

3 June 2014



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**A M V E T S**

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The Honorable Richard Burr, Ranking Member  
Senate Veterans Affairs Committee  
825A Hart Senate Office Building  
Washington, DC 20510-6375

Dear Senator Burr:

On behalf the quarter of a million members of AMVETS (American Veterans), a leader since 1944 in preserving the freedoms secured by America's armed forces and providing support for Veterans, Active Duty military, the National Guard/Reserves their families and survivors, we heartily offer our support for your legislation, the Veterans Choice Act of 2014, which would give veterans increased health care choices and flexibility, improve transparency at the VA, and provide cultural changes within the VA, while simultaneously preserving the integrity of the overall VA health care system.

Over the past few weeks, all American Veterans have become aware of a series of disconcerting allegations which suggest that numerous VA Medical Centers created secret wait lists, falsified health records and destroyed evidence to hide the fact that they were not providing timely and appropriate healthcare to our nation's veterans.

The stories are both shocking and disappointing to say the least: Veterans waiting *months* for treatment and suffering terrible injuries—even death—as a result of what can only be deemed as purposeful neglect.

Unfortunately, for as long as there have been veterans, there have been difficulties within the VA, the very system created to minister to their unique healthcare needs. Every American Veteran who has worn the uniform of this country has had to fight to secure and retain their earned benefits.

In the midst of this crisis, additional evidence has come to light which indicates that various government officials have been aware of these problems for years, but failed to take action. There can be no doubt that the VA suffers from deep seated, systemic problems and that neither the department nor its employees believe that they are actually accountable to either the veterans they serve, or the American people who pay their generous salaries.

These horrific events suggest that the VA needs some assistance fulfilling its stated mission which is, 'To care for him who shall have borne the battle and for his widow, and his orphan,' by serving and honoring the men and women who are America's

Veterans. We believe your legislation will provide some desperately needed accountability to the Department of Veterans Affairs by:

1. allowing veterans who were relegated to 'secret wait lists' or other forms of fraud and/or neglect to sue the responsible federal employee(s). Additionally, the veteran would be able to collect damages to offset any additional medical expenses he or she may have incurred as a result of the VA's inappropriate or untimely actions and provides a mechanism for the reimbursement for any related attorney's fees;
2. allowing veterans pursuing a lawsuit the opportunity to learn all of the facts utilizing the rules of discovery, which would force the government to turn over all documents related to the 'secret wait lists' or other forms of fraud and/or neglect; and
3. providing accountability at every level of the VA as well as VA contractors. In addition to the threat of a lawsuit (which an employee would be required to pay out of his/her own pocket), an employee who falsified or destroyed records would be subject to immediate termination as well as the revocation of their pension. Currently, federal law provides that members of the military and intelligence officials who commit certain illegal acts may have their pensions revoked. The bill applies the same standard to those who would fraudulently deprive our veterans of medical care.

If there's even a chance that your legislation will help restore and reinvigorate the VA's five core values of: Integrity, Commitment, Advocacy, Respect and Excellence then we whole-heartedly offer our support, because our veterans deserve nothing less.

Notwithstanding everything previously outlined in this letter, I cannot overemphasize one crucial point, VA healthcare is a huge system, with millions of participants, countless medical centers and community based outpatient clinics worldwide and, like any large system, it will have problems. This is not to say that we shouldn't address those problems, but they shouldn't be unexpected either. Let's not forget too that problems, up to and including, preventable deaths, are not the exclusive domain of our VA hospitals either. In fact, the majority of our veterans receiving healthcare from the VA receive excellent, cutting-edge care and VA's approval rating is well above that of any civilian hospital.

Our support of this legislation then should not be taken as a desire to dismantle or replace our current VA healthcare system. The cultural and healthcare needs of our veterans are unique and go hand-in-hand in a holistic approach to the overall wellbeing of all American veterans and those needs are best served within the VA system. The basic framework for success is already in place; let's not throw out one of the premier healthcare systems in the world, in our haste to fix these current problems or to achieve any political goals.

We applaud this legislation which will help improve the healthcare our veterans need and deserve by:

#### **Providing Veterans with a Choice**

- If VA cannot schedule an appointment for a veteran within their wait time performance metrics or the veteran resides more than 40 miles from any VA medical center (VAMC) or Community Based Outpatient Clinic (CBOC), then the veteran can exercise their choice to receive care from the doctor or provider of their choice.

- All veterans enrolled for care at VA will receive a Choice card to allow them to receive care from a non-VA provider.
- Requires VA to abide by the Department of Treasury's Prompt Pay rule; to contract using Medicare prices; and any co-pay a veteran would pay to the VA would be paid to VA.
- This would be authorized for two years following VA's implementation of the program.

#### **Improving Transparency at VA**

- Directs VA to report to the Department of Health and Human Services the same patient quality and outcome information as other non-VA hospitals.
- Directs VA to post on each VAMC website the current wait time for an appointment and to improve their "Our Providers" link to include where a provider completed their residency and whether the provider is in residency.
- Directs VHA to provide veterans with the credentials of a provider prior to surgery.
- Directs VA to establish disciplinary procedures should an employee knowingly falsify data pertaining to wait times and quality measures.

#### **Providing for Change in VA's Culture**

- Prohibits VA from including how well VAMC and Veterans Integrated Service Networks (VISN) Directors meet VA scheduling metrics in their performance plans.
- Directs VA to consider reviews from the Joint Commission; the Commission on Accreditation of Rehabilitation Facilities; IG Combined Assessment Program reviews, CBOC reviews, and Healthcare Inspections; and the number and outcomes of administrative investigation boards, root cause analysis, and peer reviews in assessing the performance of VAMC and VISN directors.
- Makes clear that the above changes to performance plans also apply to other senior VAMC and VISN leadership.
- Includes the VA Management Accountability Act H.R. 4031/S. 2013 which passed by 390 – 33 in the House of Representatives. Provides the Secretary the authority to demote or fire Senior Executive Service employees based on performance.

AMVETS fully supports any legislation which eliminates inefficiencies within the VA or improves the care and services our veterans have earned through their service to this nation.

On behalf of the roughly 22 million American Veterans in the United States, we thank you for introducing, the Veterans Choice Act of 2014. Please feel free to call on me for assistance.

Sincerely,



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