

Department of Veterans Affairs

Memorandum

Date: November 8, 2017

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation – Alleged Misuse of Official Time, VA Long Beach Healthcare System (recently renamed) Tibor Rubin VA Medical Center, Long Beach, California (2017-03557-IQ-0105)

To: Director, Tibor Rubin VA Medical Center

Purpose

VA's Office of Inspector General Administrative Investigations Division received a complaint alleging that Dr. [REDACTED], [REDACTED], frequently falsified his own timecards to work in private practice. The complaint further alleged that he gave preferential treatment to Dr. [REDACTED], Dr. [REDACTED], and Dr. [REDACTED] to arrange their schedules irrespective of veterans' needs, and to work during their VA tours of duty in private sector positions and at the Universities of California Irvine (UCI) and California Los Angeles (UCLA). Dr. [REDACTED] also allegedly provided personal medical services to Ms. [REDACTED] Veterans Integrated Services Network (VISN) 22, at his private practice during his VA tour of duty, and ordered \$1 million worth of medical equipment that was not compatible with or approved for VA use, which later disappeared. The complainant provided names of witnesses who had firsthand knowledge of these allegations. However, after interviewing these witnesses, we found that the information they relayed to the complainant was heard through second and third hand sources. Additionally, they could provide no evidence to support the allegations.

Objective, Scope, and Methodology

To assess the allegations, we interviewed Dr. [REDACTED] Dr. [REDACTED] Dr. [REDACTED] Dr. [REDACTED] and other current and former VA employees. We reviewed personnel, email, and time and attendance records. We also reviewed UCI and UCLA time and attendance and pay records, as well as Federal laws and regulations and VA policy.

Standards of Ethical Conduct for Employees of the Executive Branch state that an employee shall put forth an honest effort in the performance of their duties and shall use official time in an honest effort to perform official duties. 5 CFR §§ 2635.101(b)(5) and 2635.705.

VA policy states that all employees are expected to be on duty during the full period of their tours of duty unless absent on approved leave and to observe the opening and closing of hours established for their tours of duty. VA Handbook 5011, Part II, Chapter 2, Section 1(a), Paragraph 7.

Investigative Results

Dr. [REDACTED] did not work at his private practice during his VA tour of duty.

Dr. [REDACTED] became the [REDACTED] at the VA Long Beach Healthcare System in August 2014, and he told us that as the [REDACTED] he normally arrived between 7:00 a.m. and 8:00 a.m. and left between 4:30 p.m. and 5:00 p.m. He said that there were occasions when he stayed as late as 9:00 p.m. Dr. [REDACTED] time and attendance records reflected his tour of duty as 8:00 a.m. to 5:00 p.m.

A former VA employee told us that she “heard that [Dr. [REDACTED] told people he keeps his own time cards, and he falsifies his records, and he makes sure he gets 40 hours a week in.” She also said that she did not hear this directly from Dr. [REDACTED] but the person who provided her the information did not want it to be identified. When we asked if she had any evidence to support this allegation, she said, “Uh no. I don’t know. I have no evidence.”

Dr. [REDACTED] told us that his private practice was “a very small private practice, and I mainly work on weekends and some evenings.” He said that he took annual leave if he had to perform surgery in his private practice during his VA tour of duty. In a review of Dr. [REDACTED] time and attendance and surgical service records, we found no evidence that he worked at his private practice while claiming the same hours for VA.

Dr. [REDACTED] did not perform a medical procedure on Ms. [REDACTED] [REDACTED]

We found no evidence that Dr. [REDACTED] performed a medical procedure on Ms. [REDACTED] during her VA tour of duty. The complainant alleged that a former VA employee had knowledge of this matter. When we interviewed the former VA employee, she told us that she heard that Dr. [REDACTED] and Ms. [REDACTED] were friends, but she was not aware of any medical procedures being performed during official VA time or otherwise. Dr. [REDACTED] denied performing any medical procedure on Ms. [REDACTED] and Ms. [REDACTED] told us that Dr. [REDACTED] never performed a medical procedure on her. She further said that she has never been to his private practice.

Dr. [REDACTED] did not purchase medical equipment incompatible or unapproved for VA use.

The complainant alleged that Dr. [REDACTED] purchased equipment for the Otorhinolaryngology clinic that was not compatible or approved for VA use. Dr. [REDACTED] denied purchasing any equipment for the clinic. He said that all Otorhinolaryngology purchases were processed through the proper channels, and he was not involved in those details while the [REDACTED]. The complainant alleged that a former VA employee had knowledge of the equipment purchase. When we interviewed the former VA employee, she told us that she overheard other VA employees talking about a compatibility problem with a piece of Otorhinolaryngology equipment. However, she said that she never saw the piece of equipment and did not know exactly what type of equipment it was. We found no evidence of any improper purchase of equipment for this clinic or its disappearance.

Dr. [REDACTED] did not work at UCI during her VA tour of duty.

The complainant alleged that Dr. [REDACTED] as a fulltime VA physician, saw UCI patients during her VA tour of duty. Personnel records reflected that Dr. [REDACTED] was an Ophthalmologist on a 7/8th schedule. UCI records reflected that Dr. [REDACTED] was employed in their Ophthalmology Department as a part-time Health Sciences Associate Clinical Professor. Dr. [REDACTED] VA time and attendance records reflected that she worked 70 hours per pay period, and her leave records annotated when she took leave to work at UCI.

A former VA employee, who previously worked for Dr. [REDACTED] told us that although Dr. [REDACTED] performed frequent procedures at UCI, there was no evidence of her doing so during her VA tour of duty. When we asked Dr. [REDACTED] if she ever performed procedures at UCI during her VA duty hours, she said, "My clinic schedule is so set, I never have anything else. If I add on a clinic, I always take annual leave if I have some emergency come up; I take annual leave to cover that clinic. And then, if you want, I can print you my clinic matrix, you know, over there and then give it to you." Dr. [REDACTED] provided us with her UCI Daily Cases and Operating Room (OR) Times Logs and her Long Beach VA Medical Center (VAMC) Operating Room Procedures Logs. In a review of her logs and leave records, we found no instance where Dr. [REDACTED] worked at UCI while claiming the same hours for VA.

Dr. [REDACTED] did not work at UCI during his VA tour of duty.

The complainant alleged that Dr. [REDACTED] as a fulltime VA physician, saw patients at UCI; he was not present at VA on Tuesdays; and that he usually came to work at 9:30 a.m. and left at 2:00 p.m. Personnel records reflected that Dr. [REDACTED] was a fulltime VA physician in the Medicine Health Care Group. While Dr. [REDACTED] VA time and attendance records only showed "Day Tour" where hours should be indicated, his leave records reflected his duty hours as 8:00 a.m. to 5:00 p.m., Monday through Friday. We found these hours to be inaccurate. Dr. [REDACTED] gave us a spreadsheet that was labeled "Proposed new VA tourv2," which showed the proposed schedule he was required to send his supervisor in February 2017. This proposed schedule reflected that Dr. [REDACTED] worked at VA on Monday, UCI on Tuesday, and then VA again on Wednesday through Friday for a total of 40 hours worked at VA each week.

This schedule was submitted as the result of a July 17, 2017, VAMC Medicine and Inpatient Health Care Group memorandum which states:

This medical center is committed to offering continued employment for a variety of different [tours of duty (TOD)] required to manage efficient patient care by defining approved TOD schedules and appropriate leave for all VA Long Beach FT physicians, dentists, podiatrists, chiropractors and optometrists.

In reviewing Dr. [REDACTED] proposed schedule, we found a discrepancy in his math, and he said he sent it to his immediate supervisor expecting "him to verify that my math was correct, be he never did." Dr. [REDACTED] clarified his schedule and explained. Setting aside any clerical errors, Dr. [REDACTED] told us that to the best of his knowledge he worked at least 80 hours each pay period and took leave to account for any hours fewer than 80. Dr. [REDACTED]

supervisor told us that while Dr. [REDACTED] did Tuesday morning clinics at UCI, he came to VA on Tuesday afternoons, which was not included in the tour of duty spreadsheet. When asked if Dr. [REDACTED] was at UCI when he should have been at VA, Dr. [REDACTED] supervisor told us, "...he does a tremendous amount of work here, and he takes care of the VA patients, cares about it, and puts in more than 40 hours a week." Dr. [REDACTED] presence at VA on Tuesday afternoons was corroborated by Dr. [REDACTED] own testimony and a UCI schedule annotated that he did UCI clinic on Tuesday mornings and was at the VAMC facility on Tuesday afternoons. Although we found some math discrepancy in Dr. [REDACTED] time and attendance, we found no evidence that he was worked at UCI during his VA tour of duty or that he worked fewer hours at VA than he claimed to work.

Dr. [REDACTED] did not work at UCLA during his VA tour of duty.

The complainant alleged that Dr. [REDACTED] worked at UCLA during his VA tour of duty. Personnel records reflected that Dr. [REDACTED] was a fulltime VA physician attached to the VA Greater Los Angeles Healthcare System. While Dr. [REDACTED] personnel records were kept at the Los Angeles facility, he splits his time between the Los Angeles and Long Beach facilities. His time and attendance records only list "Day Tour" for his tours of duty. Dr. [REDACTED] told us he usually started his day at 8:00 a.m. with patients' treatments and finish treatments at 3:00 or 4:00 p.m. He said that "for most of the time" he stayed beyond 5:00 p.m. and sometimes to 7:00 p.m. Further, he said that sometimes he was "the last one left in the parking lot."

A former VA employee, who previously worked for Dr. [REDACTED] told us that Dr. [REDACTED] was responsible for oversight of VA's Los Angeles and Long Beach radiation oncology department. She said that Dr. [REDACTED] continued working with UCLA, but she had no evidence that he worked at UCLA during his VA tour of duty. Dr. [REDACTED] told us that over the past 2 years he spent 3 days a week in Long Beach and 2 days in Los Angeles. As far as his work at UCLA, Dr. [REDACTED] said that he gives a 1 ½ hour lecture to third-year UCLA medical students about radiation therapy every 2 months, and he participates in a teleconference once a month for 15 minutes. Additionally, Dr. [REDACTED] told us that he oversaw "most of the radiation therapy trial that's coming from Department of Radiation Oncology at UCLA." He said that he went through UCLA reports associated with this responsibility at home and on his own time. In a review of Dr. [REDACTED] UCLA payroll records and his VA personnel and time and attendance records, we found no evidence that Dr. [REDACTED] worked at UCLA during his VA tour of duty.

Conclusion

We did not substantiate allegations that Dr. [REDACTED] Dr. [REDACTED] Dr. [REDACTED] or Dr. [REDACTED] misused official time by working at a VA affiliate or private practice while on VA time. Records showed no discrepancy in any of their time and attendance. Furthermore, we did not substantiate that Dr. [REDACTED] misused his position to purchase unauthorized equipment or that he performed a personal procedure for the VISN director at his private practice on official time. The testimony provided during this investigation indicates that these allegations were based on rumors and speculation. Based on the investigative findings, we are closing these allegations.



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