

December 14, 2020

FOIA Request No.: 19-09792-F

Austin Evers
American Oversight
1030 15th Street, NW
Washington, DC 20005
foia@americanoversight.org

Dear Mr. Evers:

This letter is the initial agency decision on your July 22, 2019, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of Veterans Affairs (VA), VA FOIA Service requesting:

1. Any documents reflecting guidance, directives, or criteria used in or related to the review and selection of Pain Management Best Practices Inter-Agency Task Force members to screen for or identify past or present financial relationships between Task Force nominees and opioid or other drug manufacturers.
2. Any documents reflecting guidance, directives, or criteria used in or related to the review and selection of Pain Management Best Practices Inter-Agency Task Force members to screen for or identify past or present financial relationships between Task Force nominees and medical device manufacturers.

Please provide all responsive records from August 21, 2017, through the date of the search

Your request was referred to the Veterans Health Administration (VHA) Central Office FOIA Office and was received in my office on July 23, 2019 and was assigned FOIA tracking number 19-09792-F. I apologize for the delayed response.

A comprehensive search for documents responsive to your request by the Deputy Under Secretary for Health for Policy and Services, Specialty Care Services has concluded. After conducting a reasonable search for responsive to your request, we have concluded that the VHA Central Office, does not have records responsive to your request. Courts have determined the reasonableness of an agency's search can depend on whether the agency properly determined where responsive records were likely to be found and searched those locations. [See Iacoe v. IRS, No. 98-C-0466, 1999 WL 675322, at *4 (E.D. Wis. July 23, 1999) (recognizing that agency "diligently searched for the records requested in those places where [agency] expected they could be located")]. Record search inquiries were made to the appropriate office(s). The Deputy Under Secretary for Health for Policy and Services, Specialty Care Services

conducted a search for documents responsive to your request. The search was conducted by utilizing the search criteria for documents related to a request from the Department of Health and Human Services (HHS) requesting a nomination for a VA representative for the Pain Management Best Practice Inter-Agency Task Force. At the conclusion of the search, a “no records” response was provided for responsive records to your request.

Please be advised, you may appeal the determinations made in this response to the VA, Office of General Counsel. Appeals may be submitted electronically to their electronic appeal mailbox, ogcfoiaappeals@va.gov or mailed to the following address:

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420

If you should choose to file an appeal, your appeal must be postmarked or electronically submitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal, identify the determination(s) you are appealing and clearly state why you disagree with the determination(s).

In addition to filing an appeal with the Office of General Counsel, you may also seek assistance and/or dispute resolution services regarding your FOIA request from VHA’s FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:
Email Address: vhafoia2@va.gov
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)
Email Address: ogis@nara.gov
Fax: (202) 741-5769
Mailing address:
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Thank you for your interest in VA. If you have any further questions, please feel free to contact me at (772) 562-5284.

Sincerely yours,



Carol E. Farer, RHIA, CHPS, CIPP/G, CHPC
VHA FOIA Office