

VA secretary testifies on 2017 reform legislation implementation

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U.S. Department of Veterans Affairs (VA) Secretary David Shulkin appeared before the Senate Committee on Veterans' Affairs at an oversight hearing on Jan. 17 to testify about the VA's progress with implementing reform legislation passed in 2017. Shulkin addressed a variety of concerns ranging from appeals reform and modernization to accountability.

In his opening remarks, Shulkin shared the VA's top five priorities. These include providing greater health care for veterans; modernizing VA's infrastructure, equipment and services; focusing resources based on what's most important to veterans; improving the timeliness of how the VA delivers its services; and preventing veteran suicide.

"A year ago, at my confirmation hearing before this committee, I testified that I'd seek major reform and transformation of VA," he said. "Thanks in large part to your leadership which helped us pass legislation in 2017, we're making progress on all five of those priorities."

Appeals reform and modernization

When asked how the VA plans to dissipate the backlog of appeals in the future, Shulkin said there is a lot of work to do as nearly 470,000 appeals still need to be resolved.

Immediately after the Veterans Appeals Improvement and Modernization Act of 2017 was enacted on Aug. 23, 2017, the VA initiated a new appeals system called the Rapid Appeals Modernization Program (RAMP). Shulkin said RAMP allows most veterans with pending compensation benefit appeals to participate, giving them the option to have their decisions reviewed in the higher-level or supplemental claim review lanes outlined in the new law.

RAMP is expected to be fully implemented by February 2019, according to Shulkin.

"We've actually started to make major improvements already," Shulkin said. "This year we are on track to do 81,000 appeals – that would be 30,000 more than last year. Just at this period right now in this fiscal year, we're at 21,000 appeals which is 10,000 more than this time last year. So, we're getting better and faster and we've brought on new staff."

"Secondly, we've begun to offer veterans now the choice, in their legacy appeals, to opt into the new process so they don't have to wait. This is the pilot process to the new project. Here's the good news, they're getting their decisions within 30 days and 75 percent of those decisions are going in favor of the veteran."

Shulkin said he hopes more veterans will make the switch as stakeholders, including veteran service organizations (VSOs) and Congress, trust the VA to do what it promised to do and in good faith.

“I hope the VSOs and agencies will do everything they can to disseminate the fact that our veterans, who have pending appeals, are given the option to opt and go into the modernized program,” Senate VA Committee Chairman Johnny Isakson said. “Those who have done so have gotten a response in 30 days. That is a light year’s improvement in terms of appeals and I commend you on what you started.”

Veterans Choice Program and community care

“Benefits are a gateway to VA services and we need benefit determinations to be simpler,” Shulkin said. “Veterans should know what to expect and have more predictability instead of having to endure the burden of filing claim after claim. Benefits should better enable a lifetime of independence and success for veterans, economic opportunity, physical and mental well-being and financial security for the severely disabled.”

According to Schulkin’s written testimony, more than 1.1 million veterans utilized the Veterans Choice Program in fiscal year (FY) 2017. An increase of about 35,000 Veterans from FY 2016.

“My objective, when it comes to health care for our veterans, is to have a fully integrated, interoperable and operationally-efficient system that’s easy for veterans, employees and community partners to navigate,” he said. “We need a consistent, seamless experience for veterans at every VA facility across the country.”

In October and November of 2017, the VA submitted the Veteran Coordinated Access and Rewarding Experiences bill to Congress. Shulkin said the department needs Congress to pass legislation that will give veterans a working system and meets or exceeds what the private sector has to offer.

“From health care to benefits, we have to fundamentally and holistically change our service delivery paradigm,” he said. “We need a national network of modern facilities that meets their changing needs of veterans locally. And we need a simple, convenient choice for eligible veterans among a network of high quality community providers in a consolidated program.”

Shulkin’s written testimony stated that the VA is continuing to make progress toward improving the delivery of community care for veterans. The VA believes that the future of community care should include the following tenets:

- Improve veterans’ choice of community providers in meeting their health care needs;
- Simplify veteran eligibility with a focus on veterans’ clinical needs;
- Pave the way for consolidation of all community care programs;

- Add convenient care benefits;
- Set timely payment standards;
- Include provider agreements with flexible payment rates that streamline how VA pays for care;
- Permit medical records sharing in the network when needed for veteran care; and
- Address clinical staffing shortages through expansion of graduate medical education, and by improving VA hiring and staff retention.

The American Legion believes a community care is a basic expectation for enrollees in VA's health care system. The Legion calls on Congress, according to Resolution No. 363, to enact legislation that will limit outsourcing and give the VA the authority to consolidate its multiple community care programs.

Forever GI Bill

The VA has taken significant steps since the Colmery Act was enacted more than five months ago, according to Shulkin's written testimony. As of Jan. 5, the VA has received and processed close to 600 applications and restored over 3,500 months of entitlement to students, granting them the opportunity to continue to pursue their academic goals. The VA will notify more than 500,000 Post-9/11 GI Bill beneficiaries by the end of this month, informing them that they no longer have an expiration date to use their benefits.

Shulkin said that the VA will stay committed to its ambitious outreach campaign to include targeted messaging and engagement to thousands of Purple Heart recipients, who starting Aug. 1, 2018, will be entitled to Post-9/11 GI Bill benefits at the 100 percent benefit level for up to 36 months, regardless of their time in service. The VA will also communicate to reservists and National Guard members on their expanded access to GI Bill benefits.

The VA remains steadfast in its effort to raise awareness of the Colmery Act's broad impact to Veterans and beneficiaries. "It's about greater opportunity, especially for veterans returning to communities to pursue careers and fulfill dreams," Shulkin said.

Suicide and mental health

Shulkin said reducing veterans' suicide is VA's top clinical priority. The VA has announced same-day services for primary care and mental health at every VA facility across the country, which includes extending mental health services to veterans with other than honorable discharges.

"When you take a look at where our highest risk for veteran suicide is, it's in several categories – homelessness and homeless veterans who don't have access to care," he said. "Our other than

honorable discharge veterans (are at) a higher risk as well because they don't have access to services. So, what we provided them with is an emergency mental health benefit."

According to Shulkin, VA has provided mental health services for about 3,200 veterans over the past 10 months. He said the department hopes those efforts will increase as more veterans are encouraged to seek help.

"All they have to do is show up," he said. "We're going to give them 90 days' worth of emergency mental health care (to make sure) we stabilize a crisis and get them in longer-term treatment if that's what is required."

Accountability

According to Shulkin's written testimony, the VA took expedient action to implement his new authority to hold employees accountable as required in the Accountability and Whistleblower Protection Act of 2017. Within weeks of the law's enactment, Shulkin said he made it his duty to ensure that both the VA and employees are held to the highest standards of performance, integrity and conduct.

VA'S Office of Accountability and Whistleblower Protection (OAWP), which was established in 2012, is protecting whistleblowers by utilizing its authority to place a temporary hold on personnel actions in cases where whistleblower retaliation is alleged or a disclosure is unresolved.

As of Jan. 8, Shulkin said OAWP has completed 77 investigations involving nearly 150 persons of interest. Its current inventory is 139 investigations and involves 228 persons of interest.

"Accountability and whistleblower protection is essential to our unwavering commitment to honoring veterans," he said. "It, too, is about sensible, responsive, modern systems that process and support people to make it better."

Future of the VA

Thanks to the passage of 10 bills that have all been signed into law, Congress has accomplished several important steps in 2017 to ensure veterans receive the care and services that they deserve. Those steps included:

- Ensuring veterans have access to timely care in their own communities;
- Improving accountability at the VA;
- Authorizing funding that will strengthen VA care;
- Improving veterans education benefits;
- Modernizing the outdated benefits claims appeals process at the VA;

- Reauthorizing more than 20 important veterans programs;
- Increasing veterans disability benefits based on rising costs of living;
- Allowing the VA to securely share opioid data with states;
- Streamlining the process for non-federal veterans job training programs; and
- Authorizing VA to contract with nonprofits to investigate VA medical centers.

“We have a long to-do list,” Isakson said. “Most importantly, making sure we pay back those who have given so much to our country – the veterans of the United States of America.”

Click [here](#) to watch the Senate VA committee hearing.