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## **Cheri Cannon Discusses Whistleblower Retaliation and the VA with The Washington Times**

### **50 VA hospital workers claim retaliation for blowing whistle on the horrors they saw**

Say others are afraid to come forward

**By Jacqueline Klimas**

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**When Valerie Riviello, a nurse at a Veterans Affairs facility in New York, saw the clinic restrain a sexual assault survivor to a bed for seven consecutive hours, she released the woman. The next day, Ms. Riviello said, she was removed from her post as senior nurse manager and given a full-time desk job that prohibited her from contact with patients. She eventually was reprimanded and is facing a 30-day unpaid suspension for releasing the woman. Now, Ms. Riviello is one of more than 50 whistleblowers who say the Veterans Affairs Department retaliated against them for trying to do their jobs. The complaints got backing last week from the Justice Department's office of special counsel, which issued a stern warning for the VA to shape up. Ms. Riviello said her reprimand for the November incident has cowed other nurses at the Albany Stratton VA Medical Center in New York.**

**When the facility put the same female patient under restraints for 49 continuous hours in February, as a convenience to doctors who wanted to enjoy their holiday weekend, none of the nurses wanted to speak up, Ms. Riviello said. "The nurses are afraid to complain or report anything," she said. "They have 100 things they've noticed, but they've seen what is**

happening to me so they're afraid to report anything," Ms. Riviello said the workplace is hostile and she thinks she is being bullied. A Stratton VA official said the hospital takes the accusations "very seriously" and encourages all employees to report their concerns. "VA employees have a number of venues available to them to raise issues and concerns," said Peter Potter, director of public affairs for the facility. "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." Ms. Riviello, a 28-year veteran of the VA health care system, disagreed. She said her unblemished record has been tarnished by the reprimand. "I feel like I've been humiliated and it's tarnished," she said. "Sitting at a desk eight hours a day doing a project that is something to keep me away from the clinical arena, it's too much." The VA has come under scrutiny after reports surfaced that the Phoenix facility was cooking its scheduling books and that some veterans had died while awaiting care. Whistleblowers at other facilities then came forward with similar reports of secret wait lists and poor scheduling, some of which have been substantiated by an internal audit. Several subsequent reports have said the VA failed to heed the warnings of whistleblowers, who sounded alarms about waiting lists and about substandard care. "The recent revelations from Phoenix are the latest and most serious in the years-long pattern of disclosures from VA whistleblowers and their struggle to overcome a culture of nonresponsiveness," according to the letter from the special counsel's office. "Too frequently, the VA has failed to use information from whistle blowers to identify and address systemic concerns that impact patient care.

In Ms. Riviello's case, the patient had been in restraints for seven hours when the nurse said she was no longer a threat and could have been released after two hours. "When the patient was complaining of pain and boils, we couldn't not take her out anymore. I called my supervisor and said we needed to take her out and give her basic care," she said. "When they found out she had been released, they wanted to put her back in restraints, but the nurses said no." The February incident was similar — except no nurses stepped forward to help the woman, Ms. Riviello said, which left her in restraints throughout the holiday weekend. Because the patient was so unpredictable, if she had to be placed in restraints again to prevent harm to herself or others, a doctor would have had to

come in and evaluate her within an hour according to VA policy, Ms. Riviello said. Since doctors didn't want to possibly be disturbed in the middle of the night during a holiday weekend, she said, they just kept the patient in restraints for an extended time. "To put someone in restraints and to keep them in restraints for any length of time or predetermined length of time is inhumane and it is against policy," she said. "The leadership has changed over the last three years and has taken veteran-centered care and made it more physician-driven and for the physicians' convenience." The special counsel's office declined to comment on its ongoing investigation into the VA treatment of whistleblowers. Cheri Cannon, a partner at Tully Rinckey PLLC who is representing Ms. Riviello, said it may take awhile for the special counsel's office to finish investigating Ms. Riviello's case because it has at least 50 others.