

ABSENT DUE PROCESS AUDACITY OF EVIL

TO OIG HHS DC 4pp INTRO 10.5.17

Page 1/4 **Documents: Whistleblower Retaliatory Firing**

Judith Futerfas - University of Miami employee for about 12 years – Senior Tumor Registrar
xxx

University of Miami (UM) Tumor Registry
1400 NW 10th Ave Suite 604
Miami, FL 33136
305-243-5124
Manager Stuart Herna 305-243-4196

Please note: UM has several facilities. The complaints I have made are all regarding UM's:

Sylvester Comprehensive Cancer Center
1475 NW 12th Avenue Miami, FL 33136
305-243-5302

Retaliatory firing by the University of Miami in direct violation of Florida Statute 448.102 for reporting cancer data manipulations in direct violation of Florida Statute 385.202 and for reporting manager Stuart Herna's threat to my life in direct violation of Florida Statute 448.045.

Our State overseeing Tumor Registry, the Florida Cancer Data System (FCDS), is managed by UM and is located at UM's Medical Campus. UM hires and fires those employees. Manager Herna's wife, Megsys, is a high-level data manager at FCDS. Hence, UM oversees its own data and I did not feel comfortable voicing my concerns with FCDS. The State is not interested in making FCDS a stand-alone facility, which I had suggested to them. FCDS is largely funded with grants from the Centers for Disease Control (CDC). The National Program for Cancer Registries (NPCR) and American Cancer Society (ACS) help manage the National Cancer Data Base (NCDB), where this cancer data is housed. UM also receives millions in federal dollars otherwise.

Brief overview:

I have made numerous complaints to authorities over the years regarding cancer data manipulations I was either told to do, told about by someone else, or discovered myself. I refused to take part in any practices other than as mandated per our credentialing

ABSENT DUE PROCESS AUDACITY OF EVIL

guidelines. Our credential is the Certified Tumor Registrar (CTR), which I earned by exam in 2009. More recent complaints include cancer data manipulation and severe retaliation reported (to the DOJ) days before I was threatened last year (2016). I also reported again to the DOJ and other overseeing organizations days before I was fired (6.12.17). Moreover, this firing was within two weeks of my responding truthfully to a good evaluation that I signed off on dated 5.31.17 (for 2016) and a \$10,000 raise. My evaluation response, submitted to UM HR, UM Equity/Compliance, and Manager Herna, detailed the threat to my life in 2016, by Mr. Herna, because I had (his words), "complained about a lot of people". I have also specifically been told by Mr. Herna in the past that, at UM, "we do not mention people's names" (exactly this phrase or very similar). The evaluation response also included excerpts from my Joint Commission complaint regarding that threat as well as my complaints of cancer data manipulations, both actions in direct violation of State law. All of these documents as well as many others are enclosed. The seeming substantive reason UM gave for the firing, that I hadn't attended a meeting, was proved false by emails (enclosed see 33) stating that the meeting was recommended, not mandatory. Recently hired UM President Frenk had also been notified of Mr. Herna's threat and the cancer data manipulations last year

Page 2/4 Futerfas

(letters enclosed). Many of these complaints have more documents associated with them should you want more information. There is much more information available than I have enclosed here; my reporting in this complaint is not inclusive of all my reporting or documentation, including of cancer data manipulations and retaliation.

Contents:

Complaints (not inclusive) dated through the threat to my life by Manager Stuart Herna (on 2.19.2016)

1 - 4.24.12 OIG Complaint Information on cancer data use; Met with UM's Dr. Jennifer McCafferty

2 - 12.31.12 Complaint to UM Compliance Dr. Jennifer McCafferty (She told me her report on my complaints stated they found "irregularities". She was going to give me a copy but it was then deemed private. Dr. McCafferty left the Medical campus in duress [per conversation with her, she had many concerns regarding what she saw at UM in general]. She went to the UM Gables Campus but left there not too long afterwards.)

ABSENT DUE PROCESS AUDACITY OF EVIL

3 - 4.8.14 Complaint to Manager Herna re: xxx abstracting noncompliance in violation of FL Statute

4 - 9.16.14 Complaint cases and letter to OIG, Inspector Pacchioli (I have much more documentation on other cases I saw after this submission, that I did not send in – the State OIG closed this case shortly after this, saying that UM employees were not State employees. They referred me back to UM [Compliance/Ms. Malagon] for further complaints. I voiced my concern to the OIG about reporting to UM, but I was not given any other option. I did spend about 2.5 hours showing Ms. Malagon some of the documentation [emails with her below].)

5 - 10.14, 15.14 State OIG plan to audit UM (this was cancelled, no reason given)

6 - 4.10.15 FDLE data reporting timeline/info

7 – 5.14.15 Complaint to Blanca Malagon recap meeting I had with her the day prior for about 2.5 hours in letter; outline of reporting; notes include Marla Swaye’s follow-up falsification complaint and the 23 pages she gave me before leaving UM; email from Herna regarding a falsified follow-up by supervisor Arias (Susanna Arias Morales) that I had complained about to Compliance (Dr. McCafferty) in 2012

[ED NOTE: During the 2.5 hour meeting Ms. Malagon asked me what steps I recommended for her to learn more about the falsified phone calls [entries]. I suggested she call ATT. She said simply, “No.”]

8 – 5.20.15 Complaint to Blanca Malagon detailed letter of complaint history; emails GI Tumor Board sign-in had been altered to show a doctor had attended; the sign-in documents provided to me showed he had not signed-off

9 - 5.22.15 Complaint to Blanca Malagon late/missing tumor board reporting

10 - 5.25.15 Complaint to Blanca Malagon deliberate, malicious rerouted printing, unauthorized computer access

11 - 7.4.15 Complaint to UM IT deliberately rerouted printing

12 - 7.10-13.15 Complaint to UM IT FCDS abstractor code renewal exam falsely, maliciously started by unknown person; missing emails

13 - 7.27.15 Complaint HHS Office for Civil Rights xxx

14 - 9.30.15 Complaint to Jessica Pacheco (UM Equity) numerous things: disparate salary, money stolen, nurse’s late/copied tumor board reporting, summary of data complaints/complaints shown to Ms. Malagon

ABSENT DUE PROCESS AUDACITY OF EVIL

Page 3/4 Futerfas

15 - 9.30-10.1.15 Complaints to OIG/State - nurse copying data, referred back to UM; letter Jessica Pacheco concerns/details meeting with Ms. Malagon; Mr. Herna showed OIG report to staff against Dr. McCafferty

16 – 10.1.15 Complaint to Blanca Malagon nurse copying over tumor board notes for March and April 2015 with the actual sent documents attached to that email; explanatory letter. (I can forward the actual document copies if requested via secure line.)

17 - 10.8.15 Complaint Florida DOH Board of Nursing - I complained about a nurse copying over tumor board data. I was taken off that assignment by manager Herna in retaliation

18 - 12.11.15 Complaint UM IT multiple reports/issues/hacking/security concerns – much documentation provided to them (I have copies if you would like them). (Tim Ramsay is now at World Fuels. Jose Ruano last I knew was still at UM.)

19 - 2.7.16 Complaint to US Attorney detailing retaliation for data complaints, high-level hacking

--- - 2.19.16 Date of THREAT by Manager Stuart Herna (Detailed in complaints below)

Complaints (not inclusive) dated after the threat to my life by manager Stuart Herna

20 - 4.18.16 Complaint to UM President Frenk; UM FMLA emails/denial notice

21 - 4.25.16 Police report City of Miami threat to me by Stuart Herna

22 - 5.9.16 Complaint AHCA; Joint Commission xxx Hospital (New York) re: threat

23 - 7.4.16 Complaint UM President Frenk

24 - 7.7, 11.16 Complaint to UM's Judd Goldberg

25 - 7.24.16 Complaint Joint Commission University of Miami Hospital and Clinics/Sylvester Cancer Center

26 - 7.24.16 Complaint OSHA; 7.30.16 Complaint OCR/HIPAA xxx, AHCA

27 - 8.16.16 Complaint Joint Commission Bethesda Hospital (Palm Beach County)

ABSENT DUE PROCESS AUDACITY OF EVIL

28 - 8.16, 18.16 Complaints City of Miami Police, Boynton Beach Police (Forwarded to Palm Beach Mayor and State Attorney February 2017 and City of Miami Police 1.4.17)

29 - 1.12.17 Complaint to manager Herna cancer data very serious errors Monica Olivas leading to violations of Florida Statute (I have these case screen shots if you would like to see them)

30 - 4.20.17 Notice of raise about \$10,000 (supposed salary survey adjustment) I was made aware of this raise some weeks later

31 - May 2017 Complaint to UM HR, UM Equity, Stuart Herna re: Monica Olivas being titled as credentialed (CTR/ Senior Tumor Registrar) by her friend and supervisor Susana Arias Morales but this is likely not true – she is an extremely poor abstractor (see prior complaint at 29) and very likely would not have been able to pass the exam. Facilitates violations of Florida Statute. Includes complaints of inequitable salary for me (not being paid for relevant experience, as others were)

Futerfas 4/4

32 - 5.31.17 Sign-off good evaluation with truthful several page evaluation response complaining of retaliation including threat to me by Stuart Herna for “complaining about a lot of people” regarding cancer data manipulation complaints, also refers to Joint Commission complaints

33 - Late May-6.1.17 Emails (*36) UM HR, Equity (Pacheco) showing the meeting I was stated to have missed as the reason I was fired (6.12.17) show the meeting was recommended, not mandatory. Also, again mentioning my salary inequity—not including my relevant experience although this is considered for others

34 - 6.2.17 Complaint to the DOJ including my evaluation response detailing threat by Herna, cancer data manipulations and other very serious concerns

35 - 6.8.17 UM complaints to Florida Bar (Pacheco is an attorney) – salary inequities, complaints of retaliation including threat for reporting cancer data manipulations

36 - 6.12.17 Termination - Based on a false allegation that I had missed a meeting – the meeting was not mandatory. (*33 See these emails regarding this meeting.) Also vague, embellished complaints about my evaluation response. See also my emails to UM Attorney Ugalde to no avail – I had not one response from her.

37 - 6.19.17 Termination Appeal

ABSENT DUE PROCESS AUDACITY OF EVIL

38 - 6.26.17 Termination Appeal Denial Follow-up letters to Ms. Ugalde – she never responded

Thank you. Please contact me with any questions. I have had numerous problems with mail, including regular, UPS, and FedEx, being purloined, opened, “delayed”, etc. I have made a scan of this complaint and am happy to forward that as well. It is too large to submit via your online form. I have marked each of the 38 items above with a small label on the initial page of that section, top right.

Judith Futerfas

10.5.2017

Pages per section:

1 – 11; 2, 3 – 1 ea = 2; 4 – 4; 5 - 2; 6 – 1; 7 – 3; 8 – 8; 9 – 2; 10 – 4; 11 – 2; 12 – 5; 13 – 1; 14 – 3; 15 – 5; 16 – 3; 17 – 5; 18 – 2; 19 – 5; 20 – 7; 21 – 4; 22 – 3; 23 – 4; 24 – 5; 25 – 4; 26 – 6; 27 – 3; 28 – 4; 29, 30 – 1 ea = 2; 31 – 6; 32 – 9; 33 – 7; 34 – 22; 35 – 3; 36 – 4; 37 – 2; 38 - 7 (170 pages total all sections + this 4 pg intro letter)

I will be glad to forward scans of document upon request:

Scan 1 – Sections 1-8 – 31pp // Scan 2 – 9-20 – 44pp // Scan 3 - 21-31 - 41pp // Scan 4 - 32-38 - 54pp

Office DEPOT
OfficeMax

MIAMI - (305) 670-1982

10/05/2017 3:59 PM



2TTTYA9P64QXRYBBW

| Description | Price | Recipient Information |
|-----------------------------------------|------------------|-------------------------------------|
| Priority Mail Flat Rate Envelope | \$6.65 | OFFICE OF INSPECTOR GENERAL |
| Insured Value Fee: | \$0.00 | US HHS HOTLINE |
| Delivery Confirmation | \$0.00 | PO BOX 23489 |
| Signature Confirmation | \$0.00 | |
| Insured Value: \$ 0.00 | | Washington, DC, 20026, US |
| Tracking #: | | |
| 9405510200829535622312 | Weight: 0.10 LBS | Dim: 0.00 in. x 0.00 in. x 0.00 in. |
| Delivery Date: | | * Weight entered manually |
| | | Total \$6.65 |