

# United States Senate

WASHINGTON, DC 20510

November 14, 2014

The Honorable Robert McDonald  
Secretary  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, D.C. 20420

Dear Secretary McDonald,

Thank you for your responses on November 4 and November 5, 2014, to our letters dated September 15 and October 23, 2014.

While we appreciate these responses, we, and more importantly our constituents, have been frustrated by the Department of Veterans Affairs' (VA) failure to respond in a timely manner to basic questions about how it intends to implement the *Veterans Access, Choice, and Accountability Act of 2014* and, in particular, the Choice Card, as provided under that *Act*. This lack of responsiveness has led to a very significant increase in: requests for assistance from constituents to our staff; repeated concerns by staff at the Phoenix VA Health Care System (PVAHCS) to our offices about the lack of guidance from the VA on how the *Act*, and the Choice Card, will be implemented; and unsatisfactory cooperation by VA staff to Congressional inquiries. We ask you to attend to these deficiencies promptly so that we can help the VA better serve veterans within our state.

Furthermore, with more than 180 days having passed since then-director of PVAHCS, Sharon Helman, and two other managers at PVAHCS were placed on administrative leave, we continue to be concerned about the VA's failure to terminate Ms. Helman and take final action on those other employees. In response to these concerns, you have stated that pending an ongoing Department of Justice investigation, the *Act* does not give you adequate authority to permanently remove Ms. Helman at this time.

Respectfully, we disagree. We believe that you have the authority to extract Ms. Helman in a way that allows you to install a permanent replacement for her. As co-authors of the *Act*, whose views should inform you as to Congress' legislative intent, we clarify that we intended that the legislation, in part, invest you with the authority to terminate swiftly managers at the VA who engage in misconduct and that this new authority contemplated the acts of misconduct that were identified at the PVAHCS. In our view, as to Ms. Helman, ample evidence of misconduct exists today from the report that the VA's Office of the Inspector General (OIG) released in August. That report found, among other things, that "PVAHCS senior administrative and clinical leadership were aware of unofficial wait lists and that access delays existed" and that "PVAHCS executives and senior clinical staff were aware that their subordinate staff were using inappropriate scheduling practices." We remain unpersuaded that you need to wait until the

Department of Justice has concluded its criminal investigation before terminating Ms. Hellman and appointing a permanent replacement to that post. More importantly, we believe that such a position fails to engender the commitment you made during your Senate confirmation to changing the culture of dysfunction and the widespread lack of accountability at the VA that helped cause the systemic abuses at PVAHCS in the first place.

For these reasons, we continue to urge you to take immediate action to ensure that care for veterans as provided under the *Act* and, in particular, the Choice Card, is provided and install a permanent replacement for Ms. Helman to head PVAHCS and ask that you clarify your present position by answering the following questions by December 12, 2014.

1. Do you intend to wait for the completion of the federal criminal investigation before taking final action on Ms. Helman and installing a permanent replacement to head-up the PVAHCS? Please explain your answer.
2. If you do not intend to wait for the completion of that investigation, when do you expect to take final action against Ms. Helman and install a permanent replacement?
3. If you do not believe that you have adequate authority to remove individuals responsible for poor performance, what additional authority do you believe would be sufficient for you to do so?
4. What is the current status of the two other PVAHCS employees who were placed on administrative leave?
5. If final action regarding these two employees has not yet been taken, when do you expect to do so?

  
John McCain  
United States Senator

Sincerely,   
Jeff Flake  
United States Senator