

A promise under siege

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Patient care at Stratton VA Medical Center is under fire

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ALBANY -- As he lay dying in Stratton VA Medical Center, Hal Silverstein scribbled a note to his wife, saying he'd lost trust in his caretakers and was scared.

Heavily sedated and unable to talk, he gestured frantically at the tube in his neck that helped him breathe after lung cancer surgery.

"He wasn't getting any air, which is what he was so desperately trying to tell us," Susan Silverstein said. "The nurse just kept coming in every 45 minutes, knocking him out (with drugs)."

Though it's still not clear why, the Albany man's condition deteriorated as he developed pneumonia and an infection. Hospital staffers then ordered another surgery -- to remove his gallbladder, the suspected source of the infection.

He died Nov. 7, at the age of 59, after being transferred to Albany Medical Center Hospital in a last-ditch effort to save his life.

"They looked me straight in the face and said, 'There's nothing wrong with the gallbladder, but we took it anyway,'" Silverstein said of the operation she believes killed her husband of 10 years.

Silverstein's death came at a time when public confidence in Stratton has been slipping. The facility was rocked last year by the indictment of a former cancer researcher on federal charges, including homicide and manslaughter. That criminal case, spearheaded by the VA's Office of Inspector General, is ongoing and involves the alleged falsification of medical records in order to enroll veterans in experimental drug studies.

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Recently, under pressure from Congress and the Justice Department, the FBI opened a new investigation of alleged corruption at Stratton dating almost 10 years. Areas of interest include misuse of research funds, patient abuse, patient deaths and falsification of patient records, according to a law enforcement official familiar with the case.

The investigations are woven into the backdrop of a veterans hospital struggling to maintain its standing and trust with thousands of veterans it serves.

Silverstein's death in particular resonated through the local veterans community. He was active and well-known for his artistic talents and work as a former U.S. Navy photographer. He won accolades for his photos chronicling the efforts of Navy SEALs in Vietnam, accompanying them on covert missions in the Mekong Delta, where the toll of war was seared into the minds of young sailors like Silverstein.

While many veterans and their families boast about the care they receive at Stratton, many others have stories like Silverstein's and contend the conditions there are no longer suitable.

Two weeks ago, Stratton Medical Director Mary-Ellen Piche wrote a letter to Susan Silverstein assuring her "that any necessary changes in clinical practice that result from the review of Mr. Silverstein's care, will be made." Hospital officials said they regret Silverstein's death but are prohibited from discussing the case because of privacy regulations.

Stratton spokeswoman Linda Blumenstock said hospital administrators advised Silverstein of her rights regarding her husband's treatment.

"It is the policy of senior management to inform all patients and families that if they feel they have a claim, that we are never interested in covering up and if we did something wrong we take responsibility for it," Blumenstock said, adding the hospital is prohibited from discussing the case because of privacy laws.

Silverstein has hired Troy attorney E. Stewart Jones and said she intends to sue the hospital for her husband's death. She said some things about her husband's treatment have left her uncertain if his death could have been prevented.

When surgeons removed his gallbladder, he already was weakened from the lung

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operation. He also had a troubled health history that included heavy smoking and past alcohol abuse.

After Hal Silverstein was transferred to Albany Med, a doctor allegedly told Silverstein and her brother, John McGrath, that the gallbladder surgery was ill-advised.

"I remember going down there that night. Hal was in the intensive care unit," said McGrath, an attorney. "As I recall, Dr. Smith was his name. ... He just had this expression on his face like: 'I can't believe they did this.' He said the remedy for this would've been to drain it."

The family's questions come at a time when authorities are exploring alleged criminal activity at the hospital. The investigations have led some veterans and their families, who live in the 100-mile radius served by the 52-year-old facility, to question their faith in Stratton.

George Swiers, a Vietnam War and Marine Corps veteran from Saratoga Springs, helped found the group Vietnam Veterans of America but said he finally gave up on his activism several years ago.

"It was too agonizing. The problems never went away; there was never that light at the end of the tunnel," Swiers said. "I have never heard a horror story about the VA that I didn't believe. ... I wish I could be optimistic but my position has never changed: The biggest enemy to veterans in this country is the Veterans Affairs hospital system. It is a medical slum."

Karen Green of Watervliet said she witnessed the problems in 2000 when her 83-year-old father, Ralph M. Hunt, a Navy and World War II veteran from West Sand Lake, underwent several months of treatment at Stratton before dying that November.

"I'd take him to the ER because he was terribly weak and you'd get there and there'd be a nurse or two and a doctor," she said. "You'd sit there waiting and watch the doctor falling asleep at the desk. It was scary."

In Green's view, part of the problem may be that many of the veterans from what has become known as the Greatest Generation are not an outspoken group and have been willing to accept the government's free health care, no matter what its condition.

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"They're very stoic people, those who served in World War II and the Korean War," Green said. "That's how they were raised. They're not complainers but they deserve what they were promised and they were promised that they would be taken care of and we're going back on our word."

Green's friend, Peggy Rinella, of Latham, said she had a similar experience at Stratton before her mother, Navy veteran Eileen Moore of Menands, died in September 2000. She claims her family kept taking her mother to Stratton because she was coughing up blood, but the hospital refused to admit her. At one point, Rinella said her brother had to carry their 80-year-old mother out of Stratton, cradled in his arms.

"One doctor in the VA told us if it was any other hospital she would be admitted but this is the VA," Rinella said.

Finally, an ambulance medic who'd become familiar with Moore's condition refused to take her back to Stratton and instead took her to Albany Med.

"They found a hole in her aorta," Rinella said. She died three months later.

After her mother's death, Rinella said she and her two sisters went to the hospital and spoke to a hospital panel that was reviewing the case.

"Two women from the VA were crying at the end of the presentation because of the care she got," Rinella said. "We told them we don't want to bring a lawsuit we want you to do something because the vets aren't getting the care they need. ... My mom was so proud of her service to the country and to be treated the way they treated her is disgusting."

Still, many veterans and their families said their experiences at Stratton over the years have been good.

Walter Brewer, a 20-year Marine Corps veteran who was severely wounded during his four tours in Vietnam, said his treatment at Stratton for back injuries and a stroke suffered three years ago have been solid. Brewer and his wife, Patricia, live in Schoharie but do volunteer work at Stratton.

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"You hear about it, but I don't understand," Walter Brewer said. His wife added: "We've always been treated halfway decent. Some people complain about every little thing but we are very pleased with it."

Eina Fishman, the hospital's chief of staff, said recent Veterans Affairs Administration surveys show that Stratton ranks about 5 percent above the national average for patient satisfaction at VA hospitals.

"I really believe that we provide super care," Fishman said. "Can we do it better? Always. I'm not going to tell you that we never make a mistake."

Fishman said the hospital's programs are state-of-the-art, including a diabetes program that has won accolades for early detection and reducing the rate of amputations among veterans afflicted with the disease.

Hospital administrators also have an open-door policy to encourage staffers, patients and their families to report problems.

"If there's anything we can do better, we want to hear about it," Fishman said. "I really think we have a fine system and it is a challenging time right now."

U.S. Rep. Michael McNulty, D-Green Island, who deals regularly with issues affecting Stratton and the veterans treated there, said horror stories happen at all hospitals, not just VA facilities.

"I do think their (Stratton's) reputation is in question because of all the publicity recently and that's why I'm so in favor of openness and investigations, to get to the truth," said McNulty, who recently urged federal prosecutors to open the investigation into alleged widespread corruption in Stratton's research programs.

Still, McNulty said his constituents over the years have generally been positive about Stratton.

"I believe the vast majority of the people at the VA hospital are dispensing quality health care to veterans," the congressman said.

It's true that the problems plaguing Stratton are not isolated.

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Last July, while he was national commander of the American Legion, veteran Ronald F. Conley of Pennsylvania went before a Senate Veterans Affairs committee to deliver a presentation on problems at the VA's 137 hospitals. His testimony came after a nationwide tour of VA hospitals and face-to-face meetings with hundreds of veterans and hospital workers.

"First of all, the VA is always in a total state of denial," Conley said in a recent telephone interview. "If you run across a problem, they'll say 'tell me what that problem is and we'll get it straightened out.' But they don't look at the big picture or that the problem is probably occurring throughout the system."

Conley offered several anecdotes from his tour that he said underscore the VA's problems. In Pittsburgh, a VA medical director allegedly spent more than \$100,000 from a medical budget for improvements to a private residence. The director was later promoted, Conley said.

A woman in Nashville, he said, is suing the VA because she was scarred during a kidney operation after the hospital allegedly used unsterilized equipment because its sterilizers were all broken.

At the end of his speech to the Senate Veterans Affairs committee last summer, Conley urged the Senate to undo years of budget cuts that he says have gouged the VA system and left it in a state of crisis.

"If America can find the money to bail out failed savings and loans institutions, commit troops to peacekeeping missions, rebuild foreign governments, provide health care for Third World countries and forgive loans to foreign countries, then, surely, America can find the money to provide the needed care for America's veterans," Conley told the panel.