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DEPARTMENT OF THE ARMY
U. S. ARMY MEDICAL DEPARTMENT ACTIVITY
FORT DRUM, NEW YORK 13602-5004

REPLY TO
ATTENTION OF
MCID-PHARM

31 August 2007

MEMORANDUM FOR Mr. Richard Blunden, US Army Medical Department Activity,
Pharmacy Services, Fort Drum, New York

SUBJECT: Notice of Proposed Removal

1. This is notice that I propose to remove you from your position as Pharmacist, GS-0660-11, and the Federal Service, for (1) violating an administrative regulation and (2) making a false statement during an official investigation. This action is proposed in accordance with the requirements of 5 CFR, Part 752 (Adverse Actions), and Army Regulation (AR) 690-700, Chapter 751, (Discipline), and AR 40-68, Chap 7. The effective date can be no earlier than 30 calendar days from the date you receive this memorandum.
2. The facts supporting this proposed removal are as follows:
 - a. On 4 June 2007 a formal investigation under AR 15-6 was conducted by [REDACTED] who was appointed investigating officer by [REDACTED] Commander, US Army MEDDAC. [REDACTED] was charged with investigating your alleged misuse of Army resources over a period of nine years. The investigating officer found that you entered orders for laboratory tests where you were listed as the patient and the ordering health care provider. This is in violation of AR 40-3 paragraph 14-9a2, which identifies individuals who are authorized to order laboratory tests in a Military Medical Treatment Facility (MTF). This section states that only clinical pharmacists are authorized to perform this function. AR 40-68, Chap 7 defines a clinical pharmacist as a licensed pharmacist with complex clinical skills and capabilities acquired through advanced education and practical experience. In order to practice as a clinical pharmacist you must be credentialed as having clinical privileges. You are not credentialed in the MTF in that capacity. Moreover, in your sworn statement dated 15 June 2007, you stated that your current position is staff pharmacist. As a staff pharmacist, you do not meet any of the other definitions of those authorized to order laboratory tests. Nonetheless, the healthcare computer system (CHCS 1) shows that you ordered laboratory tests for yourself on one or more of the following dates: 20 Feb 03, 24 Feb 03, 21 Aug 02, 7 Jun 02, 8 Oct 98, 23 Jun 98, 29 May 97, 8 Apr 97, 30 Nov 01, 1 Dec 00.

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b. You admitted in your sworn statement taken by the investigating officer on 15 June 2007 that you had accessed laboratory services for purposes other than the Occupational Health screening. In accordance with AR 40-400 (Patient Administration), you would be authorized to receive such care at a MTF only under very limited circumstances. You have never been a beneficiary entitled to care, you did not have an on the job injury, which would have entitled you to care, and you were not participating in an occupational health surveillance program, which would have entitled you to services. Therefore you violated AR 40-400 by receiving care which you were not authorized to receive at the MTF. Specifically, the healthcare computer system (CHCS 1) shows that you accessed laboratory services for yourself on one or more of the following dates: 5 Aug 05, 8 Jan 97, 8 Apr 97, 26 Feb 97, 8 Apr 97, 29 May 97, 23 Jan 98, 21 Oct 97, 8 Oct 98, 23 Jan 98, 9 Mar 00, 15 May 00, 9 Mar 00, 21 Aug 02, 7 Jun 02, 4 Jan 02, 20 Feb 03, 24 Nov 03, 23 Jul 04, 22 Dec 03, 1 Dec 03, 8 May 06, 5 Aug 05.

c. You stated in your sworn statement that your labs were drawn for the startup of a Lipid Clinic. There was never a lipid clinic. If there were plans for a lipid clinic the proper method to test the system would have been to put through 'test patient' as it is done in pharmacy, and only after a clinic had been set up and approved by various Committees and officials. Labs requested for a lipid clinic would include HDL, Cholesterol, Triglyceride's, LDL and VLDL. It would not include in depth [REDACTED] you requested nor tests such as [REDACTED] levels you also requested. Therefore, I find your statement regarding the lipid clinic to be false.

3. Your repeated violation of Army regulations over a period of nine (9) years and your false statement demonstrate your lack of ethics and professionalism. As your supervisor I can not allow this type of misconduct to continue. I considered the following factors in determining the appropriate and reasonable penalty to propose

a. I find your conduct to be highly inappropriate. Your repeated use of services of which you are not entitled is a violation of an Army Regulation. Your action of placing electronic lab orders for yourself as a provider could possibly be viewed as a professional misconduct in New York State defined in the NYS Pharmacy Handbook subarticle 3, section 6509, 2. I find this type of conduct to be very serious in nature. As a healthcare professional I hold you to a higher level of ethical behavior. I can not condone this type of behavior from a professional employee in my department.

b. As a GS-11 Staff Pharmacist in a permanent, professional position with the federal government you are expected to set the example for other employees to follow. I expect employees to follow the rules and abide by the regulations. Your actions have forced me to question your honesty and your ability to be loyal to this organization.

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c. Your actions have made it impossible for me to trust you in the future. I lack the confidence that you will not violate the regulation again and I have grave concerns about your access in the MTF, especially in the pharmacy.

d. This is the same action I would propose against any other similarly situated employee for like or similar offenses.

e. In accordance with Appendix A to Army Regulation 690-750, Chapter 751, any civilian employee found to have engaged in intentionally dishonest conduct will be considered for removal and any lesser penalty will require justifiable mitigating circumstances. Your act of making a false statement during an official investigation constitutes intentional dishonesty since I am satisfied that you made this false statement knowingly and purposefully. Therefore, the proposed penalty is consistent with the applicable Army regulation and table of penalties.

f. I have also considered the excellent performance appraisals and numerous awards you have received during your thirteen years of service, as well as the fact that this is the first formal disciplinary action proposed against you. However, these mitigating factors are insufficient to offset the aggravated nature of your misconduct.

Therefore, after considering the factors that I consider relevant in this case, I have determined that removal is reasonable and necessary in order to promote the efficiency of the Federal Service.

4. You have fifteen (15) calendar days from receipt of this memorandum to reply orally or in writing, or both, as to why you believe this proposed removal should not be effected. You may furnish affidavits or other documentary evidence in support of your answer. Consideration will be given to extending the time limit for your reply if you provide reasons in writing for a request for extension to the Deciding Official. Your oral and/or written reply should be addressed to the Deciding Official, who is [REDACTED] Deputy Commander for Clinical Services, USA MEDDAC, Fort Drum, New York. You may make arrangements to see [REDACTED] by calling (315) 772-4024. Any reply you make should be made within the allowed time. Your reply will be given full and careful consideration before a decision is made. After expiration of the reply period, [REDACTED] will issue his written decision to you.

5. You are entitled to be represented in this matter by an attorney or other representative of your choice at your own expense. You are a member of a bargaining unit represented by Local 400, American Federation of Government Employees (AFGE). You may contact the President, [REDACTED] at 772-3039, Building T-148. If you choose someone to represent you, that person's name and address must

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be submitted in writing to [redacted] and to [redacted] [redacted] is located in the Civilian Personnel Advisory Center, Building P-10720 (Clark Hall), Room B2-36, Fort Drum, NY 13602.

6. Your designation of representative is authorization for your representative to have access to official records personal to you and relevant to this proposed action. You should contact [redacted] at (315) 772-9424 to make arrangements to receive the material relied upon to support this proposed action against you. [redacted] is available to answer questions concerning your rights and the procedures for this proposal; however, he cannot act as your representative. Your representative, if a Federal employee may be granted a reasonable amount of official time from his or her supervisor for representational activities.

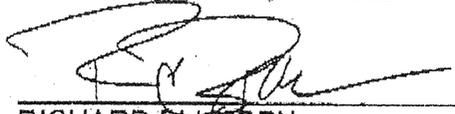
7. Effective immediately you are being placed on administrative leave until you are notified otherwise in writing. You are expected to be available for this organization to contact you during your regular duty hours of 0700 hours to 1600 hours (not including lunch) Monday through Friday unless you are on approved leave. Under no circumstances are you to come to the MTF without the express prior approval of myself or [redacted]. Any questions regarding these instructions should be addressed to myself or [redacted].

8. Please sign and date this memorandum to indicate that you have received it and return the signed and dated copy to me. You are advised, however, that your failure to sign does not affect the validity of the action taken.

[redacted signature block]

Chief, Pharmacy Services

RECEIPT ACKNOWLEDGED



RICHARD BLUNDEN

8/31/07

Date