

United States Senate

WASHINGTON, DC 20510

October 31, 2019

The Honorable Robert Wilkie
Secretary of U.S. Department of Veterans Affairs
Washington, D.C. 20420

Dear Secretary Wilkie,

We write to you about alarming reports detailing incidents of sexual assault at Department of Veterans Affairs (VA) Medical Facilities and by providers contracting with the VA. We are requesting more information about the VA's anti-sexual assault and anti-sexual harassment policies and training initiatives, as well as any efforts underway to prevent the reoccurrence of sexual assault and sexual harassment within the agency and how the agency holds perpetrators accountable.

As you know, there have been several high-profile cases in the news highlighting the issue. For example, a contracting physician hired by the VA pled guilty to crimes of sexual assault and exploitation while performing routine pension disability claims. He faced five felony charges for sexually penetrating patients, four of whom are veterans.¹ Additional reports from early-September revealed that federal law enforcement officials are investigating sexual assault allegations at a VA Medical Facility in West Virginia, in which the facility terminated the employment of the alleged assaulter upon learning about the incident.²

Almost a decade ago, the Government Accountability Office (GAO) examined VA's sexual assault reporting policies, preventative measures, and how facility staff determine what sexual assault risks a veteran may pose to staff or to other patients. The report uncovered deficiencies in the VA's oversight resulting from unclear reporting standards, a lack of risk assessment tools, and an inadequate amount of information about a veteran's legal history to generate a comprehensive risk-assessment process.³

It is our understanding that the VA implemented these nine recommendations made by the GAO. However, the recent incidents indicate that there may be lingering issues within VA policies, procedure, and system that must be resolved. We are disturbed by these allegations and feel it is essential that we understand better what the VA is doing to address the problems and prevent them

¹ <https://www.sandiegouniontribune.com/news/courts/story/2019-09-25/va-doctor-pleads-guilty-to-sexually-assaulting-patients>

² <https://www.militarytimes.com/veterans/2019/09/12/va-investigating-sexual-assaults-at-west-virginia-hospital/>

³ <https://www.gao.gov/assets/320/319342.pdf>

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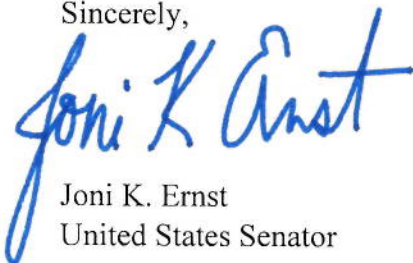
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from happening in the future. By Thursday, November 14, 2019, we are requesting responses to the following questions:


1. How does the VA assess the credentials of contracting providers? Do standards exist to ensure these providers have no history of sexual assault or sexual harassment? If not, how can the department improve this process?
2. How many current employees of the VA have been convicted of sexual assault or had a complaint involving sexual assault sustained by an administrative determination? Has the VA increased an employee's rate of basic pay, awarded an employee a bonus, or promoted an employee after said employee was found to have a Title VII sexual assault complaint declared final by administrative or judicial determination?
3. Does the VA offer counseling and other services to victims who were sexually assaulted while receiving care from the Department? What is the VA's policy on making sure that victims are properly attended to if they do fall victim to this crime?
4. How is the department working with medical staff, non-medical staff, and patients to raise awareness about sexual assault and sexual harassment at VA facilities?
5. What are the current VA policies for reporting and responding to instances of sexual assault or sexual harassment? What actions does the department take to hold perpetrators of sexual assault or sexual harassment accountable?
6. How is the VA working with the Department of Defense to gather information about sexual assault in the military in order to improve programming across the Veterans Health Administration to better understand the needs of veterans who were victims of sexual assault while on active duty?
7. Last, what is the department doing to accommodate the needs of our growing female veteran population at VA medical facilities?

Thank you for your attention to this deeply concerning and important issue. We are committed to working with you and your Department to address this problem and we look forward to reviewing your response.

Sincerely,



Joni K. Ernst
United States Senator



Shelley Moore Capito
United States Senator