

**House Committee on Veterans' Affairs  
Subcommittee on Oversight and Investigations  
"Addressing Continued Whistleblower Retaliation Within VA"**

**Written Testimony by Dr. Christian Head  
Head and Neck Surgeon—VA Greater Los Angeles Healthcare System**

**Monday, April 13, 2015 at 4:00 p.m.**

**Introduction**

Chairman, Hon. Mike Coffman  
Ranking Member, Hon. Ann Kuster

Dr. Christian Head<sup>1</sup> comes before Congress to testify, not motivated by any political agenda, but based purely on a genuine interest in seeking solutions to address employee mistreatment, but most importantly, to improve the healthcare provided to our Country's heroes. Dr. Head submits this testimony in response to Congress's request to appear and testify on this issue.

Dr. Head is uniquely qualified to testify regarding issues within the VA system. Dr. Head is a world-renown, board certified Head and Neck Surgeon. Between 2002 through 2013, Dr. Head held dual appointments at the UCLA David Geffen School of Medicine becoming a tenured Associate Professor in Residence of Head and Neck Surgery, as well as an attending surgeon at the West Los Angeles Campus of the VA Greater Los Angeles Healthcare System ("GLAHS"). In 2007, Dr. Head was promoted to Associate Director, Chief of Staff, Legal and Quality Assurance within GLAHS.

Dr. Head's clinical and academic successes over the years have been numerous. However, despite Dr. Head's many accomplishments and contributions to the medical profession, Dr. Head has endured and witnessed, firsthand, illegal and inappropriate discrimination and retaliation of physicians, nurses, and staff members within GLAHS. Throughout this testimony, Dr. Head will speak on the growing number of complaints coming from VA employees, complaints ranging from discrimination and retaliation to complaints regarding substandard patient care and treatment.

**Background**

Dr. Christian Head is a prominent Head and Neck Surgeon who cares deeply about the veteran patients under his care. Dr. Head has been described as "one of our finest surgeons in Southern California. . . . [Who is] generous with his time and talent, helping Veterans and giving back to our community both locally and nationally. . . . [W]ho will make a difference in our world with his skills as a surgeon, his scientific research and laboratory." As his colleague Dr. James Andrews has said, Dr. Head "has tirelessly worked to improve the quality assurance of this institution," "his tireless work ethic and cheerful attitude is highly admirable," "[h]e should be a role model for every physician employed by the VA," and "[t]he VA is very fortunate to have Dr.

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<sup>1</sup> To avoid confusion, I will refer to myself in the third person throughout this testimony.

Christina Head as part of their team.” (See Exhibit A.) Unfortunately, Dr. Head has been the victim of outrageous racial harassment, discrimination, and retaliation occurring within GLAHS.

Dr. Head obtained his Doctor of Medicine degree from Ohio State University, College of Medicine in 1993. Between 1992 and 1993, Dr. Head completed an Internship in Surgery at the University of Maryland at Baltimore. Between 1994 and 1996, Dr. Head commenced his employment with a Fellowship in Neuro-Otology Research at UCLA School of Medicine. Between 1996 and 1997, Dr. Head completed a Surgical Internship at UCLA School of Medicine. Between 1997 and 2002, Dr. Head worked as a Resident in the UCLA School of Medicine Head and Neck Surgery Department. In 2002, Dr. Head joined the faculty as a Visiting Professor in Head and Neck Surgery at UCLA. In 2002, Dr. Head also joined GLAHS. During his time with GLAHS, Dr. Head worked as a Head and Neck Surgeon, and in 2007, was promoted to Associate Director, Chief of Staff, Legal and Quality Assurance within GLAHS. In August 2003, Dr. Head joined the faculty of the UCLA Geffen School of Medicine as a full time Head and Neck Surgeon. Dr. Head left UCLA in 2013. Dr. Head has been board certified in Head and Neck Surgery since June 2003.

Over the years, Dr. Head’s work has included clinical practice, surgery, academia, and research. Dr. Head has received accolades for his work, including the National Institute for Health–National Cancer Institute Faculty Development Award. In or around 2001 to 2002, Dr. Head was nominated for the UCLA Medical Center Physician of the Year award. In or around November 2003, Dr. Head launched the UCLA Jonsson Cancer Center Tumor Lab, which has been tremendously successful, yielding valuable research and benefitting many physicians and patients at UCLA and worldwide. In 2003, Dr. Head was one of a few surgeons nationwide to receive the Faculty Development Award from the National Institute of Health Comprehensive Minority Biomedical Branch, intended to increase the number of minority physicians in cancer research at major academic institutions.

Dr. Head’s supervisors have included Marilene Wang, M.D. (“Dr. Wang”), UCLA/GLAHS Head and Neck Surgeon and Dr. Head’s previous clinical supervisor at GLAHS; Dean Norman, M.D. (“Dr. Norman”), GLAHS Chief of Staff; Matthias Stelzner, M.D. (“Dr. Stelzner”), GLAHS Chief of Surgical Services; Donna Beiter, RN, MSN (“Ms. Beiter”), GLAHS Director, and Norman Ge, M.D. (“Dr. Ge”). Dr. Head’s immediate supervisor at UCLA was Gerald Berke, M.D. (“Dr. Berke”), Chairman of the UCLA Department of Head and Neck Surgery, who has tremendous power and influence at GLAHS.

### **Retaliation Against Dr. Head Since His July 8, 2014 Testimony Before Congress**

On or about July 8, 2014, at the request of Congress, Dr. Head testified before the House Committee on Veterans’ Affairs regarding “VA Whistleblowers: Exposing Inadequate Service Provided to Veterans and Ensuring Appropriate Accountability.”<sup>2</sup>

During Dr. Head’s testimony before Congress, he outlined exactly the pattern for retaliation within the VA system: isolate, defame, and attack professional competence. As the following facts

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<sup>2</sup> To access Dr. Head’s previous written testimony to Congress, please visit: <https://veterans.house.gov/witness-testimony/christian-head-md>. To access Dr. Head’s previous oral testimony to Congress, please visit: <http://www.c-span.org/video/?320316-1/hearing-whistleblowers-va>.

will show, since Dr. Head's testimony before Congress, his supervisors, Director Donna Beiter and Chief of Staff Dr. Dean Norman, have done exactly this—they immediately attempted to defame his credibility, then they tried to revoke his operating room ("OR") privileges in an attempt to attack his professional competence, and then they isolated Dr. Head within the workplace.

Since July 8, 2014, based on information and belief, Director Beiter and Dr. Norman are making untrue and disparaging comments to other VA staff members about Dr. Head. Dr. Norman has claimed that Dr. Head is lying about Dr. Marilene Wang's timecard fraud, despite Dr. Wang and Dr. Norman previously testifying under oath that Dr. Wang was found to have committed timecard fraud and that the OIG recommended that Dr. Wang be terminated from her leadership position.

In or around late-July 2014, Dr. Head's patients started being taken away and reassigned to Dr. Wang. Around this time, Dr. Norman also stated to Dr. Head that "Dr. Wang is not going anywhere," and "If you don't like it, you're a whistleblower, take it to Congress."

On or about August 15, 2014, Dr. Head was prevented from entering the main operating room by the OR Nurse Director. The OR Nurse Director made a loud statement, "Dr. Head you have no surgical privileges, you cannot enter the operating room." Dr. Head asked her to call hospital privileging. The OR Nurse Director asked for the "white book" and next to Dr. Head's name in bold print was, "NO OR PRIVILEGES" with expiration in 5/2016. This event was witnessed by numerous hospital staff, nurses, and surgeons. The OR Nurse Director called hospital privileging who confirmed that Dr. Head had full surgical privileges. The event was meant to humiliate and retaliate against Dr. Head and to further defame his good name and professional reputation. There were others on the list in the "white book" with expired credentials, but no bold print "NO OR PRIVALEGES" next to their name. This event could have also jeopardized patient care as there was a patient in the operating room waiting for surgery.

In or around Mid-August 2014, Dr. Head was notified that he would no longer be reporting to Dr. Norman, but instead to Dr. Norman Ge. Dr. Head was troubled by this information considering that Dr. Ge is extremely good friends with Dr. Norman, and Dr. Head felt that this reassignment would do nothing to decrease the retaliation.

Further, on or about August 22, 2014, Dr. Head was informed that the VA, at the direction of Director Beiter and Dr. Norman, would be transferring Dr. Head's office out of the Chief of Staff area, located in the nicely furnished/decorated 6th floor, into a tiny, dirty, poorly furnished closet-sized office on the 4th floor so that Dr. Head "could be by himself and not have to interact with others." The locks on the doors and computer passwords were changed so that Dr. Head would no longer have access to his office or computer.

On or about September 5, 2014 and September 24, 2014, Dr. Head attended two depositions (interviews under penalty of perjury) conducted by federal investigator Clara Trapnell. During one of these depositions, Investigator Clara Trapnell informed Dr. Head that the reason he was transferred and reassigned a new office, essentially demoting Dr. Head, was "because of his lawsuit."

On or about January 20, 2015, the VA filed court documents in which they admitted that the reason they retaliated against Dr. Head—by removing his Chief of Staff duties and transferring him

out of the luxurious Chief of Staff suite on the 6th floor into a tiny, dirty, poorly furnished closet-sized office on the 4th floor—was “because of [Dr. Head’s] statements to Congress.” (For an excerpt of this document, see Exhibit B.)

On or about March 12, 2015 at approximately 10:00 a.m., Dr. Head was contacted by Jessica O’Connell M.D. by phone inquiring why Dr. Head was not in clinic at the West Los Angeles VA Hospital. Dr. O’Connell was told by Mark Harris—who is supervised by Christine Gonzales (christine.gonzales@med.va.gov)(va cell 310-429-7090)—that Dr. Head was not in clinic seeing his patients. However, at that exact moment, Dr. Head was in fact seeing his second patient, Heath Johnson. Dr. Head immediately reported this incident to Dr. O’Connell and Dr. Stelzner in the Department of Surgery. Further, Robert Lopez, Dr. Stelzner’s administrative assistant, also inquired by phone why Dr. Head was not in clinic seeing patients and also stated that Mr. Harris reported Dr. Head for not being at his duty station. Dr. Head asked Mr. Lopez to come to his clinic to confirm Dr. Head’s presence so as not to disrupt patient care further. Dr. Head’s presence in his clinic was subsequently confirmed. Personnel within the VA stated that Mr. Harris informed them that he had previously worked with Dr. Head at the Sepulveda VA Clinic and alleged that Dr. Head has a long history of “not seeing patients and being late,” defamatorily implying that Dr. Head provides poor patient care. Dr. Head’s patient, Mr. Johnson, described Mr. Harris as rude and disruptive and stated that it appeared Mr. Harris was trying to cause problems where none existed. Mr. Johnson also overheard the VA scheduler inform Mr. Harris that Dr. Head was in the hospital and would be seeing patients momentarily.

On or about March 19, 2015, Dr. Head was contacted by front desk personnel at the West Los Angeles VA Clinic that Dr. Head had a patient waiting to be seen at 12:45 p.m. The patient had arrived late and the front desk personnel were all out to lunch. Dr. Head was in the clinic theater until 12:20 p.m., but had left the VA at approximately 12:45 p.m. for medical reasons. Dr. Head asked the staff if one of Dr. Head’s colleagues could see the patient, but the patient decided to reschedule. Dr. Head was informed that the patient was not upset.

On or about March 26, 2015, Dr. Head was told that Mr. Harris asked several employees to write points of contact stating that Dr. Head was late to clinic on that day. Dr. Head had a full day of clinic and, unknown to Mr. Harris, Dr. Head had notified his supervisors, Dr. Norman Ge; Dr. Jessica O’Connell, director of Surgery; Ms. Debbie Blaisdell, administrative assistant in the Chief of Staff office; and the Sepulveda Head and Neck Clinic scheduler that Dr. Head would be out on sick leave. Dr. Head received confirmatory emails from those individuals.

Dr. Head has been approached by several VA employees, along with a veteran patient who witnessed these events. Mr. Harris’s behavior has been retaliatory and defamatory, making false statements to employees and patients about Dr. Head’s professional and clinical competence, thereby creating a hostile work environment that is both confusing and inhospitable to the clinical care environment and seriously jeopardizes patient care, all at a time veterans should be reassured that the health professionals are capable of providing them with the best medical care.

On or about April 6, 2015, the VA informed Dr. Head that he had formally been demoted from his position as Chief of Staff, further compounding the retaliation against Dr. Head for his truthful testimony before Congress in July 2014.

## **Retaliation Against Other Whistleblowers**

Because of Dr. Head's leadership position within GLAHS and his willingness to stand up against wrongdoers within the system, Dr. Head has become aware of many other VA employees who are enduring their own retaliation. The following are just a few select instances of retaliation being faced by other VA employees.

### **Incident 1:**

Dr. Tom Howard is another renowned physician within the Veterans' Affairs Greater Los Angeles Healthcare System who has been subjected to discrimination, harassment, and retaliation by management. Dr. Howard has occupied the position of a Staff Pathologist at GLAHS for approximately the last eight years. Dr. Howard has an exemplary record with the VA and has even received a Notice of Grant Award from the National Heart, Lung and Blood Institute (NHLBI). In addition to being a staff pathologist at GLAHS, Dr. Howard is a Principal Investigator currently conducting the largest hemophilia study of its kind ever funded in the United States as a result of the prestigious NHLBI grant he received.

Beginning in September 2009, Dr. Howard was subjected to an extremely hostile work environment created by his clinical service chief, Dr. Farhad Moatamed, as a result of the NHLBI grant that he received. This hostile work environment led Dr. Howard to develop a stress-related illness which required him to take time off to recover. Dr. Howard requested advanced sick leave from his second line supervisor, Dr. Jessica Wang-Rodriguez. Despite being aware of Dr. Howard's disability and the circumstances that caused it, Dr. Wang-Rodriguez repeatedly denied his advanced sick leave requests, forcing him to take leave without pay. Believing that he had been discriminated against due to his disability, Dr. Howard contacted an Equal Employment Opportunity (EEO) counselor on or about January 9, 2014.

In or around May 2014, Dr. Howard was forced to return to work, due to financial reasons, despite not having fully recovered from his work-related illness. Upon his return, Dr. Wang-Rodriguez moved him from the coagulation lab, which was his specialty, to a new lab supervised by Ms. Eva Archuleta, who had participated in harassing him in the past. On or about May 23, 2014, Dr. Howard became aware of the mishandling of patient specimens when a week's worth of patient samples were lost. He made complaints regarding the failure to transport patient samples properly by the Transportation Division under the VA Engineering Department. Dr. Howard believed that this was a serious problem that needed to be addressed immediately, as it was compromising patient care and safety.

On or about June 9, 2014, shortly after Dr. Howard made this complaint, he was suspended. However, before he was to serve his suspension, Dr. Wang-Rodriguez postponed it until further notice. Then, on or about October 10, 2014, Dr. Wang-Rodriguez purposefully held a meeting in Dr. Moatamed's former office which Dr. Howard was required to attend. This meeting was held in the office where his former supervisor subjected him to harassment, such as yelling, screaming, threats, and demeaning comments. This exacerbated his ongoing work-related illness to the point where he needed to seek leave; however, Dr. Wang-Rodriguez again denied his requests for

advanced sick leave. In late November 2014, Dr. Wang-Rodriguez was removed as Dr. Howard's supervisor. She is now under investigation due to her actions against Dr. Howard and other issues within her department.

In or around January 2015, Dr. Howard became aware that a large number of blood and patient samples that were drawn from veterans over the last several years and sent out to Quest Diagnostics for analytical testing were not entered into the medical records of the veterans from the greater Los Angeles area. As such, the VA's clinical providers who were depending on these tests to guide the medical management of the veterans were apparently never informed of the results of these tests. Dr. Howard performed a preliminary investigation in which he reviewed a 21-page list comprised of unreported patient laboratory test results which showed all of the "esoteric tests" (i.e., those tests that cost the VA greater than \$300.00 per assay performed by the contract referral laboratory) which were performed by Quest, but the results of which were never reported to the GLA Laboratory Information System, now were the results ever relayed to the veteran patients. From this review, it appears that this specific lapse in reporting of lab test results has been going on since approximately January 2012, with the number of patients potentially affected being as high as 168. After making his complaints regarding this serious breakdown of care to veteran patients, Dr. Howard experienced retaliation in the form of his office being searched and a greater interest and criticism from upper management in his day-to-day work activities. Recently, in or around April 2015, Dr. Howard was removed from his position as Medical Director of the Clinical Laboratories at Sepulveda Ambulatory Care Clinic.

#### Incident 2:

In another instance, Nafiseh Moghadam, P.A., a nurse practitioner within the VA, was discriminated and retaliated against by Dr. Marilene Wang, based in part on her national origin and Muslim faith. After seeing this employee working with Dr. Head, Dr. Wang also told this employee not to work with Dr. Head or provide him any assistance with patient care. Because of Dr. Wang's discriminatory animus towards this employee, as well as continued retaliation against Dr. Head, Dr. Wang had the employee terminated the day before her probationary period ended. This illegal behavior by Dr. Wang was supported by Donna Beiter and Dr. Dean Norman. (See Exhibit C.)

#### Incident 3:

One employee, who has been a surgical technician at West Los Angeles VA Medical Center for the last seven years, has experienced discrimination based on his national origin (Filipino) in the form of derogatory comments and retaliation for making complaints about unprofessional behavior and time card fraud. After making complaints, the employee has been placed on suspensions for minor infractions for which other employees receive no discipline. Additionally, bonuses have not been awarded to him when other subpar employees have been awarded bonuses.

#### Incident 4:

Christy Rodriguez is a medical instrument technician in anesthesia at West Los Angeles VA Medical Center for the past ten years. During Ms. Rodriguez's employment with the VA, she was subjected to a hostile work environment based on her National Origin (Hispanic), age, and sexual

orientation. Ms. Rodriguez has been passed over for promotion and has not been afforded opportunities for career development, despite repeatedly asking her supervisors. Additionally, Ms. Rodriguez's schedule has also been altered, negatively impacting her ability to take care of her ailing mother.

Incident 5:

Muriel Alford was a Case Manager for the Office of Resolution Management, Western Operations who has worked for the federal government for practically her entire career. During her employment with the VA, Ms. Alford was discriminated against due to her race (African-American) and sex (female), and has been retaliated against for engaging in prior Equal Employment Opportunity (EEO) activity. She experienced a constant stream of hostility from her Team Leader and was denied appropriate training by her managers as part of a plan to force her out, as she was an older African American female who had filed two prior EEO complaints. This pressure ultimately forced her to resign from federal service after 35 years.

Incident 6:

Deanna Anderson has been a Supervisory Medical Records Administrator Specialist with the Veterans' Affairs Greater Los Angeles Healthcare System since May 2006. During Ms. Anderson's employment with the VA, she has been subjected to discrimination based on her race (African-American) and retaliation for making protected complaints. She has been passed over for promotion and pay raises. Additionally, she has had to compete for her own position that she has rightfully held for many years.

**Conclusion**

Dr. Head provides this testimony with the hopes of finding solutions to address employee mistreatment and improve the quality of healthcare provided to our Country's veterans. As a long-time employee within the VA healthcare system, Dr. Head is optimistic that appropriate changes can be implemented, and he looks forward to being an integral part of that change and the bright future that is ahead.

Dated: April 10, 2015

By: \_\_\_\_\_  
CHRISTIAN HEAD, M.D.

For additional information, you may contact Dr. Christian Head through his attorneys:

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