



Department of Veterans Affairs Office of Inspector General

Administrative Investigation Misuse of Official Time North Chicago VA Medical Center

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DEPARTMENT OF VETERANS AFFAIRS
Office of Inspector General
Washington, DC 20420

TO: Director, North Chicago VA Medical Center

SUBJECT: Administrative Investigation – Misuse of Official Time, North Chicago VA Medical Center, Chicago, Illinois (2008-01589-IQ-0026)

Summary

We substantiated that Dr. [REDACTED], a former part-time Podiatrist at the North Chicago VA Medical Center, provided non-VA related professional services for remuneration during his official VA time.

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Introduction

The VA Office of Inspector General, Administrative Investigations Division, investigated an allegation that Dr. [REDACTED] misused his official time by working and lecturing for pharmaceutical companies while on VA time. Dr. [REDACTED] also allegedly failed to sign off on clinical notes, did not perform surgery due to his absences, and as a result, medical students and residents received little or no supervision. To assess the allegations, we reviewed time and attendance records, surgical schedules, part-time physician audits, other pertinent documents, Federal regulations, and VA policy. Dr. [REDACTED] resigned from VA on August 25, 2008.

Results

Issue: Whether Dr. [REDACTED] Misused His Official Time

Federal law prohibits an employee from receiving any salary, or any contribution to or supplementation of salary, as compensation for services as an employee of the executive branch of the United States Government. 18 USC § 209. Standards of Ethical Conduct for Employees of the Executive Branch Employees states that employees shall not engage in outside employment or activities that conflict with official Government duties and responsibilities; requires that employees use official time in an honest effort to perform official duties and prohibits employees from being compensated by any source other than the Government for teaching, speaking, or writing that relates to the employee's official

duties. 5 CFR §§ 2635.101b(10), -.705 and -.807. VA policy requires employees to be on duty during the full period of their tour of duty unless absent on approved leave. VA Directive 5011, Paragraph 2 (June 16, 2004). VA Policy also states that the minimum charge for leave for part-time physicians shall be in quarter-hour (15 minutes) increments and multiples thereof. VA Handbook 5011, Part III, Chapter 3 (December 6, 2006). VA Policy further states that an authorized absence may be granted without charge to leave when the activity is considered to be of substantial benefit to VA in accomplishing its general mission or one of its specific functions or the activity will clearly enhance an employee's ability to perform the duties of the position presently occupied. VA Handbook 5011, Part III, Chapter 2 (April 15, 2002). VA policy requires that supervising surgeons be physically present in the operating room or the immediate operating suite for all surgical procedures except in specified cases. VHA Handbook 1400.1 Chapter 7c (July 27, 2005).

In an email, the Medical Center Chief of Staff's secretary told us that from August 27, 2004, to April 5, 2007, Dr. [REDACTED] worked without compensation at the North Chicago VA Medical Center. She said that from August 2007 to July 17, 2008, he worked in a part-time paid status. Records reflected that Dr. [REDACTED] signed a new employee tour of duty letter, dated August 20, establishing his duty schedule as Mondays and Tuesdays from 8:00 a.m. to 5:00 p.m. and Wednesdays and Thursdays from 8:00 a.m. to 12:00 p.m. In an email, the Chief of Podiatry, Dr. [REDACTED]'s supervisor, told the Chief of Surgical Service that Dr. [REDACTED]'s primary role within the Podiatry Surgical Service was research. He said that Dr. [REDACTED]'s duties included, but were not limited to, authoring research papers, funding research proposals, Federal grants, and day-to-day clinical research issues both patient-related and administrative. He also said that Dr. [REDACTED] participated in the didactic portion of the surgical department's residency program, and on occasion, he saw patients in the Podiatry Clinic. However, we did not find anything reflecting that Dr. [REDACTED] was responsible for surgical duties.

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In an email, dated November 2, 2007, the Chief of Podiatry reminded Dr. [REDACTED] of his responsibilities at the medical center and the requirements to adhere to VA policy. He also told Dr. [REDACTED] that he would be accountable for his part-time work; that leave requests should be submitted for approval prior to any planned leave; and that appropriate timekeeping documents were required. The Chief of Podiatry also instructed Dr. [REDACTED] to contact the timekeeper to sign his time card, stating that VA was "tight to the vest" with part-time employees.

The Chief of Podiatry told us that the timekeeper told him that there were problems with Dr. [REDACTED]'s timecards. He said that the timekeeper told him that Dr. [REDACTED] requested too many authorized absences and that he was not consistent in providing timecards. The Chief of Podiatry also said that he knew Dr. [REDACTED] went on a number of speaking engagements, but he said that he did not know if Dr. [REDACTED] received compensation for his participation in the different lectures. The Chief of

Podiatry said that he initially granted Dr. [REDACTED] about 12 days of authorized absences, but he said that Dr. [REDACTED]'s trips became too numerous. He said that he and Dr. [REDACTED] then agreed that Dr. [REDACTED] would take leave without pay for any further absences caused by his providing non-VA professional services. VA time and attendance records for Dr. [REDACTED] dated August 5, 2007, to August 25, 2008, reflected that Dr. [REDACTED] took no leave without pay but instead was placed in an authorized absence status numerous times. Time recorded as an authorized absence is considered official duty hours; VA policy limits its use to specified activities; and providing services to a non-VA entity for remuneration is not one of those activities.

We found many internet websites that reflected Dr. [REDACTED] participating in lectures, conferences, and seminars around the world. Time and attendance records showed that Dr. [REDACTED] was either on an authorized absence or was considered on duty at the VA Medical Center at the time of his travel to and from or participating in these various engagements. Medical Center records, dated June 2006 to June 2008, reflected that Dr. [REDACTED] entered only eight patient progress notes.

Dr. [REDACTED]'s personal records showed that between August 2007 and August 2008 he received payment from Kinetic Concepts, Incorporated (KCI)—cited on their internet website as a global medical technology company—and other professional entities for eight non-VA related professional speaking engagements provided during his official VA time. The following are a few examples:

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- Dr. [REDACTED] received \$6,000 for lecturing at the Wound Healing Symposium, Seoul, South Korea, on October 30 and 31, and November 1, 2007. His VA time and attendance records reflected that he was on duty at VA on October 30 and 31 and that he was on an authorized absence on November 1.
- Dr. [REDACTED] received \$3,000 for lecturing at the International Diabetic Foot Symposium, Amsterdam, Netherlands, on January 29, 30, and 31, 2008. His VA time and attendance records reflected that he was on an authorized absence.
- Dr. [REDACTED] received \$3,000 for lecturing in San Francisco, California, on March 3, 2008. His VA time and attendance records reflected that he was on an authorized absence.

KCI records reflected the dates, times of lectures, and amount of remuneration they paid Dr. [REDACTED] for his services. An analysis of Dr. [REDACTED]'s VA time and attendance as compared to KCI records disclosed numerous times that he provided those services during his official VA time. The following are a few examples:

- Dr. [REDACTED] received over \$4,700 for lecturing in India and the Republic of Singapore from August 29 to September 4, 2007. His VA time and attendance records reflected that he was on duty at VA on August 29 and 30 and September 4.

- Dr. [REDACTED] received \$9,000 for lecturing at three different foot symposiums in Seoul, South Korea; Daegu, South Korea; and Riyadh, Dubai, in November 2007. His VA time and attendance records for November 2007 reflected that he was either on duty at VA or on an authorized absence.
- Dr. [REDACTED] received \$3,000 for lecturing in Istanbul, Turkey, November 11, 2007 to December 2, 2007. His VA time and attendance records reflected that he was on an authorized absence.

In our analysis, we found that VA paid Dr. [REDACTED] \$22,208 for 186 duty hours that he was not at VA performing his official duties and receiving remuneration for professional services he provided others during his official VA time. We referred our findings to the United States Attorney's Office (USAO) for consideration, since this was a criminal offense; however, the USAO declined prosecution in lieu of administrative action.

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Conclusion

We concluded that Dr. [REDACTED] misused his official time when he lectured around the world for remuneration while receiving payment for his official VA time. Our analysis found that VA improperly paid Dr. [REDACTED] \$22,208 for 186 duty hours while he was away from his duty station traveling to and from, lecturing, and receiving payment for his services. We further concluded that Dr. [REDACTED] provided very little clinic support to the VA Medical Center from June 2006 to June 2008, as reflected in the low number of patient progress notes. We found nothing to reflect that he was assigned surgical duties.

Recommendation 1. We recommend that the Director, North Chicago VA Medical Center, ensure that a bill of collection is issued to Dr. [REDACTED] in the amount of \$22,208 to recover monies VA improperly paid to him.

Comments

The Director, North Chicago VA Medical Center, concurred with our recommendation. He said that a bill of collection was mailed to Dr. [REDACTED] on February 8, 2010. We will follow up to ensure that the recommendation was fully implemented.



JAMES J. O'NEILL
Assistant Inspector General for
Investigations

Director Comments

**Department of
Veterans Affairs**

Memorandum

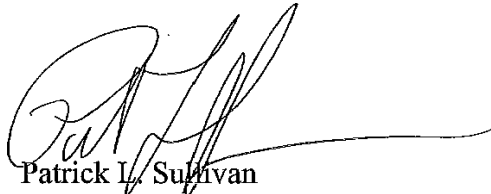
Date: February 9, 2010
From: Director, North Chicago VA Medical Center
Subject: **Administrative Investigation - Misuse of Official Time,
North Chicago VA Medical Center**
To: Assistant Inspector General for Investigations

Thank you for your response to the Administrative Investigation regarding Misuse of Official Time alleged against Dr. [REDACTED]. We have thoroughly reviewed your report and we concur with your recommendation.

Although Dr. [REDACTED] is no longer employed at this facility, we have requested that our Fiscal Department issue a bill of collection to Dr. [REDACTED] immediately for the sum of \$22,208. A bill of collection was mailed by certified letter to Dr. [REDACTED] on February 8, 2010.

We regret this occurrence and we are in the process of initiating a hospital-wide review of Authorized Absence to prevent any reoccurrence of such an incident.

Respectfully,



Patrick L. Sullivan

Medical Center Director

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**Director's Comments
to Office of Inspector General's Report**

The following Director's comments are submitted in response to the recommendation(s) in the Office of Inspector General's Report:

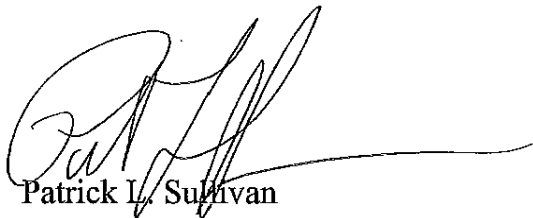
OIG Recommendation(s)

Recommendation 1. We recommend that the Director, North Chicago VA Medical Center, ensure that a bill of collection is issued to Dr. [REDACTED] in the amount of \$22,208 to recover monies VA improperly paid to him.

Concur **Target Completion Date:** Feb. 9, 2010

We concur with the above recommendation and will initiate prompt action. A bill of collection was mailed by certified letter on February 8, 2010.

Respectfully,



Patrick L. Sullivan

Medical Center Director

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OIG Contact and Staff Acknowledgments

OIG Contact	Linda Fournier (202) 461-4500
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Acknowledgments	Alexander Carlisle
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