



**THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON**

December 21, 2017

The Honorable Joni Ernst
United States Senate
Washington, DC 20510

Dear Senator Ernst:

Thank you for your December 4, 2017, co-signed letter to the Department of Veterans Affairs (VA) regarding VA's hiring practices. Dr. Schneider is no longer a VA employee. In addition, we have issued new policy to ensure full compliance with the law and a national review to verify that this policy is being implemented correctly.

VA appreciated the opportunity to meet with you on December 5, 2017, to discuss health care in Iowa and other important issues. The enclosed information addresses your specific questions. Should you have any additional questions, please have a member of your staff contact Mr. Bailey Jackson, Congressional Relations Officer, at (202) 461-7128 or James.Jackson25@va.gov. A similar letter has been sent to Senator Grassley.

Thank you for supporting our Nation's Veterans.

Sincerely,

A handwritten signature in blue ink that reads "David J. Shulkin, M.D." with a stylized flourish at the end.

David J. Shulkin, M.D.

Enclosure



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The Honorable Charles E. Grassley
United States Senate
Washington, DC 20510

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Enclosure

**U.S. Department of Veterans Affairs (VA) Response to
Senators Grassley and Ernst Regarding VA's Hiring Practices**

Question 1: Please describe the "incorrect" guidance that was given to hospital officials in Iowa City that led to the hiring of the neurosurgeon.

VA Response: In determining whether Dr. Schneider could be appointed as a VA physician notwithstanding the revocation of his Wyoming license, the Iowa City VA adhered to VA policy (VA Handbook 5005/57) that suggested the facility could hire him even with that revocation so long as he had a current, unrestricted license in another state. VA has issued new guidance that fully complies with the current law.

Question 2: On his application the neurosurgeon listed the previous malpractice suits and the revocation of this medical license. As part of his contract with VA, was the neurosurgeon required to be monitored while providing care?

VA Response: As a condition of employment, Dr. Schneider had ongoing monitoring (a Focused Provider Practice Evaluation (FPPE)) which included chart reviews by an independent neurosurgeon. There were no practice issues identified from the FPPE reviews.

Question 3: VA is initiating an "independent, third-party clinical review" of the care the neurosurgeon provided. Will the results of the third-party review be shared with the patients and their families?

VA Response: No; under provisions of 38 U.S.C. 5705, clinical peer reviews are protected information and cannot be disclosed to anyone without authorization as provided for by that law or its regulations. This is reflected in the Veterans Health Administration Directive 2010-025 Peer Review for Quality Management. However, if an issue is identified that requires disclosure to the patient or families, VA would do so.

Question 4: What steps is VA taking to determine how many providers at the Iowa City VA were hired illegally and what actions will VA take if they determine that additional providers were hired illegally?

VA Response: VA has initiated a national review of currently appointed providers (including those at the Iowa City VA) to ensure they all meet licensure qualifications. If an individual is identified that does not meet licensure qualifications, appropriate human resource action will be taken.

Question 5: What discretion do VA hospital officials have in regard to hiring providers who have not had their licenses revoked but have had problems with their State Licensing boards?

VA Response: VA hospital officials verify the status of every state license that a job applicant has ever held with the respective licensing board. If a state licensing board has previously taken action to restrict or revoke any license, VA attorneys thoroughly

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review the circumstances surrounding that licensure action to determine if the provider meets the legal requirements for appointment. If counsel determines that the applicant is eligible for VA employment, the selecting official considers the information at hand in making a hiring decision and the Executive Committee of the Medical Staff considers the information in making a recommendation whether to grant clinical privileges at the VA hospital.