

Thank you Mr. Chairman, and Members of the Committee, for this unique opportunity to address ongoing issues regarding retaliation against truth tellers in the Veterans Affairs system. In preparation for this hearing, I have reviewed countless hours of both written and verbal testimony by those who have attempted to illuminate the pervasive dysfunction within the VA system, and the subsequent retaliation they all have endured. Despite significant attention from both Congress as well as the media, there has been no meaningful progress towards increasing transparency during investigations, implementing accountability for documented wrongdoing, or improvement in overall healthcare delivery. It is therefore my belief that to make the most of your time and effort, I shall focus on the glaring incongruities between the malignant processes of the VA and how most other health care organizations behave under federal law.

My experience in the private sector as a nurse and a physician encompasses over 20 years of direct patient care at various institutions. I had never experienced such overt disinterest in quality patient care, deliberately organized retribution towards exceptional employees, and blatant disregard for universal guidelines, as well as our countries laws, until I encountered leadership at the Hines VA in Illinois. Exposure to the corruption at Hines began almost immediately as the reality of a year long backlog of unread cardiac ultrasounds was brought to my attention by the technicians at the start of my tenure. The studies, hundreds of them, were stored in banker's boxes, and I was expected to interpret them to address the problem, and yet not ask any questions. My shock turned to horror as I realized many of the veterans had suffered cardiac complications, or already died, after the study was performed, but prior to it being interpreted. After reporting this to many supervisors along the chain of command, the nauseating reality that leadership was not only aware, but also complicit with the cover-up, quickly sank in. Please note that there is an Inspector General report from April 2014 that substantiated this significant backlog, however, no one was ever held accountable, and no patients were ever informed. In the real world, this type of malpractice and fraud would result in serious repercussions for the physician as well as the health care agency, with monetary damages to the patient and/or family. But this is the VA- a taxpayer funded agency, which is allowed to ignore the law and behave with brazen impunity.

The next stop on this journey of astonishing comparisons will focus on the VA Office of Inspector General - oversight agency which has a penchant for accelerating retaliation against the truth teller while failing the veterans by either ignoring the initial complaint, or engaging in a cover up. I have been on the receiving end of retaliation from both the leadership at Hines as well as the OIG, including defamatory remarks made to the public regarding my integrity. More troubling is a distinct pattern with almost every truth teller experience. It begins with the OIG first denying complainant anonymity, then personally disparaging the employees' reputation, and finally colluding with the agency to engage in various methods of calculated retaliation. These problems do not occur with every branch of the OIG. As a contrast, the US Department of Health and Human Services OIG has worked with truth tellers and has partnered with the Department of Justice to arrest and convict individuals for healthcare waste, fraud, and abuse. To date it has recovered \$1.6 billion dollars in taxpayer funds.

To this point, let's return to the same Hines OIG report from 2014 that had substantiated that patients had received unnecessary coronary procedures including coronary artery stents and coronary artery bypass surgery, however, no one was ever held accountable, and patients were never notified. The current DOJ website lists numerous cases where cardiologists in the private sector have been indicted for these exact same charges and sentenced to federal prison, and their employers fined because they were made aware of this malfeasance, but failed to act. The press release states "the DOJ will not tolerate those who abuse federal health care programs and put the beneficiaries of these programs at risk". In order for one to justify this double standard, one must conclude that the men and women who sacrificed their lives for our country do not carry the same value as patients in the private sector.

Calculus is a marvelous discipline. You begin with an answer and work backwards. This is the VA OIG's approach in dealing with allegations of patient malpractice. They need to get to a certain answer to protect the status quo and their standing, and it matters little whether there is a cogent analysis to justify the outcome. Unfortunately, this is an inherently corrosive and ultimately defective approach to maintaining the integrity of a health care delivery system. Please do not confuse this issue with claims of a lack of resources, or sophomoric accounting practices. These are issues of management - operational breakdown, organized cover-up, and vindictive retribution to anyone who refuses to actively or passively contribute to the conspiracy - all illegal, and sadly, unpunished.

It is impossible to halt systemic corruption, deception and impropriety in the absence of accountability. Transformative action will need to involve three components:

1. Responsibility - Leadership, both clinical and administrative, must be held responsible should care be compromised.
2. Transparency - Employees who identify problems must be allowed to illuminate the issues that directly cause, contribute to, or hide inadequate and harmful patient care.
3. Protection - Oversight must be consistent and empowered to act on behalf of the employees when malpractice, malfeasance, retribution, and retaliation are encountered.

These are far from novel concepts, and most certainly are codified in policy and procedure manuals. But without accountability such as that demanded of non-governmental agencies, the written words and statements have no value. They carry no weight. The heroes that we call our veterans, and the honorable people who strive on their behalf, deserve so much better treatment. The present system has empowered the wrong people, documented their criminal behavior, and failed to hold anyone responsible with the help of those who are tasked with the charge of protecting the victims and truth

tellers. Worse yet, there is clear evidence that these oversight agencies have acted as confederates in the retaliation toward those who have risked their careers and their health acting on behalf of the veterans that we hold so dear. Unless substantive changes are demanded, nothing can change, and the victims will continue to suffer.

There are tangible and proven solutions to most of the deficiencies within the VA system. However when one operates in a state of cognitive dissonance rather than reality, these solutions can never be realized. There are many overwhelming obstacles that we all must face at different times in our lives. How we process, react, adapt and flourish from these defines us as a person. The American public deserves the truth, and when they find out the truth, they will not allow our veterans to be mistreated and marginalized. And this will define us as a nation.

Respectfully,
Lisa M. Nee MD