

## **VA&R Message Points**

### **Issue: LACK OF TRANSPARENCY AND ACCOUNTABILITY IN THE VA**

- Due to systematic failures in the VA, i.e. preventable deaths, delays in providing timely and quality health care and VA's failure to adjudicate claims in a timely manner, The American Legion supports the Veterans Access, Choice, and Accountability Act of 2014.
- The American Legion strongly believes VA is system worth saving, and has confidence that the new VA secretary now armed with fresh legislation backed by The American Legion will help fix what was once the best health care system anywhere.
- The American Legion's veterans town hall meetings and Veterans Crisis Command Centers staged across the country have helped thousands of veterans get face to face with VA employees to schedule health care and apply for benefits.
- To this end, The American Legion is committed to ensuring all veterans receive the benefits they rightfully earned as a result of their military service.

### **Issue: MEDICARE REIMBURSEMENT**

#### Message Points:

- The Veterans Health Administration (VHA) continues to seek other revenue streams to supplement annual federal appropriations.
- VHA is authorized to bill, collect and retain payments from enrolled veterans and their health insurance insurers for inpatient and outpatient care, outpatient medications and long-term care services, except Medicare.
- Medicare is a prepaid, federally mandated health insurance program for all eligible Americans.
- Medicare-eligible veterans should have the same opportunity as every other Medicare participant, to use their Medicare coverage in the health plan of their choice.

- Veterans pay into Medicare their entire working lives and should not be penalized because they choose to have their care in VA, which is a system designed to meet their unique health care needs.
- The Indian Health Service has demonstrated the ability to bill and collect Medicare Reimbursement.
- The American Legion seeks to amend Title 18 of the Social Security Act, to allow Medicare Reimbursement for VA on a fee-for-service basis for the treatment of non service-connected medical conditions of enrolled, Medicare-eligible veterans.
- Enrolled, Medicare-eligible veterans should be authorized to participate in the Medicare Advantage option by choosing VA as their primary health care provider.

### **Issue: CLAIMS BACKLOG**

#### Message Points:

- The American Legion is concerned about a proposed rule to standardize claims and appeals forms as we want to ensure that standardization does not do harm to any claimant.
- The American Legion urges all eligible veterans to use the Fully Developed Claim Process when possible. The FDC process can sever the wait time by 120 days.
- The American Legion urges Congress to extend the presumptive period for service connection for Gulf War Veterans with undiagnosed illness.
- The American Legion urges VA to continue to research the adverse effects of veterans with exposure to Agent Orange and other herbicides. For those veterans suffering from medical conditions that are related to herbicide exposure, we insist those claims be added to the existing list of presumptive conditions associated with herbicide exposure.
- The American Legion support legislation that VA include as part of the Republic of Vietnam, for purposes of the presumption of service connection for diseases associated with exposure by veterans to certain herbicide agents while in

Vietnam, such Republic's inland waterways, ports, harbors, waters offshore, and airspace.

- The American Legion urges VA to conduct an epidemiological study of the long-term health outcomes of veterans that were “Blue Water Navy,” compared to their brown water and ground troop counterparts to evaluate “Blue Water Navy” veterans’ current illnesses and injuries that may have manifested to herbicide exposure.
- The American legion urges DoD & VA to allow Department Service Officers to participate in the Transition Assistance Programs at all military installations.
- The American Legion will continue to press the VA to reach the Secretary’s 2015 goal of no claim older than 125 days and accuracy of 98 percent. Currently, as of 8 September 2014 the Veterans Benefits Administration (VBA) has 540,133 claims pending with 263,741 pending over 125 days. This number does not reflect claims in the appeal status, which can add years to processing of the claim. If one is to consider all claims currently pending within VBA, there are over 1.6 million claims awaiting adjudication, according to the September 2014 report.
- The American Legion urges VA to develop a work credit system that places more weight on the accuracy of claims decisions rather than the present system which rewards the number of claims processed.
- The American Legion also urges VA’s work credit system adequately applies negative credit to work found to be in error, whether by decision overturned on appeal, through internal reviews within the VA, such as the Systematic Technical Accuracy Review (STAR), or by other means that are applicable.

## **Issue: VETERANS CRISIS COMMAND CENTER**

### Message Points:

- The American Legion's National headquarters staff, National Veterans Legal Services Program (NVLSP) personnel, accredited representatives, grief counselors, and VA personnel, to include Vet Centers have been setting up various Veterans Crisis Command Centers (VCCCs) around the nation to respond to the needs of veterans and family members affected by the extensive VA wait times. As the nation's largest veterans service organization, it is essential that we provide the tools and resources necessary to assist affected veterans and family members.
- Upon arrival, a town hall meeting will be conducted at a local American Legion Post. The forum is designed to discuss how the VA is attempting to correct its failures and how to ensure these failures are never repeated. Additionally, national headquarters staff have asked veterans and family members how VA is attempting to rectify their mistakes.
- Services provided include: assistance with VA Healthcare, VA Benefits, and Counseling. Accredited representatives have been available to assist veterans with enrolling in VA healthcare, and scheduling appointments. American Legion and National Veterans Legal Services Program accredited representatives collaborated with Veterans Benefits Administration representatives to assist veterans in filing claims for compensation and veterans have been awarded more than \$850,000 in retroactive payments as of September 2014.
- Since June 2014, The American Legion's collaboration with the Department of Veterans Affairs at Veterans Crisis Command Centers (VCCCs) have assisted more than 2,500 veterans in Phoenix, AZ; Fayetteville, NC; El Paso, TX; Fort Collins, CO; St. Louis, MO; Baltimore, MD; Clarksburg, WV; Charlotte, NC; Honolulu; and Harlingen, TX. The American Legion will conclude the last VCCC in White City, OR.

## **Issue: Restoring Veterans Trust**

### Message Points

With the passage of the Veteran Access, Choice and Accountability Act of 2014, this is the first step in VA moving beyond the crisis and start restoring veterans trust in the VA health care system. As the VA comes out of the crisis, The American Legion needs to move beyond the Veteran Crisis Command Centers, but continue to ensure our nation veterans and their families receive the benefits they have earned. To this end, on September 29, 2014 through October 2, 2014, the American legion national headquarter staff along with VA staff will host the fist of 12 Veterans Outreach Centers (VOC) across the country throughout the next 12 months. The first VOC will be held at the Washington, DC VA Medical Center. The remaining 11 locations will be determined at a later date.

## **Issue: TRAUMATIC BRAIN INJURY (TBI) AND POST TRAUMATIC STRESS DISORDER (PTSD)**

### Message Points:

- The American Legion has continued to be concerned with the unprecedented numbers of veterans returning from the Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF) and Operation New Dawn (OND) with Traumatic Brain Injury (TBI) and Post Traumatic Stress Disorder (PTSD), which have been called the “signature wounds” of these conflicts.
  
- The American Legion convened a TBI and PTSD Committee in 2010 “*to investigate existing science and procedures and alternative methods for treating TBI and PTSD.*”
  
- During the three year study, the committee held six meetings and met with leading authorities in the DoD, VA and personally interviewed veterans.
  
- The TBI and PTSD Committee found:
  - Most of the existing research for the last several years has only validated the current evidence-based treatments

- Those treatments are defined by DoD/VA's Joint Clinical Practice Guidelines as – cognitive processing therapy, prolonged exposure therapy and antidepressants.
  - There seems to be no fast track mechanism within DoD/VA for employing innovative or novel therapies in a standardized way.
  - While a number of VA Medical Centers offer some sort of Complementary and Alternative Medicine, it is not offered in any uniform or consistent manner within DoD or VA's 152 VA Medical Centers across the country.
- The TBI and PTSD Committee recommended:
- Congress provide oversight and funding to DoD/VA for innovative TBI and PTSD research currently being used in the private sector, such as hyperbaric oxygen therapy, virtual reality exposure therapy and other non-pharmacological treatments.
  - Congress increases the budgets for DoD/VA to improve the research, screening, diagnosis and treatment and direct DoD/VA to develop joint offices for collaboration between DoD/VA Research.
  - DoD/VA accelerate research efforts to properly diagnose and develop evidence-based treatments for TBI and PTSD
- The American Legion believe that all possibilities should be considered in the attempt to find treatments and cures for these conditions affecting significant numbers of veterans, including alternative medicine. And, if shown to be effective, these treatments and cures should be made available to all veterans. The American Legion has created a permanent TBI and PTSD committee to continue to build upon our knowledge and understanding of TBI and PTSD and to provide Congress, DOD and VA with the data and recommendations they need to effectively treat veterans.

### **TBI and PTSD Survey**

- The American Legion decided to conduct a TBI and PTSD veteran survey to evaluate the efficacy of their TBI and PTSD care and treatments that they are

receiving and to see if they are benefiting from Complimentary and Alternative Medicine (CAM) treatments.

- The American Legion partnered with researchers from the Data Recognition Corporation (DRC) in Washington, D.C. to develop and evaluate the survey. The survey ran during the month of February 2014 with 3,116 veterans completing the survey.
- The survey questions included: veteran, gender, era, of service, number of times deployed, veterans diagnosis, access, treatments, therapies, and medications, complementary and alternative medicine, efficacy of treatments, and if there were any side effects.
- The survey will be used as a tool to advise the Administration, Congress, DoD, and VA on what treatments and therapies are working well for veterans.
- We always measure how fast a veteran gets into care (access) but what we also wanted to do was to measure if current treatments for TBI and PTSD were working and if veterans and caregivers were satisfied with their care that they were receiving.

#### *TBI and PTSD Veteran Survey results:*

The survey focused on *four* key areas:

- Type of treatments that veterans received
- Access and availability of complementary and alternative medicine (CAM) treatments and therapies
- Perceived benefits of treatments and therapies (if veterans symptoms improved or have declined)
- Early termination of treatments and the reasons

- It appears that medications are still the front-line medical treatment and that some respondents indicated that they were taking up to **10** prescriptions for their TBI and PTSD symptoms.
- Respondents claimed that they had limited change following their treatments for TBI and PTSD. The survey also highlighted the several types of PTSD and TBI treatment and therapies that patients were receiving.
- Nearly half of the people who have taken the survey have stated that they have spoken to their provider about CAM and that providers have endorsed several of them such as meditation, relaxation, and stress reduction therapies.
- *Fifty-nine percent* of the respondents reported either feeling no improvement or worse after undergoing treatments for their TBI and PTSD symptoms, and *thirty-percent* of all respondents have terminated their treatments for their TBI and PTSD prior to completing them.
- Termination factors included lack of improvement, side effects, dissatisfaction with provider, frustration at the lack of progress, belief that they can effectively treat themselves, time burden required for treatment, distance to treatments, and stigma of receiving mental health treatments.
- There are a number of patient specific reasons why treatment does not have intended impact such as:
  - Patients were unable or unwilling to comply with treatments
  - Patients were unmotivated to participate in treatment or follow through on treatment activities
  - Patients expressed distress associated with recounting trauma which initially resulted in worsening symptoms which led to premature termination.



## **TBI and PTSD Symposium**

- The TBI and PTSD symposium titled “*Advancing Care and Treatments for Veterans with TBI and PTSD*” was sponsored by Military.com on Tuesday, June 24<sup>th</sup> at the Institute of Medicine at the National Academies of Science, 500 5<sup>th</sup> Street NW, Washington DC.
- The audience for the symposium was members from the TBI and PTSD Committee, American Legion National and Department leadership, Departments of Defense and Veterans Affairs researchers, clinicians, and policy makers, academia, and the private sector.
- Each of the panels was moderated by PNC Bill Detweiler in which staff from DoD, VA, Academia, and the private sector discussed TBI and PTSD research and policy implementation, complementary and alternative medicine integration, and caregiver programs within the Departments of Defense and Veterans Affairs.

The purpose of the symposium was to:

1. Discuss the findings and recommendations from the TBI and PTSD Survey conducted in February 2014;
2. Hear directly from servicemembers, veterans and caregivers on their TBI and PTSD treatment and care and;

Determine how the Administration, Congress, DoD, VA are integrating complementary and alternative treatments and therapies into the existing health care models for veterans with TBI and PTSD.

## **Issue: VA Reform**

### Message Points:

- Public Law 113-146, the Veterans Access, Choice, and Accountability Act (VACAA) of 2014, was signed into law on August 7, 2014 in order to improve access to veterans to medical services from the Department of Veterans Affairs, and for other purposes.
- VACAA increases veterans' access to health care in the wake of the Veterans Affairs scandal, allowing veterans to obtain health care at non-VA facilities if they live more than 40 miles from a VA clinic or can't get an appointment at a VA clinic within 30 days.
- VACAA also increases the VA's capacity to provide services by providing expedited authority to hire more doctors and nurses and authorizes leases for the opening of 27 new VA health facilities.
- In an effort to promote greater accountability, VACAA authorizes the VA secretary to fire or demote VA Senior Executive Service employees based on their performance or misconduct.
- The American Legion supported VACAA through Resolution No. 14: Department of Veterans Affairs Accountability and Resolution No. 46: Department of Veterans Affairs (VA) Non-VA Care Programs.

## **Issue: VOLUNTEERING**

### Message Points:

- The American Legion is an organization of wartime veterans dedicated to service of the community, state and nation.
- Service does not end when we take the uniform off.
- Veterans can continue their service in the community as an American Legion volunteer.
- The American Legion is a staunch supporter of the Department of Veterans Affairs Voluntary Service (VAVS) Program, the largest volunteer program in the federal government.
- As of September 10, 2014, there are over 7,461 regularly scheduled volunteers and who serve veterans in VA Medical Centers, Clinics, Vet Centers, Fisher Houses and State Veterans Homes across the nation.
- The regularly scheduled volunteers contributed 583,760 hours and occasional volunteers contributed 41,515 hours. Their combined service adds up to over 625,275 hours which is valued at over \$1.4 million in savings to the federal government.
- Volunteering to support America's veterans and their families is what The American Legion has done since our founding in 1919 and the proud tradition we carry on today.
- The American Legion contributed 856,960 hours which is 143,040 short of the 1,000,000 hour goal and had 7,857 volunteers, which is 1,143 short of the 9,000 volunteer goals. The monetary value, based on the Independent Sector's Value of Volunteer Time, is \$19,324,448. Since we did not reach the 1,000,000 hourly goal that was established, we will be re-evaluating the goal to come up with a more realistic number.
- To register, please visit any VA Medical Center's Voluntary Service Office.