

closure 8-268

DR

Administrative Closure [Signature] Honored 4/7/08

**Non-Profit Research Corporation and Physician Time and Attendance Issues
Atlanta VA Medical Center, Atlanta, Georgia
(2008-00725-HI-0047)**

Purpose: The Atlanta Office of Healthcare Inspections (OHI) reviewed allegations related to Atlanta Research and Education Foundation (AREF) practices, and administrative and medical issues at the Atlanta VA medical center (VAMC). The purpose of our review was to determine whether the allegations had merit.

Background: The complainant made broad allegations, some of which were non-specific, on three occasions. The complainant provided his allegations through an e-mail and telephone contact with [Redacted]

[Redacted] through a voicemail message to the OIG on December 17; and during a telephone interview with OIG staff on February 22, 2008. The allegations included concerns with the AREF (a non-profit research corporation) related to physician time and attendance, diversion of funds, financial audits, and funding for an animal research facility. In addition, the complainant reported that: (1) he was not hired for a position in the [Redacted] (2) his medical care co-payment requirements were changed; (3) he must have a VA police escort while on VA property; and (4) he was denied orthopedic care.

Issue 1: AREF Concerns

Physician Time and Attendance: The complainant alleged that some VA physicians do not spend time at the VAMC, but remain at Emory University doing research funded by both VA and the National Institutes for Health (NIH). He specifically reported that the Chief of Orthopedics was only at the VAMC four times in 1 year. The VAMC compliance officer conducts visual and medical record based audits on all part time physicians to validate that VAMC time is consistent with paid hours. She has not identified any inconsistencies or significant issues with the Chief of Orthopedics or any other part-time physicians in the past 12 months. We were unable to validate the complainant's allegations. No additional review is indicated.

Diversion of Funds: The complainant alleged that AREF was diverting funds to Emory University for research activities even though those funds were intended for veterans. He reported that he had faxed information to the Government Accountability Office (GAO) outlining his concerns and told us to review GAO's report. We contacted the Atlanta GAO office to obtain a copy of the report. After an additional check with their Washington DC office, we were told that GAO did not have any record of any reports involving Emory University, Atlanta VAMC R&D Service, or AREF. We were unable to identify any GAO reports to support the complainant's allegations. No additional review is indicated.

Financial Audits: The complainant alleged that VA headquarters is not receiving the annual audits of over 100 non-profit research corporations, nor does VA headquarters provide appropriate oversight of these entities. We interviewed the Atlanta VAMC R&D Service administrative officer who provided evidence that he forwarded the required

financial audits to VA headquarters annually and verified that AREF had completed the required annual registration with the State of Georgia. We could not identify any additional VA reporting or oversight requirements. VA OIG's Office of Audit recently completed (pending final publication) an evaluation of non-profit research corporations and is making several recommendations to VA to improve oversight. No additional review is indicated.

The complainant also alleged the R&D administrative officer has refused his request for copies of the last AREF audit (which he states he is entitled to by law). The R&D administrative officer confirmed that the complainant had requested the financial audits; however, he did not provide them as the complainant should have requested the audits through the Freedom of Information Act. No additional review is indicated.

Animal Research Facility Funding: The complainant alleged that the VAMC provides funding for an animal research facility that is not located on VAMC property. The R&D administrative officer stated that the VAMC shares a clinical researcher with the Yerkes Primate Institute at Emory University; there is no other VA involvement or financial support. The Atlanta VAMC conducts all other animal research in its on-site animal research laboratory located on the 4th floor of the medical center's clinical addition. No additional review is indicated.

Issue 2: Administrative Issues

Hiring Practices: The complainant reported that he had applied for a position for the AREF. At the time of his application, he had requested veteran's preference. He has not heard anything related to the position. The R&D administrative officer stated that the complainant had contacted him inquiring about the status of the position and was told that his application would be considered in the same manner as other applicants. No additional review is indicated.

Changes in Medical Care Co-Payments: The complainant was concerned that he was billed in 2002 for medical care provided at the Atlanta VAMC. He claimed that he had tried unsuccessfully to have an annual review of his bills and was denied a hearing. The complainant provided a letter dated August 10, 2006, outlining the various steps (verbal and written) taken to address his concerns. The letter documents that the complainant was billed properly for past medication charges, the debt collection process was followed, and the complainant had in fact signed repayment plans for this debt. The letter also indicates that Regional Counsel confirmed that the Atlanta VAMC complied with all regulations and laws regarding the collection of the debt. We determined that the complainant had previously been provided clarification and explanation related to his billing concerns. No additional review is indicated.

VA Police Escorts: We confirmed the complainant's allegation that whenever he is at the Atlanta VAMC, he has to be escorted to his medical appointments and then to his vehicle by VAMC police. He claims this has been occurring for two years.

A letter issued by the Atlanta VAMC Director dated (b)(3):5 U.S.C. App 3 (IG Act),(b)(6),(b)(7)(C) cited three occasions when the complainant's disruptive behavior resulted in a response by the Atlanta VAMC Police. The three Uniform Offense Reports dated (b)(3):5 U.S.C. App 3 (IG Act),(b)(6),(b)(7)(C) and (b)(3):5 U.S.C. App 3 (IG Act),(b)(6),(b)(7)(C) each described incidents whereby the complainant became agitated and employees became concerned for their safety. Because of these disturbances and disorderly conduct incidents, clinicians and managers made a decision to provide an escort for this complainant during his visits to the VAMC to maintain a safe and secure environment for the patients, staff, and visitors.

We reviewed the (b)(3):5 U.S.C. App 3 (IG Act),(b)(6),(b)(7)(C) incident report which reflected that VAMC Police intended to file a disorderly conduct charge with the Dekalb County District Attorney's office. However, we found no evidence that VAMC Police actually filed the charges. We determined that the medical center took appropriate action based on the complainant's previous conduct. No further review is indicated.

Issue 3: Clinical Issue

Denial of Orthopedic Care: The complainant reported that he was denied orthopedic care (specifically, a knee replacement that was scheduled and then cancelled). Upon medical record review, we found documentation that:

- He first complained of knee pain in March 2005.
- His primary care physician consulted rheumatology who first saw him in (b)(3):5 U.S.C. and prescribed steroids.
- The rheumatologist placed an orthopedic consult on (b)(3):5 U.S.C. App 3 (IG Act),(b)(6),(b)(7)(C) to evaluate him for possible surgery.
- Orthopedics saw him on (b)(3):5 U.S.C. App 3 (IG Act),(b)(6),(b)(7)(C) at that time, they determined he needed elective surgical intervention and placed him on the waiting list for surgery pending medical clearance.
- The primary care physician documented medical clearance for surgery as of (b)(3):5 U.S.C. App 3 (IG Act),(b)(6),(b)(7)(C) after the completion of dental work.
- The primary care physician noted the delay in scheduling orthopedic cases at the Atlanta VAMC and pursued an Augusta VAMC orthopedics consult, hoping Augusta could complete the case sooner.
- The primary care physician had several conversations with him related to the status of scheduling his surgery.
- Once the primary care physician determined that Augusta VAMC would not be able to complete the surgery any sooner, he obtained approval for surgery at Emory University Hospital under a Fee Basis arrangement.
- A physician note dated (b)(3):5 U.S.C. App 3 (IG Act),(b)(6),(b)(7)(C) documented that he had surgery.

The complainant initially complained of pain in March 2005 and surgery was completed in October 2006. However, there were contributing factors to this delay including the need for dental work prior to surgical clearance, the complainant's non service-connected status, and the elective status of the case.

We found that the primary care physician served as an advocate for the complainant. Once he realized there was a delay first at the Atlanta VAMC, then at the Augusta VAMC, he obtained the Fee Basis approval for surgery at Emory University Hospital. There is no evidence that the complainant was denied orthopedic care.

Summary:

We found no evidence to support the complainant's allegations, nor did we identify any issues requiring further review. We are closing this case administratively without issuance of a formal report.

Prepared by:

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Atlanta Office of Healthcare Inspections
April 1, 2008

Approved:

Victoria Coates

Regional Director
Atlanta Office of Healthcare Inspections