

Tully Rinckey PLLC client Valerie Riviello and Cheri Cannon talk about her case with Fox News.

VA nurse alleges agency turned on her after she reported abuses

By Robert Gearty

Published June 25, 2014

A Veterans Affairs nurse who spent 28 years at the embattled agency's facility in Albany, N.Y., says when she came forward to report abuse including stolen drugs and mistreatment of patients, her supervisors turned on her instead of trying to fix things. Nursing manager Val Riviello, 55, was considered an outstanding employee at the Albany Stratton VA Medical Center until last November, when she reported that doctors had restrained a patient for seven hours in violation of VA rules. Now she has been banished to an office cubicle, stripped of her nursing duties and supervisory role and faces a 30-day suspension without pay. "That's really kind of barbaric." - VA nursing supervisor Val Riviello

Riviello told FoxNews.com Wednesday that she reported her claim of whistle-blower reprisal to the U.S. Office of Special Counsel and the VA Inspector General, and divulged other disturbing practices she had seen over the years. She told authorities officials at the facility later restrained the same patient for 49 hours during a holiday weekend last February, in a gross violation of procedures. "That's really kind of barbaric," Riviello said. She said restraints are for patients who are a threat to themselves and others and are supposed to come off when that is no longer the case. Riviello also told FoxNews.com how she discovered the theft of 5,000 vials of morphine from a locked drawer. She said the vials were refilled with saline solution, which was given to veterans in hospice care and in dire need of pain management. Riviello said the thief was a nurse who just got caught. "When you have a system this large with no oversight, you are going to have bad actors," said Riviello's attorney, Cheri Cannon of Washington. Three weeks ago the OSC announced it was investigating claims of whistle-blower reprisals from 37 VA employees, including Riviello. A June 5 press release alluded to her case without mentioning her by name. The release said the disciplinary action against her had been stayed pending the results of the OSC investigation. On Monday, Carolyn Lerner, the head of the Office of Special Counsel, sent a letter to President Obama stating that the embattled VA had not properly investigated more than two dozen cases in which employees alleged manipulated wait-times and improper care. It was unclear if one of those cases involved Riviello. An OSC spokesman did not immediately respond to a request for comment. Riviello worked for years on the psych ward, but said her troubles started when she showed up for work on Nov. 5. In restraints in one of the beds was a female vet from the

Iraq War suffering from Post Traumatic Stress Disorder who had become disruptive before Riviello started her shift. The patient had been tied to her bed with straps around her legs, arms and waist. By 1:30 p.m. the patient had calmed down. Riviello ordered the restraints removed after she spoke to her supervisor, despite a doctor's order to keep them on. "The point is you don't need a doctor's order to take a patient out of restraints," she said. "It is up to us to reassess every 15 minutes for their ability to be released. Obviously, being tied down is not very therapeutic." The next day Riviello was assigned to her office and told she would be demoted. In March she was told she would be issued a reprimand for failing to follow a patient's care plan. A month later she was threatened with civil and criminal penalties for sharing the patient's records with her attorney. Cannon told the VA she had the right to see those records to assist Riviello in her defense. In May, the VA told Riviello she was going to be suspended for 30-days without pay. "Ms. Riviello has faced retaliation for trying to do the right thing for this patient and all VA patients subject to such harsh and unlawful treatment," Cannon said in an April 24 letter to the OSC. A spokesman for VA Albany did not immediately comment. Cannon said the VA scandal shows her client's situation is not unique. "It's our observation there's a serious management breakdown in these VA facilities, where employees like Val are trying desperately to give these vets the best possible care they can and when they do so and it displeases management for whatever reason, the ones who are on the losing end are the vets and the staff trying to do the right thing," the attorney said. Riviello told FoxNews.com that losing her job has caused her stress. "It makes me feel terrible," she said. "It makes me feel humiliated." She said that by coming forward now she is hoping to help other VA employees who might find themselves in the same situation. "I don't want there to be anyone else being asked to do things that are not in the best interest of the patients we take care of," she said.