



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF INSPECTOR GENERAL

Office of Special Reviews

VETERANS HEALTH ADMINISTRATION

Alleged Conflict of Interest
by a VA Medical Center
Chief of Staff

ADMINISTRATIVE
INVESTIGATION

REPORT #18-03275-240

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Investigative Results

The Office of Inspector General (OIG) investigated allegations that the chief of staff at a VA medical center engaged in a conflict of interest by performing work for a private company that provides education services (education company) and misused his official position by recruiting VA physicians to work for that same company in 2017 and 2018. To assess the allegations, the OIG interviewed the chief of staff, VA physicians, and an employee of the education company.¹ The OIG reviewed VA emails and personnel records, documents provided by the education company, federal regulations, and VA policies. The OIG did not substantiate either alleged violation. The OIG did, however, identify a related misuse of government resources that is discussed below.

The chief of staff oversees all medical services and has approximately 900 clinicians who indirectly report to the chief of staff through the medical center's service chiefs. The allegations received by the OIG relate to the chief of staff's professional activities outside of VA. The chief of staff began working at the education company in January 2017 as the director of Clinical Skills and Training. The duties of this role included updating the education company's clinical curriculum for their review books, updating the curriculum for simulated cases and courses, and delivering course lectures.

VA employees may engage in outside employment and activities provided there is no conflict with the VA employees' official duties, and that they comply with any applicable ethical, statutory, and regulatory requirements. Federal employees may not use government resources or time to engage in an unauthorized purpose, which includes the use of government resources for the employees' outside employment or business activities.²

After the OIG investigation began, the chief of staff sought advice from the VA Office of General Counsel (OGC) regarding whether the work for the education company presented a conflict of interest. A member of OGC's Ethics Specialty Team (the ethics team) advised the chief of staff that there was no conflict of interest and that the chief of staff may accept compensation from the education company because the work was not related to the chief of staff's official duties. Accordingly, the OIG did not substantiate the conflict of interest allegation.

Additionally, the OGC ethics team advised that the chief of staff may not use official time or government property for activities related to the education company. The OGC ethics team also stated that "limited use of VA equipment for commercial ventures or outside employment" was not allowed. The OGC ethics team recommended that the chief of staff not approach other VA

¹ The OIG conducted this administrative investigation in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Investigations*.

² 5 C.F.R. § 2635.704 and 5 C.F.R. § 2635.705.

employees to work for the education company, as it gives an impression that VA is endorsing the education company.

In seeking this advice, the chief of staff disclosed to the ethics team that he had previously asked two VA physicians to do work for the education company. The OGC ethics team advised that the two VA physicians could continue working for the education company; however, the chief of staff should not participate in any employment arrangements between the VA physicians and the education company. In response, the chief of staff confirmed that he would follow the OGC ethics team's advice. Accordingly, the OIG did not substantiate that the chief of staff misused his official position by asking two VA physicians to work for the education company.

Although not part of the original allegation, the OIG identified nine email threads related to the education company that were exchanged between the chief of staff and VA physicians from August 8, 2017, through March 5, 2018. Each of these communications was exchanged using the VA email system prior to the OIG's investigation. When presented with these emails, the chief of staff apologized and expressed surprise. The chief of staff said he did not recall sending them because they were short replies or forwards to a personal account. Each of the two VA physicians indicated they believed (incorrectly) that the use of VA resources to conduct activities related to the education company was permissible if it was done outside their working hours. It is impermissible to make *any* use of VA resources (including email) to support an employee's private business endeavor.³ Notably, the chief of staff and the two VA physicians took required annual government ethics training that informed them of this prohibition.⁴

Based on these findings, the OIG makes no recommendations. Notwithstanding that the OIG makes no recommendations, nothing in this report shall prevent the medical center director from taking any appropriate administrative action with respect to the improper use of VA email resources by the chief of staff and the two physicians.



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for the Office of Special Reviews

³ 5 C.F.R. § 2635.704(a) & (b)(1); VA Directive 6001, *Limited Pers. Use of Gov't Office Equip. Including Info. Tech.*, July 28, 2000 at 3-4.

⁴ VA's training records reflect that the chief of staff and one of the physicians completed VA's ethics training annually since 2010 and that the remaining physician completed it annually since 2013.

OIG Contact

Contact

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