



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

August 25, 2025

The Honorable Douglas A. Collins
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20240

Re: OSC File No. DI-25-001991
Referral for Investigation – 5 U.S.C. § 1213(c)

Dear Secretary Collins:

I am referring to you for investigation a whistleblower disclosure concerning the Department of Veterans Affairs (VA), Carl T. Hayden VA Medical Center (VAMC), in Phoenix, Arizona. The whistleblower alleges that employees at the VAMC's Send-Out Lab engaged in conduct that may constitute gross mismanagement and a substantial and specific danger to public health. A report of your investigation on the allegation and any related matters is due to the Office of Special Counsel (OSC) on October 24, 2025.

The whistleblower, Send-Out Lab Supervisor [REDACTED], who consented to the release of his name, alleged that hundreds of specimens sent to labs outside of the VA for testing have not been verified as complete in VistA.¹ The allegation to be investigated is as follows:

- For approximately the past 2½ years, the Send-Out Lab has not verified as complete in VistA hundreds of specimens sent to outside labs for testing or analysis, including Pharmacogenetics panels, Germline Genetics tests, Post Vasectomy analyses, Semen analyses, and Special Send-out tests; and
- Any related allegations of wrongdoing discovered during the investigation of the foregoing allegations.

[REDACTED] explained that specimens not tested in-house at the VAMC lab are sent to contracted referral laboratories for testing and analysis. Some specimen test results—reports—are automatically received and uploaded into VistA through a portal, whereas other results do not upload for various reasons. Send-Out test results that do not upload into VistA appear on an Incomplete Report that the Send-Out lab generates and must then be found and manually scanned into VistA and patients' electronic health records. Additionally, the Send-Out Lab must verify all test results received—verify that images of the results were uploaded and/or scanned—then notate the send-out order as complete in VistA. When the order is noted as complete, the

¹ VistA is an imaging system that allows the VA to keep paperless, filmless Electronic Health Records for patients.

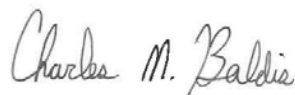
ordering provider receives notice that the results are received and where they are noted in the electronic health record. Without this notice, the provider may not be able to timely send the results to the patient.²

The VAMC Send-Out Lab's Quality Assurance Plan states, in summary, that the Incomplete Report should be run twice a week, using a date range of 7 to 90 days, to monitor the lab's timely receipt of test results and ensure timely completion of send-out orders in VistA. However, [REDACTED] asserted that the Incomplete Report has not been run in roughly 2½ years, and he believes that test results have not been verified as complete in VistA during that same timeframe. [REDACTED] ran an Incomplete Report on July 26, 2025, for the past 14 to 1,000 days that showed the following incomplete tests in VistA: 1,399 Pharmacogenetics panels; 102 Germline Genetics tests; 30 Post Vasectomy analyses; 16 Semen analyses; and 272 Special Send-Out tests. [REDACTED] also alleged that when he reviewed the Incomplete Report, he discovered the death of at least one patient whose provider ordered a send-out test for infectious organisms, including West Nile, but did not receive the test results given the incomplete status of the test.

Pursuant to my authority under 5 U.S.C. § 1213(c), I have concluded that there is a substantial likelihood that the information provided to OSC discloses gross mismanagement and a substantial and specific danger to public health. As previously noted, your agency must conduct an investigation of these matters and produce a report, which must be reviewed and signed by you. Please note that specific allegations and references to specific violations of law, rule, or regulation are not intended to be exclusive; if you discover additional violations in the course of your investigation, please include your findings on these additional matters in the report to OSC. Per statutory requirements, I will review the report for sufficiency and reasonableness before sending copies of the agency report, along with the whistleblower's comments and any comments or recommendations I may have, to the President and congressional oversight committees, and will make these documents publicly available.

Additional important requirements and guidance on the agency report are included in the attached Appendix, which is also at [1213\(c\) Appendix May 2025.pdf](#). If your investigators have questions regarding the statutory process or the report required under section 1213, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 804-7088 or cmcmullen@osc.gov for assistance. I am also available for any questions you may have.

Sincerely,



Charles N. Baldis
*Senior Counsel and Designee
of Acting Special Counsel Jamieson Greer*

Enclosure

² Pursuant to Veterans Health Administration Directive 1088(1) *Communicating Test Results to Providers and Patients* test results requiring action must be communicated by the ordering provider or designee to patients within 7 calendar days from the date on which the results are available to the ordering provider or designee, and results requiring no action must be communicated within 14 calendar days.

APPENDIX

AGENCY REPORTS UNDER 5 U.S.C. § 1213(c)

GUIDANCE ON 1213(c) REPORT

- OSC requires that investigators interview the whistleblower at the beginning of the agency investigation when the whistleblower consents to the disclosure of his or her name.
- OSC will consider extension requests when an agency evidences that it is conducting a good faith investigation that will require more time to complete.
- Should the agency head delegate the authority to review and sign the report, the delegation must be specifically stated and include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5).
- Identify agency employees by position title in the report and attach a key identifying the employees by both name and position. The key identifying employees will be used by OSC in its review and evaluation of the report. OSC will place the report without the employee identification key in its public file.
- Do not include in the report personally identifiable information, such as social security numbers, home addresses and telephone numbers, personal e-mails, dates and places of birth, and personal financial information.
- Include information about actual or projected financial savings as a result of the investigation as well as any policy changes related to the financial savings.
- Reports previously provided to OSC may be reviewed through OSC's public file, which is available here: <https://osc.gov/Pages/Resources-PublicFiles.aspx>. Please refer to OSC's file number in any correspondence on this matter.

RETALIATION AGAINST WHISTLEBLOWERS

In some cases, whistleblowers who have made disclosures to OSC that are referred for investigation pursuant to 5 U.S.C. § 1213(c) also allege retaliation for whistleblowing once the agency is on notice of their allegations. The Special Counsel strongly recommends the agency take all appropriate measures to protect individuals from retaliation and other prohibited personnel practices.

EXCEPTIONS TO PUBLIC FILE REQUIREMENT

OSC will place a copy of the agency report in its public file unless it is classified or prohibited from release by law or by Executive Order requiring that information be kept secret in the interest of national defense or the conduct of foreign affairs. 5 U.S.C. § 1219(a).

EVIDENCE OF CRIMINAL CONDUCT

If the agency discovers evidence of a criminal violation during the course of its investigation and refers the evidence to the Attorney General, the agency must notify the Office of Personnel Management and the Office of Management and Budget. 5 U.S.C. § 1213(f). In such cases, the agency must still submit its report to OSC, but OSC must not share the report with the whistleblower or make it publicly available. See 5 U.S.C. §§ 1213(f), 1219(a)(1).

MONETARY AWARD

In appropriate cases the Special Counsel may recommend the agency authorize a monetary award for the whistleblower.