 2018 07:35:39 -0800
To: O'Rourke, Peter M.
Subject: FW: Screenshot 2018-03-08 at 7.48.52 AM

From: IP
Sent: Thursday, March 08, 2018 10:34:09 AM (UTC-05:00) Eastern Time (US & Canada)
To: DJS
Cc: COS-PMO
Subject: [EXTERNAL] FW: Screenshot 2018-03-08 at 7.48.52 AM

David,

See the email below from a doctor here. I am hopeful that the restructuring will correct these dangerous behaviors that threaten the health and lives of the vets. I wonder how many more thousands of vets suffer the same dangerous care as this woman. The Inspector General's report is only the tip of the iceberg.

Ike

From: L Perl [mailto:(b)(6)@gmail.com]
Sent: Thursday, March 08, 2018 8:13 AM
To: IP
Subject: Fwd: Screenshot 2018-03-08 at 7.48.52 AM
Begin forwarded message:

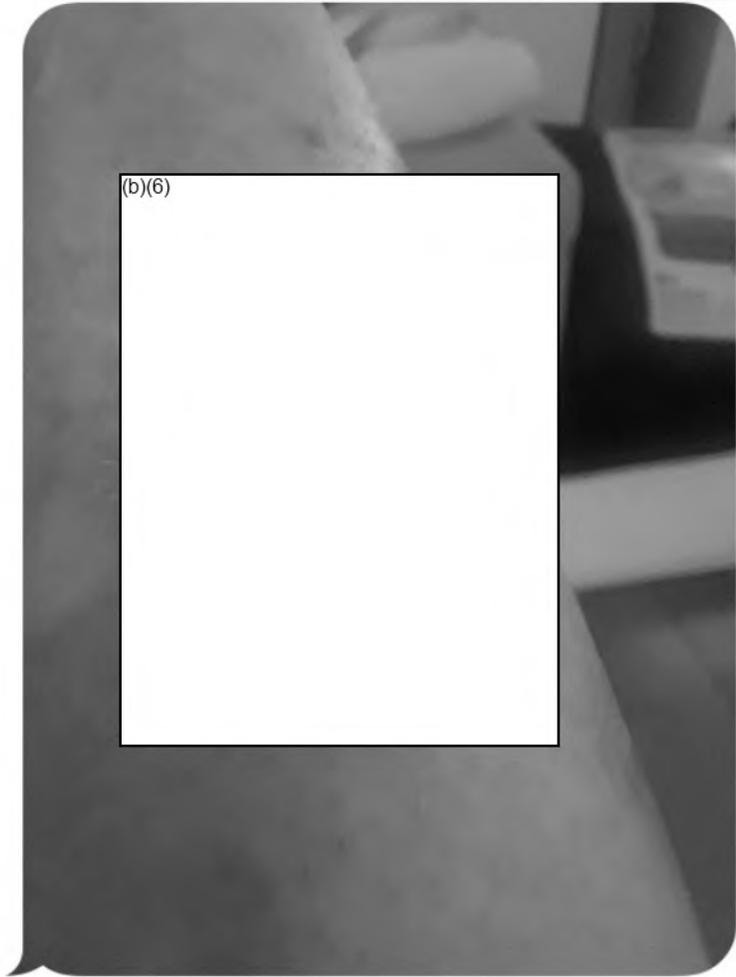
From: (b)(6) MD <(b)(6)@aol.com>
Date: March 8, 2018 at 7:52:08 AM EST
To: Laurie Perlmutter <(b)(6)@gmail.com>
Subject: Screenshot 2018-03-08 at 7.48.52 AM

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(b)(6)



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I'm crazy. This whole skin thing
has been going on for a few
years now. It's rather ruined my
life



Thank you for your concern I



Text Message



(b)(6)

MD FAAD

Professor, University of Miami.

Consulting Associate, Duke University.

Clinical Associate in Dermatology, University of Pennsylvania School of
Medicine

www.palmbeachcosmetic.com

561 655 (b)(6)

1500 North Dixie Highway, Suite 303

West Palm Beach, FL

33401

From: (b)(6)
Sent: 1 Jun 2018 13:07:52 -0500
To: COS-PMO; O'Rourke, Peter M.
Subject: FW: Monday's remarks at the Medical Device Registry Summit
Attachments: 2018 06 04-2 Medical Device Registry Summit.docx, Medical Device Registry Summit Program June 4 2018 - Preliminary.docx

Per your request – here are the electrons for Monday's opening remarks. Thank you.

From: (b)(6)
Sent: Friday, June 01, 2018 9:48 AM
To: COS-PMO
Cc: Hayes-Byrd, Jacquelyn (b)(6); Tallman, Gary; Wagner, John (Wolf); Ulyot, John; (b)(6); (b)(6); (b)(6), Ph.D
Subject: Monday's remarks at the Medical Device Registry Summit

Sir,

Attached and below are brief opening remarks (5 mins.) for the Medical Device Registry Summit, Monday morning, at 8:30, in Room 230.

The audience will consist of about 75 medical experts from federal agencies and the healthcare community. About one third will be from VA. The purpose of the summit is to advance collaborative efforts to create a national management and tracking system to unify, expand, and improve existing medical device registries. The main objectives of your remarks are:

(a) to stress the importance of the collaboration and VA's commitment to its success, and

(b) to thank our public and private partners for their participation in the summit and the effort.

Internal and external media will be present. Dr. SreyRam Kuy will introduce you. You will speak from the podium and depart immediately afterwards.

The summit's program is also attached. Jackie will have hardcopies for you.

V/r

(b)(6)

(b)(6)

Speechwriter • Department of Veterans Affairs • Office 202-461-(b)(6) • Cell 202-203-(b)(6)

DRAFT 2: Medical Device Registry Summit
Monday, June 4, 2018

Good morning. Thank you, Doctor [SreyRam Kuy, MD], for that introduction and for taking charge of this summit.

I'd also like to thank our key partners in this effort:

- **Dr. Danica Marinac-Dabic [dan-NEE-sa Ma-RIN-ac DA-bic] of FDA,**
- **Dr. Thomas Concannon at RAND,**
- **Dr. (b)(6) and Dr. (b)(6) (b)(6) from the Global Healthy Living Foundation.**
- **Also VA's Dr. Bruce McIntosh, (b)(6), Deborah Scher, and Acting COS Jacquelyn Hayes-Byrd and her team, who have all worked very hard to make this summit a success.**

Finally, I'd like to thank two people who are not here but who have been driving forces in the development of medical device registries — Dr. Bruce Moskowitz and Mr. Aaron Moskowitz of the Biomedical Research & Education Foundation.

A few days ago, we announced a major decision:

- to move forward with a multi-billion-dollar contract to modernize VA's electronic health records,
- by adopting the same EHR platform used by DoD,
- with a few additional functions to accommodate the special needs of Veterans.

Today we're here to talk about one way to make the most out of the new EHR system.

In the past few years, VA has worked with DoD to develop a Joint Patient Safety Reporting program to learn from reported healthcare system vulnerabilities, including the inability to identify specific patient implants.

- **Now we're looking to expand that collaboration to include the Food & Drug Administration (FDA) and the Centers for Medicare and Medicaid Services (CMS), as well as our Community Care partners.**
- **So we have organized this summit to bring together industry and academic leaders and sister-agency experts to map out a strategy for launching the largest medical device-implant tracking program in the Nation.**

Medical devices are a \$170 billion business, accounting for 6 percent of U.S. health spending in 2013.

- **Implantable device sales are estimated to have been \$43 billion in 2011 and are expected to reach \$74 billion this year.**

But for all that money, it's hard to know what works best for patients — and what puts them at greater risk.

- **Current tracking systems don't provide enough clinical detail, or they aren't linked to VA's EHR system.**
- **Adverse Event Reports are mandatory for hospitals and manufacturers, but they don't provide enough information for us to tell which patients are affected.**

The solution is a nationwide medical implant registry that enables us to identify and manage patients with implanted medical devices and biological implants, no matter where they receive their care.

Such a system would enable us to —

- **measure quality & compare outcomes,**
- **monitor patient safety,**
- **recall faulty devices,**
- **notify patients about safety recalls,**
- **know the exact device in question when patient shows up in ER with complications,**
- **and track clinical follow-up.**

The system must be implementable in the short term via VA's CPRS and VistA, *and* able to interface in the long term with VA's new EHR system.

With a well-managed medical device tracking system, and a fully integrated EHR system linking VA and DoD and our Community Care providers:

- **We will know, from day one, what implants a Veteran has received on active duty, so nothing is lost when a Veteran enters our care.**
- **We will know how those implants have performed for each Veteran.**
- **We will also know how the same implants have performed for all other Veterans and active-duty servicemembers.**
- **We will be able to identify and address the concerns of individual Veterans about their implants.**

- **We will also be able to see whether other patients have experienced the same issues, to better assess the risk.**
- **And we will be able to share that information with other providers and with device manufacturers, which will mean both better design and better use of implants.**

The result will be safer, more efficient, more patient-centered care — not just for Veterans, but for all implant recipients.

Congress has mandated that we track medical implants, and this administration is committed to fielding the very best, inclusive, patient-centered implant tracking system.

We can't do that without the collaboration of our sister agencies and nongovernmental partners.

- **So we greatly appreciate your participation in this summit.**

Thank you for being here. I look forward to hearing about your discussions later.

###

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(b)(6)

from the Global Healthy Living Foundation.

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Thank you for being here. I look forward to hearing about your discussions later.

###



DEPARTMENT OF VETERANS AFFAIRS
810 Vermont Avenue NW
Washington, DC 20571

Medical Device Registry Summit

GV (Sonny) Montgomery Veterans Auditorium, Room 230
810 Vermont Avenue, NW
Washington, DC 20420

June 4, 2018
8:30 a.m. – 4:30 p.m.

8:30 a.m. Welcome and Introduction of Participants and Organizations*
Acting Secretary of VA Peter O'Rourke

8:45 a.m. – 10 a.m. Session 1: Value for Stakeholders

Objective: To describe value of medical device registries to major stakeholders; identify the gaps; prioritize opportunities

Patient Perspective

Christine Stake, Patient Governor, the ArthritisPower Patient Research Registry

Leveraging the Medical Device Ecosystem

Rachael Fleurence Ph.D., National Evaluation System for Health Technologies

Value Roundtable Discussion

Moderator: SreyRam Kuy, MD

- Veterans Affairs (VA) Acting Secretary Peter O'Rourke
- Food and Drug Administration (FDA) Commissioner Scott Gottlieb, MD
- Jeff Shuren, MD, PhD, Director, Center for Devices and Radiological Health
- Centers for Medicare and Medicaid Services Administrator Seema Verma (tentative)
- American Medical Association, Kathleen Blake, MD

10 a.m. – 11:30 a.m. Session 2: VA Landscape

Objective: Share examples of successful device monitoring at VA, registry infrastructure at VA and present the vision for the future

Moderator: Danica Marinac-Dabic, MD, PhD, MMSC, FISPE – FDA

- ✓ Current Cardiac Device Monitoring in the VA
 - Merritt H. Raitt, MD, Director, National Cardiac Device Surveillance Program, Veterans Health Affairs (VHA)
- ✓ Improving Device Surveillance by Analyzing Passively Collected Electronic Health Record Data
 - Nicholas Giori, MD, PhD, Chief of Orthopedic Surgery, VA Palo Alto Health Care System
- ✓ Medical Device Tracking in Cardiology: The integration of Real Time Locations System into The Clinical Assessment, Reporting, and Tracking System (CART) for Cardiac Catheterization Laboratories
 - (b)(6) MD
CART Program
- ✓ Building Future-State Model for VHA Implant Tracking
 - Bruce McIntosh, PharmD, VA National Manager, Product Recall Office, National Center for Patient Safety

Panel Discussion: Speakers + Kristi Mitchell (Avalere Health)

11:30 a.m. – 12:30 p.m. Lunch Break

12:30 p.m. – 2 p.m. Session 3: Infrastructure/Methodology Opportunities for Standing Up a Medical Device Registry – Short and Long-Term

Moderator: Sharon-Lise Normand, PhD (Harvard Medical School/Harvard School of Public Health)

Objective: To identify key national and international efforts in the device space that can be leveraged for the development of a Medical Device Registry; present short- and long-term opportunities

- ✓ Unique Device Identifier implementation efforts
 - Terrie Reed (FDA)
- ✓ Strategically Coordinated Registry Networks – Linking Registries with other data sources
 - Art Sedrakyan, MD, PhD (Cornell/MDEpiNet)
- ✓ Harmonization Efforts with National/International Registries
 - Danica Marinac-Dabic, MD, PhD, MMSC, FISPE (FDA/Center for Devices and Radiological Health (CDRH))
- ✓ Patient -enabled evidence generation
 - Harlan Krumholz, MD (Yale University)
- ✓ Active Surveillance via DELTA in National Registries
 - (b)(6) MD (Lahey Clinic)

Panel Discussion: Speakers + Vahan Simonyan, PhD (FDA)

2 p.m. – 3:15 p.m. Session 4: From the Conceptual Framework to the Developmental Efforts and Sustainability

Moderator: Thomas Concannon, PhD (RAND)

Objective: How to begin development of the framework for a Medical Device Registry

- ✓ Who should be at the table: What can we learn from Vascular Quality Initiative?
 - Jack Cronenwett, MD (Dartmouth)
- ✓ How to build in the sustainability: Return of Investment Multi-stakeholder Analysis
 - Greg Pappas, MD, PhD (FDA/CDRH)
- ✓ Privacy/Ethics issues
 - Robert M Portman, JD (Powers, Pyles, Sutter and Verville PC)
- ✓ Topic TBD
 - (b)(6) MD, PhD, FCCM (United Healthcare)

Panel Discussion: Speakers + Julia Skapik, MD (Cognitive Medical Systems)

3:15 p.m. – 4:30 p.m. Panel: Pulling it All Together

Objective: To summarize key points in the next steps toward building a Medical Device Registry

Moderator: Harlan Krumholz, MD (Yale University)

Panel: Bruce McIntosh, PharmD (VA)
Art Sedrakyan, MD (Weill Cornell Medical College)
Danica Marinac-Dabic, MD, PhD (FDA)
Rachael Fleurence, PhD (National Evaluation System for Health Technology Coordinating Center)

Closing Remarks

VA Leadership – Dr. Carolyn Clancy

Questions?

Contact:

SreyRam Kuy, MD
Special Advisor, Office of the Secretary
Department of Veterans Affairs
SreyRam.Kuy@va.gov (713) 503-4274

me via return e-mail or telephone (732) 440-9650, and permanently delete the original and any copy of any e-mail and any printout thereof.”

From: Windom, John H.
Sent: Monday, June 18, 2018 5:00 PM
To: (b)(6) Foster, Michele (SES); (b)(6)
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); (b)(6) (COLONEL)
Subject: RE: Update_Important Request

(b)(6)

Please add their organization for clarity.

Vr

John

John H. Windom, Senior Executive Service (SES)
Program Executive for Electronic Health Record Modernization (PEO EHRM)
811 Vermont Avenue NW (5th Floor Suite 5080)
Washington, DC 20420
John.Windom@va.gov
Office: (202) 461-5820
Mobile: (202) 794-4911
Executive Assistant: Ms. (b)(6) - Appointments and Scheduling
(b)(6)@va.gov Office: 202-382-(b)(6)

From: (b)(6)
Sent: Monday, June 18, 2018 4:07 PM
To: Windom, John H.; Foster, Michele (SES); (b)(6)
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); (b)(6) (COLONEL)
Subject: RE: Update_Important Request

John,

As requested, provided is a listing of non-VA employees (at that time) who were involved in the various external reviews during the EHRM acquisition phase. Listing was generated based on the numerous MITRE led reviews and White House review(s).

Thanks,

(b)(6)

(b)(6)

Contracting Officer
Department of Veterans Affairs
Office of Procurement, Acquisition and Logistics
Technology Acquisition Center

23 Christopher Way
Eatontown, New Jersey 07724
Office: 732-440-(b)(6)
Mobile: 732-320-(b)(6)
e-mail: (b)(6)@va.gov



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From: Windom, John H.
Sent: Saturday, June 16, 2018 1:43 AM
To: (b)(6) Foster, Michele (SES); (b)(6)
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); (b)(6) (COLONEL)
Subject: Update_Important Request

Michele and TAC Team:

This request comes directly from the Acting Secretary in support of hearing preps. Please provide a list of names of the non-VA employees (supporting various external reviews) that have signed NDAs to review our EHRM acquisition/program documents in advance of contract award (May 17' 2018).

Thank you,
John

John H. Windom, Senior Executive Service (SES)
Program Executive for Electronic Health Record Modernization (PEO EHRM)
811 Vermont Avenue NW (5th Floor Suite 5080)
Washington, DC 20420
John.Windom@va.gov
Office: (202) 461-5820
Mobile: (202) 794-4911
Executive Assistant: Ms. (b)(6) – Appointments and Scheduling
(b)(6)@va.gov Office: 202-382-(b)(6)

<u>LAST</u>	<u>FIRST</u>	<u>Organization/Affiliation</u>
(b)(6)		US Army/DHA
Chopra	Aneesh	CareJourney
(b)(6)		Indiana Health Information Exchange
(b)(6)		Mitre
(b)(6)		Mitre
Cooper	Leslie	The Mayo Clinic
(b)(6)		Mitre
(b)(6)		Mayo Clinic
(b)(6)		Geisinger
(b)(6)		Kaiser Permanente
(b)(6)		Ascension Health
(b)(6)		Kaiser Permanente
(b)(6)		Mitre
(b)(6)		Lahey Health
Howells	Ryan	Leavitt Partners, LLC
(b)(6)		DHA/DHMS
Huff	Stan	Intermountain Healthcare
(b)(6)		US Navy/SPAWAR
Karson	Andrew	Massachusetts General Hospital
(b)(6)		Mitre
(b)(6)		Collective Medical Technologies, Inc.
Ko	Clifford	University of California, Los Angeles/American College of Surgeons
Mandl	Kenneth	Harvard Medical School/Boston's Children Hospital
Manis	Jon	Sutter Health
(b)(6)		Massachusetts General Hospital/Partners Healthcare System
Morris	Genevieve	Office of the National Coordinator for Health Information Technology (ONC)
Moskowitz	Bruce	Internist/External Expert Participant
(b)(6)		Universal Health Services
Opelka	Frank	American College of Surgeons
(b)(6)		University of Washington Medical Center
Perlmutter	Ike	CEO Marvel Entertainment
(b)(6)		Intermountain Healthcare
(b)(6)		Johns Hopkins University
(b)(6)		Mitre
(b)(6)		Mitre
Reel	Stephanie	Johns Hopkins University
Ross	Christopher J. (Cris)	The Mayo Clinic
(b)(6)		Mitre
Schnitzer	Jay	Mitre
(b)(6)		Mitre
Sherman	Marc	Alvarez & Marsal
Shrestha	Rasu	University of Pittsburgh Medical Center
Smith	Carla	The Healthcare Information and Management Systems Society
(b)(6)		US Air Force
Sutton	Paul R.	University of Washington
(b)(6)		Mitre
(b)(6)		Mitre
(b)(6)		Mitre
(b)(6)		HealthSouth

From: Sandoval, Camilo J.
Sent: 22 Jun 2018 07:00:03 -0500
To: O'Rourke, Peter M.
Subject: RE: Update_Important Request
Attachments: External Reviewers.xlsx

I noticed (b)(6) is not on this list, yet he had access to sensitive acquisition information even before being a sub for Mitre.

From: (b)(6)
Sent: Tuesday, June 19, 2018 9:48 AM
To: Windom, John H.; Foster, Michele (SES); (b)(6)
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); (b)(6) (COLONEL)
Subject: RE: Update_Important Request

John – Updated to include organization/affiliation.

Thanks,
(b)(6)

(b)(6)
Contracting Officer
Department of Veterans Affairs
Office of Procurement, Acquisition and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
Office: 732-440-(b)(6)
Mobile: 732-320-(b)(6)
e-mail: (b)(6)@va.gov



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Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); (b)(6) (COLONEL)
Subject: RE: Update_Important Request

(b)(6)

Please add their organization for clarity.

Vr

John

John H. Windom, Senior Executive Service (SES)
Program Executive for Electronic Health Record Modernization (PEO EHRM)
811 Vermont Avenue NW (5th Floor Suite 5080)
Washington, DC 20420

John.Windom@va.gov

Office: (202) 461-5820

Mobile: (202) 794-4911

Executive Assistant: Ms. (b)(6) - Appointments and Scheduling

(b)(6)@va.gov Office: 202-382-(b)(6)

From: (b)(6)

Sent: Monday, June 18, 2018 4:07 PM

To: Windom, John H.; Foster, Michele (SES); (b)(6)

Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); (b)(6) (COLONEL)

Subject: RE: Update_Important Request

John,

As requested, provided is a listing of non-VA employees (at that time) who were involved in the various external reviews during the EHRM acquisition phase. Listing was generated based on the numerous MITRE led reviews and White House review(s).

Thanks,

(b)(6)

(b)(6)

Contracting Officer
Department of Veterans Affairs
Office of Procurement, Acquisition and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
Office: 732-440-(b)(6)
Mobile: 732-320-(b)(6)
e-mail: (b)(6)@va.gov



“For Internal VA Use Only – Working Draft, Pre-Decisional, Deliberative Document: This e-mail and any attachments are intended only for the use of the addressee(s) named herein and may contain privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me via return e-mail or telephone (732) 440-(b)(6) and permanently delete the original and any copy of any e-mail and any printout thereof.”

From: Windom, John H.
Sent: Saturday, June 16, 2018 1:43 AM
To: Truex, Matthew; Foster, Michele (SES); (b)(6)
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); (b)(6) COLONEL
Subject: Update_Important Request

Michele and TAC Team:

This request comes directly from the Acting Secretary in support of hearing preps. Please provide a list of names of the non-VA employees (supporting various external reviews) that have signed NDAs to review our EHRM acquisition/program documents in advance of contract award (May 17' 2018).

Thank you,
John

John H. Windom, Senior Executive Service (SES)
Program Executive for Electronic Health Record Modernization (PEO EHRM)
811 Vermont Avenue NW (5th Floor Suite 5080)
Washington, DC 20420
John.Windom@va.gov
Office: (202) 461-5820
Mobile: (202) 794-4911
Executive Assistant: Ms. (b)(6) - Appointments and Scheduling
(b)(6)@va.gov Office: 202-382-(b)(6)

LAST	FIRST	Organization/Affiliation
(b)(6)		US Army/DHA
Chopra	Aneesh	CareJourney
(b)(6)		Indiana Health Information Exchange
(b)(6)		Mitre
(b)(6)		Mitre
Cooper	Leslie	The Mayo Clinic
(b)(6)		Mitre
(b)(6)		Mayo Clinic
(b)(6)		Geisinger
(b)(6)		Kaiser Permanente
(b)(6)		Ascension Health
(b)(6)		Kaiser Permanente
(b)(6)		Mitre
(b)(6)		Lahey Health
Howells	Ryan	Leavitt Partners, LLC
(b)(6)		DHA/DHMS
Huff	Stan	Intermountain Healthcare
(b)(6)		US Navy/SPAWAR
Karson	Andrew	Massachusetts General Hospital
(b)(6)		Mitre
(b)(6)		Collective Medical Technologies, Inc.
Ko	Clifford	University of California, Los Angeles/American College of Surgeons
Mandl	Kenneth	Harvard Medical School/Boston's Children Hospital
Manis	Jon	Sutter Health
(b)(6)		Massachusetts General Hospital/Partners Healthcare System
Morris	Genevieve	Office of the National Coordinator for Health Information Technology (ONC)
Moskowitz	Bruce	Internist/External Expert Participant
(b)(6)		Universal Health Services
Opelka	Frank	American College of Surgeons
(b)(6)		University of Washington Medical Center
Perlmutter	Ike	CEO Marvel Entertainment
(b)(6)		Intermountain Healthcare
(b)(6)		Johns Hopkins University
(b)(6)		Mitre
(b)(6)		Mitre
Reel	Stephanie	Johns Hopkins University
Ross	Christopher J. (Cris)	The Mayo Clinic
(b)(6)		Mitre
Schnitzer	Jay	Mitre
(b)(6)		Mitre
Sherman	Marc	Alvarez & Marsal
Shrestha	Rasu	University of Pittsburgh Medical Center
Smith	Carla	The Healthcare Information and Management Systems Society
(b)(6)		US Air Force
Sutton	Paul R.	University of Washington
(b)(6)		Mitre
(b)(6)		Mitre
(b)(6)		Mitre
(b)(6)		HealthSouth

From: COS-PMO
Sent: 28 Feb 2018 04:49:56 -0800
To: O'Rourke, Peter M.
Subject: FW: Contact information

From: IP
Sent: Wednesday, February 28, 2018 4:49:23 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Cc: Bruce Moskowitz (Business Fax); 'David shulkin (drshulkin@aol.com)'; Marc Sherman
(b)(6)@gmail.com> (b)(6)@gmail.com); lper(b)(6)@gmail.com
Subject: [EXTERNAL] RE: Contact information

Pete,

I enjoyed meeting with you and the Secretary yesterday. I feel confident that you will be a terrific asset moving forward to get things accomplished.

I am here 24/7 to help.....Best...Ike

-----Original Message-----

From: COS-PMO [mailto:COS-PMO@va.gov]
Sent: Wednesday, February 28, 2018 6:37 AM
To: iper(b)(6) IP; mbsherman; bruce(b)(6)
Subject: Contact information

All,

It was an honor to meet you all yesterday. I want to ensure that you have my VA and personal contact information.

VA cell: 202-823-7548
Personal cell: 202-997-(b)(6)
Direct VA email: CoS-PMO@va.gov
Personal email: (b)(6)@reagan.com

I will protect our conversations from yesterday and as instructed by the Secretary last night, not discuss the content with any of the individuals what were mentioned.

Thank you for your support of the President, the VA, and me as we work to make the VA great.

Pete

Sent with Good (www.good.com)

From: COS-PMO
Sent: 28 Feb 2018 04:43:39 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Re: FW: Contact information

From: L Perl
Sent: Wednesday, February 28, 2018 4:42:49 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO; David shulkin; IKE; Marc Sherman; Bruce Moskowitz
Subject: [EXTERNAL] Re: FW: Contact information

Pete,

You beat me to it-- just sat down to email all to you...

It was truly a pleasure and honor to meet you yesterday.

Please feel free to contact any of us at anytime....

I thought it was an extremely productive meeting yesterday and look forward to achieving the goals discussed.

Warm regards.....Laurie

On Wed, Feb 28, 2018 at 6:58 AM, COS-PMO <COS-PMO@va.gov> wrote:

Laurie,

I didn't type your email right the first time, please see the original email below.

Thank you,
Pete

Sent with Good (www.good.com)

From: COS-PMO
Sent: Wednesday, February 28, 2018 3:37:19 AM
To: iperl(b)(6) ip; mbsherman; brucem(b)(6)
Subject: Contact information

All,

It was an honor to meet you all yesterday. I want to ensure that you have my VA and

personal contact information.

VA cell: 202-823-7548

Personal cell: 202-997-(b)(6)

Direct VA email: CoS-PMO@va.gov

Personal email: (b)(6)@reagan.com

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Thank you for your support of the President, the VA, and me as we work to make the VA great.

Pete

Sent with Good (www.good.com)

From: COS-PMO
Sent: 28 Feb 2018 08:19:48 -0800
To: O'Rourke, Peter M.
Subject: FW: FW: Contact information (Chief of Staff)

From: IP
Sent: Wednesday, February 28, 2018 8:18:57 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Subject: [EXTERNAL] RE: FW: Contact information (Chief of Staff)

Pete:

Please use the below contact information when trying to reach me:

Please note that you should first try to reach me at the office through my assistant. Marisol is able to find me any time.

Thank you,
Ike

Assistant: (b)(6)
212-576-(b)(6) (Office)
212-576-(b)(6) (Weekend Office)
Cell: 646-668-(b)(6) (Marisol's Cell)
Cell: 646-201-(b)(6) (Marisol's Cell)
Email: (b)(6)@frenchangel59.com

Please feel free to email or call us any time.

From: L Perl [mailto:(b)(6)@gmail.com]
Sent: Wednesday, February 28, 2018 7:58 AM
To: COS-PMO; David shulkin; IP; Marc Sherman; Bruce Moskowitz
Subject: Re: FW: Contact information (Chief of Staff)

Oops- Of course, I forgot to add the rest of our contact info:

Ike- direct line 561-586-(b)(6)
Laurie- direct line 561-585-(b)(6) cell 561-818-(b)(6)
Bruce Moskowitz cell 346-(b)(6)
Marc Sherman 202-758-8-(b)(6) cell

On Wed, Feb 28, 2018 at 7:42 AM, L Perl <(b)(6)@gmail.com> wrote:

Pete,

You beat me to it-- just sat down to email all to you...

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Thank you,
Pete

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Subject: Contact information

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VA cell: [202-823-7548](tel:202-823-7548)
Personal cell: [\(b\)\(6\)](tel:202-997-(b)(6))
Direct VA email: CoS-PMO@va.gov
Personal email: [\(b\)\(6\)@reagan.com](mailto:(b)(6)@reagan.com)

I will protect our conversations from yesterday and as instructed by the Secretary last night, not discuss the content with any of the individuals what were mentioned.

Thank you for your support of the President, the VA, and me as we work to make the VA great.

Pete

Sent with Good (www.good.com)

From: COS-PMO
Sent: 28 Feb 2018 05:05:10 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Re: FW: Contact information

From: L Perl
Sent: Wednesday, February 28, 2018 4:58:24 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO; David shulkin; IKE; Marc Sherman; Bruce Moskowitz
Subject: [EXTERNAL] Re: FW: Contact information

Oops- Of course, I forgot to add the rest of our contact info:

Ike- direct line 561-586-(b)(6)
Laurie- direct line 561-585-(b)(6) cell 561-818-(b)(6)
Bruce Moskowitz cell 346-(b)(6)
Marc Sherman 202-758-(b)(6) cell

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Warm regards.....Laurie

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Thank you,
Pete

Sent with Good (www.good.com)

From: COS-PMO

Sent: Wednesday, February 28, 2018 3:37:19 AM

To: iperl(b)(6); ip; mbsherman; brucem(b)(6)

Subject: Contact information

All,

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Pete

Sent with Good (www.good.com)

From: COS-PMO
Sent: 28 Feb 2018 03:44:01 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Re: Contact information

From: Marc Sherman
Sent: Wednesday, February 28, 2018 3:43:46 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Cc: iper(b)(6) IP; Bruce Moskowitz
Subject: [EXTERNAL] Re: Contact information

Pete

It was great to meet you and be able to spend the afternoon with you (and of course the Secretary) discussing mutual passions to help improve healthcare for our veterans. We are always excited to provide each of our thoughts to you and the Secretary as you both move forward in making decisions on how to best run and improve the veterans healthcare delivery system.

Best

Marc

Marc Sherman
(202) 758-(b)(6)

On Feb 28, 2018 6:37 AM, "COS-PMO" <COS-PMO@va.gov> wrote:

All,

It was an honor to meet you all yesterday. I want to ensure that you have my VA and personal contact information.

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Personal cell: 202-997-(b)(6)

Direct VA email: CoS-PMO@va.gov

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Pete

Sent with Good (www.good.com)

From: COS-PMO
Sent: 28 Feb 2018 03:48:19 -0800
To: O'Rourke, Peter M.
Subject: FW: [EXTERNAL] Re: Contact information

From: Marc Sherman
Sent: Wednesday, February 28, 2018 3:47:44 AM (UTC-08:00) Pacific Time (US & Canada)
To: COS-PMO
Cc: IP; Bruce Moskowitz; L Perl
Subject: [EXTERNAL] Re: Contact information

By the way, I am just resending to let you know that you have a typo in Laurie's address which should be Lperl, rather than iperl

Marc Sherman
(202) 758-(b)(6)

On Feb 28, 2018 6:43 AM, "Marc Sherman" <(b)(6)@gmail.com> wrote:
Pete

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Marc

Marc Sherman
(202) 758-(b)(6)

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last night, not discuss the content with any of the individuals what were mentioned.

Thank you for your support of the President, the VA, and me as we work to make the VA great.

Pete

Sent with Good (www.good.com)

From: Isaac Arnsdorf
Sent: 3 Aug 2018 14:14:03 +0000
To: COS-PMO; O'Rourke, Peter M.
Subject: [EXTERNAL] Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Hi Pete,

I'm writing an article about the influence of Ike Perlmutter, Marc Sherman and Bruce Moskowitz over the Department of Veterans Affairs. The story will describe how, despite having no official role and no relevant expertise, these three men have unprecedented authority over the VA.

Here are my specific questions:

1. Why did you and Secretary Wilkie travel to Mar-a-Lago on April 20? What ethics counsel approved this trip? What did you discuss with Perlmutter, Moskowitz and Sherman?
2. Why did you say Bruce Moskowitz and Aaron Moskowitz were the driving forces behind the medical device registry summit? What will be their role in the registry going forward?
3. In a Feb. 28 email, why did you give Perlmutter, Moskowitz and Sherman your personal contact information? Have you been conducting official business on your personal email? Have these records been searched in response to my FOIA request?
4. What was the mental health "emergency 'committee'" that Moskowitz wrote about in a Feb. 28 email to you? Why did you reply, "I will begin a project plan and develop a timeline for action"?
5. What is your response to the Washington Post [report](#) that you "will be reassigned to a less visible role overseeing a new office focused on improving VA operations"?

Thanks,
Isaac

Isaac Arnsdorf

PROPUBLICA

203.464 (b)(6)

(b)(6) @propublica.org

From: Isaac Arnsdorf
Sent: 6 Aug 2018 14:50:10 +0000
To: COS-PMO;O'Rourke, Peter M.
Subject: [EXTERNAL] Re: Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Hi Pete, just making sure you saw this. Thanks!

From: Isaac Arnsdorf (b)(6)@propublica.org
Date: Friday, August 3, 2018 at 10:14 AM
To: "COS-PMO@va.gov" <COS-PMO@va.gov>, "peter.orourke@va.gov" <peter.orourke@va.gov>
Subject: Ike Perlmutter, Marc Sherman and Bruce Moskowitz

Hi Pete,

I'm writing an article about the influence of Ike Perlmutter, Marc Sherman and Bruce Moskowitz over the Department of Veterans Affairs. The story will describe how, despite having no official role and no relevant expertise, these three men have unprecedented authority over the VA.

Here are my specific questions:

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5. What is your response to the Washington Post [report](#) that you "will be reassigned to a less visible role overseeing a new office focused on improving VA operations"?

Thanks,
Isaac

Isaac Arnsdorf
PROPUBLICA
203.464.(b)(6)
(b)(6)@propublica.org