

General Timeline/Events Regarding My UM Cancer Data Reporting

This is an excerpt from my complaint (online submission) to the Joint Commission dated 7.24.16. This complaint was regarding the vile threat by my “manager” Stuart Herna that something malicious occurred at a surgery I had (still being followed with tumor markers) and cancers around that time in two younger women colleagues – one of whom Herna had told me about when he threatened me. This excerpt of the Joint Commission complaint provides background and describes my history of data complaints. When Herna threatened me, he said that I had, “complained about a lot of people”. (The original submission had no bolded characters.)

Below is excerpted from my Joint Commission Complaint regarding UM, submitted 7.24.16:

“ ... I had been severely retaliated against for years at UM because of my refusal to falsify Sylvester Cancer Center (SCCC) data information and for my reporting of the instances of falsified patient “follow-up” along with those omitted related cancer cases and treatments (that I knew about). This retaliation included falsified evaluations, false write-ups, suppressed salary for years, vandalism and money taken from my office, “set-up” confrontations with other staff, rerouted printing, a falsely started yearly recertification exam (via FCDS) last year, high level computer hacking at work and home (all documented with emails to and from UM IT Security and local police documentation) including moved and disappearing emails, personal phone hacking, home wireless security camera hacking, etc.

In **April 2012** I reported to the **OIG** what I knew about from **2008 and 2010**. (I had reported this to UM legal in **2011** but got no response.) In **2008** the entire staff was asked to **falsify patient “follow-up”** by doing no patient research however we were instructed to enter that we had called the patient. These instructions were given by Susana Arias (Morales). Manager Stuart Herna was in the room. As I stated, there were no patients called or any other research. We were given pages of lists (as we usually work from daily for abstracting cancer cases and patient follow-up), of 35-40 patient names per page. By not completing any actual patient follow-up, all patients appear alive, thus falsely skewing survival statistics. This also takes much less time than valid follow-up, thereby saving time and money on staff. Falsifying follow-up also causes cancer cases and their treatments to be missed. State law mandates all cancer cases and treatments be reported within six months of the patient’s visit. I refused to do this in 2008.

In late **2010** a volunteer, Marla Swaye, gave me 23 pages of “**follow-up**” she was told to do by Ms. Arias (Morales). Ms. Swaye showed me what she was doing – it was **exactly as we were told in 2008**. Ms. Swaye left after only a few months but gave me 23 pages of patient lists she was working from. On the day I found out about this **2010** falsification, I had stopped by Ms. Swaye’s office across the hall to say hi and ask how things were going. Ms. Swaye responded, “Judy, you don’t want to know.” I entered the room and she then showed me and explained to me what she had been instructed to do by Ms. Arias (Morales). A bit later she also told me that when she (Ms. Swaye) first began volunteering there, Ms. Arias (Morales) said to her (Ms. Swaye), about me, “Be careful what you say to her, I don’t trust her.”

My other submitted complaints about UM also included **reportable cancer cases deliberately left undone** (reported to the **OIG in September 2014**) and in **September 2015** I reported to the State a **nurse copying over unique tumor board patient data from one patient data sheet to the next patient’s**.

As further background, I had been working mainly on UMH cases since 2008. However, in late **2012** I was assigned to work on SCCC cases and quickly saw a case initially abstracted at UM in **2009**. The patient had **three cancers in 2009 but only one cancer was entered when I saw the case in late 2012. This was despite five “follow-ups” between 2010-2012.** Ms. Arias (Morales) had entered four of these “follow-ups” and her “best friend” Francis Moore had entered one of these. (Follow-up is actually supposed to be completed only once per year or so.) (After UM was aware of my **April 2012 OIG complaint regarding these instances in 2008 and 2010**, Mr. Moore never came back to UM. He never spoke much with me when he was there.) **I completed these 2009 cases and reported** these cancer cases and treatments missed for four years to Dr. McCafferty, then head of UM Compliance. She has since left UM, it would seem under duress. During this time of the compliance investigation, Mr. Herna was somehow given a copy of my OIG complaint. Dr. McCafferty did not know how he got the complaint copy. However, she told him not to show it to the staff as they were to be questioned. However, Mr. Herna did show this complaint to the staff, disparaging me, and I have no doubt scaring them from telling the truth.

I was immediately moved back to UMH cases after this **2012 reporting**. In about March 2014 UM rehired Ms. Arias (Morales). I was told not to speak with her and was again moved back to SCCC cases. I began seeing **cases falsely marked as non-reportable and in September 2014 reported about 15 of these to the OIG. I completed these cases when I saw them in 2014. Many were years late, one dated back to 2005. I currently have other documentation (perhaps 25+ cases) that were also falsely marked as non-reportable. These were indeed reportable to the State and I had seen and completed them since that September 2014 reporting. In late 2015, after I reported to Mr. Herna a nurse copying over tumor board data from patient to patient, I was taken off of that assignment.**

I have recently learned (on or about 6/22/16) that what Mr. Herna told me about [REDACTED], that she was “very sick”, is indeed true. I had not spoken with anyone about her since he made that threat to me (discussed above) in February 2016. However, her case was on my abstract list recently. Also, another young woman in our office, [REDACTED], is now also ill. I am concerned about the circumstances of their illnesses. Not only because they are fairly young, but also because they were mentioned in my complaints about UM. [REDACTED] is the contact person for my yearly credentialing exam, and likely knows who falsely started that. [REDACTED] was the person my printing was maliciously rerouted to. This rerouting occurred after I reported the cases deliberately left undone and had printed out the 15 or more screenshots showing the false, non-reportable documentation. Both these instances are fully documented with emails. The complaints were also referred to UM IT Security as well as outside law enforcement. In light of Mr. Herna’s threat to me and other related circumstances, I am writing you now regarding this concern for malicious activity that may have caused their illnesses. I am still following my health because of his threat. I do not know if these women had any type of surgery or other procedures whereby these agents could have been introduced. I feel that they may have been able to be introduced possibly in other ways as well. Thank you. I am glad to answer any further questions ...”

In conclusion:

This cancer data reporting was and is mandated by State law, including the timeframes and quality of data. The complete complaint also included the threat in 2016 by “manager” Stuart Herna. I also reported the threat on the evaluation for that year, which I signed off on dated 5.31.17. I had been at

UM 12 years at that point, and received a good evaluation and approximately \$10,000. raise. I told Herna I would be responding to the evaluation using work hours. He said exactly or similar, "You got a good evaluation." (Usually there were at least some digs or worse.) I replied, "I know".

I reported the threat in my evaluation response and was fired on 6.12.17. One of the reasons was false and the other, that my response was disturbing, or similar sentiment, I can't argue with – it was and is quite disturbing what goes on at that "university" ...

There are several whistleblower complaints I have, including, as mentioned in the above linked 174 page timeline sent to HHS OIG in Washington:

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.