

Chairman Takano, Ranking Member Roe, distinguished members of the Committee, thank you for the opportunity to speak before your committee on a matter of great importance to the people of Arkansas.

On August 16th, former VA pathologist Robert Levy was indicted on three counts of involuntary manslaughter and 28 counts of mail fraud, wire fraud, and making false statements to law enforcement.

These charges stem from Mr. Levy's conduct while serving as Chief of Pathology and Laboratory Medical Services for the Veterans Health System of the Ozarks located in Fayetteville, Arkansas, which is in my district.

While he was serving as Chief of Pathology, Mr. Levy was responsible for diagnosing veterans after examining their fluid and tissue samples. Unfortunately, he repeatedly showed up to work intoxicated, first from alcohol and then, in order to pass mandated alcohol tests, from a substance called 2M-2B. This substance produces a sensation like alcohol but cannot be detected on normal alcohol screenings. Mr. Levy was finally fired from the VA in April 2018 following 2M-2B being detected in a fluid sample.

This was not Mr. Levy's first time failing an alcohol test. He was required to pass mandatory alcohol screenings because in 2016 he was found to be intoxicated on duty. His blood alcohol content was 0.396 —almost 5 times the legal limit—during the time he was scheduled to consult on a biopsy for a patient.

Following this incident, Mr. Levy had his medical license suspended and was sent to a VA-approved in-patient alcohol treatment program. He completed the program and was returned to duty with the stipulation that he submit to random alcohol and drug tests.

Let me reiterate: he was returned to duty. A doctor who had showed up to work while intoxicated was returned to duty to care for our veterans. This is unacceptable.

Mr. Levy was not just reinstated, he was allowed to return to his position as the Chief of Pathology – with no direct oversight of his diagnoses.

His egregious misconduct continued. He not only continued to show up to work while intoxicated, but also falsified the reviews his subordinates conducted of his work. This was only possible because he had been returned to duty as the Chief of Pathology.

I will never understand why the VA returned Mr. Levy to duty as a supervisor without putting necessary safeguards in place to ensure that his work was properly reviewed. At the very least, an independent review process should have been set up to allow his subordinates to submit their reviews outside of the usual chain of command.

This situation jeopardized the health and well-being of our veterans. So much so, that Mr. Levy's alleged actions have led to his arrest and a federal indictment.

I know every person here believes that those who risk their lives for country deserve the highest caliber of care possible. I know we also agree that no medical professional, especially doctors charged with diagnosing our veterans, should ever be intoxicated while working. We, as Members of Congress, must conduct vigorous oversight to determine how this could happen.

We have worked with your committee to ensure the VA was taking the proper steps to support our veterans who were impacted by Mr. Levy's unacceptable conduct. I want to thank you for your help and assistance.

That being said, we have a duty to further support our veterans who were affected by these callous actions. I respectfully request your committee investigate the actions and decisions made by the VA throughout the entirety of this episode. For the sake of the integrity of the VA medical system and the quality of care of our heroes, we must make sure they are never repeated.

Specifically, I find it appalling that a doctor who was caught intoxicated on duty was allowed to resume caring for our veterans and returned to his supervisory position.

Furthermore, the way the VA engaged with my office, other Arkansas delegation offices, and this committee was concerning. The VA is a department of the federal government, and it is subject to the oversight of Congress, but throughout the entire episode the VA was slow to provide certain important information to the relevant people.

I believe in second chances—but not in life or death circumstances. Without the proper safeguards in place, there was no accountability, and we've seen the result.

The actions of this desperate individual hit home for me. Almost all of us have either served or have family members who have served. Our veterans stepped forward and swore to defend our country and our values against all enemies. We need to treat them like family — that means guaranteeing something like this never happens again at a VA facility.

Thank you for your time today. I am happy to answer any questions you have.