



## Stratton VA nurse manager says she was forced to step down

By Molly Eadie, Troy Record

**ALBANY >>** A nurse at the Albany-Stratton VA Hospital says she's been reprimanded for whistleblowing. The case against Valerie Riviello, a 28-year employee at the hospital, is just one of about 60 instances of alleged retaliation taken against whistleblowers that is now under investigation by the Office of Special Counsel. Riviello, 55, said in November, she was caring for a female patient, a victim of military sexual assault, who had been placed in a two-point restraint around 6:30 a.m. By 9 a.m., she said, that while nurses thought the patient was ready to come out and cooperate, the attending physician did not agree. By 1 p.m., the patient had wet herself and was aching from remaining in the same position for six and a half hours. Riviello said she then called her supervisor, who approved the nurse's plan to remove the restraints and allow the patient to use the bathroom. After seven hours, the patient was released from the restraints. Riviello said the hospital's policy is to place patients in the "least restrictive environment." The attending physician was angered by their actions, she said. Her supervisor told her not to worry. But days later, Riviello says she was told to step down from her position as nurse manager, and to tell her staff that it was her idea. She said she was told to create a new nurse educator program — a task usually performed by a team of nurses — and was stripped of her clinical duties. She also took a pay cut of \$6,000. "They pretty much threatened me that if I didn't [step down], things would get very ugly, and they did," said Riviello. In March, Riviello's supervisor served her with a reprimand for "failure to follow the patient's plan of care" for the incident. Riviello went to Tully Rinckey

PLLC, an Albany-based law firm which often works with federal employees, and was subsequently served with a 30-day suspension without pay for giving her lawyer patient information. "That's perfectly legal," said Cheri L. Cannon, Riviello's attorney. "As a whistleblower, she's allowed to give that information by law." Cannon said they have filed two complaints with the Office of Special Counsel, one about the excessive restraints, and another for the retaliation Riviello has faced. "It's a two-fold thing," said Cannon. "... Our aim is to expose the situation at the particular hospital and get it corrected so it doesn't happen again. On her personal behalf, we'd like to get her job back and like for her to be able to move forward without fear and for other nurses to feel they can bring attention to situations that need to be corrected." Since November, others have come to Riviello hoping she can bring light to more issues. "Other nurses come to me with complaints, slipping notes under my door, envelopes, sending me emails," Riviello said. "Not just nurses but other employees throughout the hospital, social workers, psychologists, janitors — everybody's just giving me information and I'm like, bombarded." While the VA nationwide has been under scrutiny for lack of funding among an influx of veterans returning home, Riviello, who works in the mental health division, said she believes it's the leadership that has contributed to the "culture of fear and retaliation" at the hospital. "I do see that there's probably not enough staff," she said. "Some of these patients have really complex issues and it takes a lot of people to help them, and there's just not enough time and people in a day to do it, in mental health, anyway." While Riviello has since regained her title and pay, she still works in an office 8 hours per day on the education program. A spokesman from the hospital said he could not comment on the case while OSC is investigating, and issued a statement instead. "... We take any allegations involving patient care very seriously," the statement read. "We have an open environment for employees, one where we encourage them to come forward and utilize the venues available to raise issues and concerns. Upon invoking their right to go to the Office of Special Counsel, we feel it is important that the process be fully pursued and the claim reviewed. The Albany Stratton VA Medical Center values all internal and external reviews as opportunities to affirm the quality of our medical care and practices and to identify opportunities for improvement." The Office of Special Counsel said last month about 50 cases alleging threats to patient health or safety at the VA nationwide were under

investigation, representing more than a quarter of all matters referred by OSC for government-wide investigation. "The VA, and particularly the VA's Office of the Medical Inspector (OMI), has consistently used a 'harmless error' defense, where the Department acknowledges problems but claims patient care is unaffected," Special Counsel Carolyn Lerner wrote in a letter to the White House and Congress in June. "This approach hides the severity of systemic and longstanding problems. OSC raised similar concerns previously, and today's letter is OSC's most thorough accounting," said a statement from the office. "There's a lot of front line nurses, doctors and people who really do care," said Riviello. "But there's this culture — we could actually do a lot better. It's not the VA that I first came and worked for."