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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

January 28, 2015

The Honorable Michelle M. Leonhart  
Administrator  
Drug Enforcement Administration  
U.S. Department of Justice  
700 Army-Navy Drive  
Arlington, VA 22202

Dear Administrator Leonhart:

I write to inquire about the Drug Enforcement Administration's (DEA) knowledge of suspected prescription drug diversion at the Veterans Affairs Medical Center (VAMC) in Tomah, Wisconsin. Doctors at the facility reportedly prescribed narcotic painkillers in such large volumes, that some veterans labeled the Tomah VAMC as "Candy Land."<sup>1</sup> According to reports, "in 2004, the Tomah VA dispensed 50,000 oxycodone pills to roughly 25,000 veterans. By 2012, that number had grown to 712,000."<sup>2</sup> Two veterans who received treatment at the facility for post traumatic stress disorder died of reported drug overdoses.<sup>3</sup> Although information about the over-prescription of opiate at the Tomah VAMC has been made public, many questions remain unanswered.

A VA Inspector General (IG) report from March 2014, which was released publically in early January, noted that "the Tomah police department reported suspicions that some Tomah VAMC patients were misusing their prescribed controlled substances in various ways including drug diversion."<sup>4</sup> The report noted that early in its inspection, the IG "became aware that DEA was actively investigating complaints of inappropriate prescribing and drug diversion at the Tomah VAMC." Moreover, Tomah Police Chief, Mark Nicholson, confirmed on January 20, 2015 that the DEA contacted his department about suspected drug diversion at the Tomah VAMC.<sup>5</sup> Despite these reported investigations and inquiries, no known law enforcement action has been taken to date.

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<sup>1</sup> Aaron Glantz, *Opiates handed out like candy to 'doped-up' veterans at Wisconsin VA*, THE CENTER FOR INVESTIGATIVE REPORTING, Jan. 8, 2015, <http://www.revealnews.org/article-legacy/opiates-handed-out-like-candy-to-doped-up-veterans-at-wisconsin-va>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> VA Office of Inspector General, *Administrative Closure Alleged Inappropriate Prescribing of Controlled Substances and Alleged Abuse of Authority Tomah VA Mexican Center, Tomah, WI*, MCI# 2011-04212-HI-0267, at 5, Mar. 12, 2014, <http://wisinfo.biz/ic/PDFs/2014VAreport.pdf>.

<sup>5</sup> Steve Rundio, *Report raised specter of 'drug diversion'*, LACROSSE TRIBUNE, Jan. 22, 2015, [http://lacrosetribune.com/news/local/report-raised-specter-of-drug-diversion/article\\_a8238da6-8077-5c98-acf6-0de91c5f31b8.html](http://lacrosetribune.com/news/local/report-raised-specter-of-drug-diversion/article_a8238da6-8077-5c98-acf6-0de91c5f31b8.html).

Nothing is more important than insuring that our veterans receive the care they need and I am deeply troubled by the prospect that a VA hospital may have been used to fuel the narcotics trade in Tomah. In order to help gain a better understanding of the DEA's investigation of suspected drug diversion at the Tomah VAMC I ask that you please provide the following information and material:

1. What is the current status of the DEA's investigation into suspected drug diversion at the VAMC in Tomah, Wisconsin? In addition, please provide the following information in your response:
  - a. Please explain when the DEA was made aware of suspected drug diversion at the VAMC in Tomah, Wisconsin; and
  - b. What was the date when the DEA opened its investigation into suspected drug diversion at the VAMC in Tomah, Wisconsin?
2. How and to what extent does the DEA coordinate and/or share information with state and local law enforcement authorities regarding suspected drug diversion at government facilities? Were these procedures followed in the investigation into the Tomah VAMC? Please explain.
3. Tomah Police Chief, Mark Nicholson has reported that the DEA contacted his department about suspected drug diversion at the Tomah VAMC.<sup>6</sup> Please produce all documents and communications between or among the DEA and the Tomah Police Department referring or relating to suspected drug diversion at the Tomah VAMC.
4. Please produce all documents and communications between or among the DEA and the Department of Veterans Affairs referring or relating to suspected drug diversion at the Tomah VAMC.
5. Please produce all documents and communications between or among the DEA and the Department of Veterans Affairs Office of Inspector General referring or relating to suspected drug diversion at the Tomah VAMC.
6. Please produce all documents and communications between or among the DEA and the Tomah VAMC staff referring or relating to suspected drug diversion at the Tomah VAMC.
7. Please produce all documents and communications between or among the DEA and the Tomah VAMC patients referring or relating to suspected drug diversion at the Tomah VAMC.

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<sup>6</sup> *Id.*

8. Please provide all documents and communications between or among the DEA and the Milwaukee Police Department referring or relating to suspected drug diversion at the Tomah VAMC.

Please provide this material as soon as possible but no later than 5:00 p.m. on February 11, 2015.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”<sup>7</sup> Additionally, S. Res. 253 (113th Congress) authorizes the Committee to examine “the efficiency and economy of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices . . . .”<sup>8</sup> For purposes of this request, please refer to the definitions and instructions in the enclosure.

Thank you for your prompt attention to this matter. To enable the Committee to better understand the scope of DEA’s knowledge of suspected drug diversion at the Tomah VAMC, I respectfully request that appropriate DEA officials provide a briefing to Committee staff. Please contact Kyle Brosnan of the Committee staff at (202) 224-4751 to schedule a briefing.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Thomas R. Carper  
Ranking Minority Member

Enclosure

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<sup>7</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>8</sup> S. Res. 253 § 12, 113th Cong. (2013).