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United States Senate
WASHINGTON, DC 20510-3205

April 6, 2018

Mr. Robert Wilkie
Acting Secretary of Veterans Affairs
U.S. Department of Veterans Affairs
810 Vermont Avenue Northwest
Washington, DC 20571

Dr. Judy Hayman, Ph.D.
Medical Center Director
Syracuse VA Medical Center
800 Irving Avenue
Syracuse, NY 13210

Dear Acting Secretary Wilkie and Director Hayman,

I was deeply alarmed to learn about allegations of sexual abuse by an employee of the Syracuse VA Medical Center in April and May of 2016. New reports on the matter and the VA's Congressional Notification outline a horrible series of events in which Dr. Jerome Cuyler sexually abused servicemembers undergoing Integrated Disability Evaluation System (IDES) examinations in Watertown, New York. While I understand the investigation has been referred to the Jefferson County District Attorney's Office for criminal action, I write to request additional information about the timeline of events and Department of Veterans Affairs decisions regarding Dr. Cuyler.

According to the Congressional Notification, the first allegation of inappropriate contact was filed on May 24, 2016. Following the allegation, the Syracuse VA Medical Center leadership launched an investigation and relieved the physician of "all clinical responsibilities." Which *non* clinical responsibilities did the accused physician perform while the Administrative Board of Inquiry performed its investigation? Did the physician have any interaction with patients or VA personnel during this period?

The first servicemember to allege sexual misconduct by the physician did so on May 24, 2016. Although leadership initiated an Administrative Board of Inquiry, the physician was not barred from the facility and the VA's Office of Inspector General was not notified until a *second* soldier complained about the same doctor on June 14, 2016. Why did Syracuse VAMC leadership wait to bar the physician from the facility and notify the Inspector General's office until a second allegation was filed?

The Congressional Notification states 35 soldiers examined by the accused physician were interviewed by criminal investigators, but does not clarify the physician's role beyond performing Integrated Disability Evaluation System (IDES) examinations of active duty servicemembers leaving the military through a joint process of the Departments of Defense and Veterans Affairs. Did Dr. Cuyler see other patients—active duty or veteran—during his employment with the Department of Veterans Affairs? If so, were these patients interviewed by criminal investigators or otherwise made aware of the alleged sexual misconduct on Dr. Cuyler's behalf?

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The Congressional Notification states that although Dr. Cuyler is licensed to practice medicine in the State of New York, he was not "reported to the New York State Licensing Board in connection with this matter…the VA OIG and the U.S. Attorney's Office asked the Syracuse VAMC to stand down with respect to initiating the process to report the physician to the New York State Licensing Board." The Notification cites "due process requirements to initiate the reporting process that would have interfered with the ongoing criminal investigation." I am deeply concerned that despite concrete allegations of sexual misconduct, the physician in question retained his ability to practice medicine in a non-VA setting during this time—endangering New Yorkers in the region. To the VA's knowledge, did Dr. Cuyler practice medicine on non-VA patients during the course of this investigation? Is he currently licensed with the New York State Licensing Board to practice medicine?

What procedures are in place for patients to notify clinic leadership of sexual misconduct? Were the servicemembers aware/informed of proper procedures by the VA to file complaints of this nature—or did they work around the system, on their own, to bring this matter to relevant officials? Has the Syracuse VAMC enacted any new measures in the aftermath of this matter to ensure the safety of servicemembers and veterans?

I request a thorough written reply addressing these questions no later than Friday, April 26, 2018. Restoring trust in the Syracuse VA Medical Center requires an honest and transparent accounting of this matter. The termination of Dr. Cuyler's employment and referral of this matter to authorities are important steps toward accountability. Watertown patients and community members, though, are owed additional details on the VA's internal decision-making process and a more complete timeline of events. Our servicemembers and veterans deserve the absolute best healthcare and should never have to worry about sexual misconduct by medical providers. Thank you for your attention to this matter.

Sincerely,

Kirsten Gillibrand

Kirsten Gillibrand
United States Senator