

March 06, 2012

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To: The Honorable Carolyn Lerner

Special Counsel

U.S Office of Special Counsel

RE: OSC File No. DI-12-0023

I would like to Thank OSC and Mrs. Siobhan M. Smith for their quick response to my complaint(s) and the allegation of the San Francisco Veterans Administration.

In rebuttal to the report, I feel that the OMI conclusion was not bias towards the gross mismanagement and specific danger to the public health and safety due to the following statements

- The OMI did not substantiate the allegation that the Laboratory routinely stores urine samples unsafely. The urines were being stored on a roll away cart that we use for inpatient blood draws and California is known for Earthquakes, the urines were stored in an ambient unrefrigerated location. I feel that this was an unsafe location for the urines.
- The Medical Center could not substantiate allegation that urine samples are kept up to 5 days.

I sent an e-mail to OSC that these urines have been kept for this long, not just on a some occasions but quite often, Laboratory Technicians that were not Chosen to speak with OMI would concur with this allegation, It was to the point that nor only the roll away cart was full but the counter was full on urines estimated over 50 urines had piled up without disposal.

- The OMI did not substantiate the allegation that the sink used for disposal of urine is also used for other laboratory purposes. There is a contradiction in regards to this statement because the OMI is aware that Management knew of another unrelated incident which a Co-worker poured a 24 hour urine into the soap dispenser and that myself and several other co-workers utilized this for hand washing and there was not a sign designating that the sink was not for hand washing purposes over the sink.
- The OMI did not substantiate the allegation that the sink and its pipes are not in good working order. It was not said that the sink was not in good working order, I stated that the sink had a work order on it for several months and that the sink is used for other services outside of the disposal of urines, of course I did not understand this because most Laboratory do not allow hand washing in sinks that are for disposal, and they discard hazardous fluids in a red hazardous bag.

- The OMI did not substantiate the allegation that the disposal of urine samples is accomplished without PPE. Training on the use of PPE is well documented. Yes, this is true but there was not a policy in place for 8 years on the disposal of urines, as noted in the report.
- All interviewed technicians except the whistleblower, understood and could describe the procedure of urine samples; however, the OMI did substantiate the allegation that the Medical Center does not have a policy manual or documentation of training for employees on the proper method. Of course, I would not agree with the method because I have worked in OTHER laboratories that do not practice being in noncompliance of the Pathology & Laboratory codes, It is not that I am not knowledgeable in this procedure I WAS NOT COMFORTABLE with this procedure and the lack of training to this solitary procedure practice in this specific Laboratory, in which I felt that it was not acceptable. In this statement and one other my competency seems to be questioned when in fact one of the OMI persons had to be reassured by another OMI person that in fact ; blood clot are in some urine samples.
- Laboratory Technicians did not have a consistent understanding of what criteria reclassifies urine as a medical waste; however, they did understand how to dispose of medical waste. Due to lack of Policy and Procedures this is gross mismanagement. As a technician we only do as told to do, when this prolonged storage of urines was implicated over 2 years ago by the Chief of Laboratory services, we did not have an in-service in regards to what is the appropriate way to dispose this medical waste. For 8 years of my service with the Laboratory we continued to pour out all urines in the sink; as well as discard the empty container in the bio-hazardous container due to weight cost. This is why the inconsistency of my co-workers.
- The OMI could not substantiate the allegation that management is aware of the employee's concerns about laboratory handling of urine sample. Management will say that they DO NOT KNOW of course. In the inconsistency of the technicians; as well as the lack of policy and procedures of course they Management was aware due to lack of training.
- The Laboratory is not able to determine whether the urine specimen meets the times, without accurate documentation of the collection time. On every bar code there is a time of collection, we were not notified.

- **Summary Statement**

I feel that for several years this Laboratory has been in noncompliance for a longtime. I have taken notice of the procedures that have been up held for the 8 years of employment and I am thankful that OSC is in place; however no good deed goes unpunished. Look at what it took to stop these actions regardless of the reprisal that it took for me to be under, the retaliation that is being in posed on me at this time, changes have been made. Whether I am still employed with the Department of Veterans

Affairs, San Francisco Medical Center or not, I know that I spoke up for change!! There were 10 violations noted in this report, and I feel that was a victory.

I would also like to note that since I did not agree that this is not a public health and safety issue because this has been going on for more than 10 years or more. I feel that SFVAMC has contributed to the public drinking water and has contaminated it with bacteria whether or not it is noted in this report our sewer system has enough to handle.

Conclusion:

My statement I noticed that several times Management would state that we saved these urines due to mislabeling, and for toxicology reports. That was not the reason neither the Laboratory Chief, nor the supervisor at that time explained to us; they said it was "because there was a send out test that was missed". Our supervisor was promoted to Laboratory Manager at this time and the idea did not sit well with my co-workers or me.

Our laboratory has a chronic problem with mislabeling from the ICU to the walk in clinic. I feel that this is yet another excuse to defamation of my character. I have been spoken of as unknowledgeable to the procedures of the Laboratory in this report stating the other persons interviewed "UNDERSTOOD" but the whistleblower did not". I in fact DO UNDERSTAND, I may have the wrong title but I know when a Laboratory is not in compliance, my title is Laboratory Technician not CHIEF of Laboratory nor is it Laboratory Technologist, all of these persons did not see 10 violations? I question this report and I reserve the right to agree to disagree.

Thank you for the opportunity and for the changes that were made to the San Francisco Veterans Medical Center at 4150 Clement Street, San Francisco, California 94121

The Whistleblower,