



Chairman Mike Bost
352 Cannon House Office Building
Washington, D.C. 20515

Ranking Member Mark Takano
2078 Rayburn House Office Building
Washington, D.C. 20515

Letter of Support for H.R. 740, the Veterans' ACCESS Act

Dear Members of the House Committee on Veterans Affairs,

On behalf of Concerned Veterans for America, **we write to reaffirm our support for H.R. 740, the Veterans' ACCESS Act, and urge you to advance the legislation in this week's Committee markup hearing.** The Veterans' ACCESS Act would address historical failures of the Department of Veterans Affairs (VA) to put veterans first by offering them the care choices they have earned.

Why the Veterans' ACCESS Act is Needed

During his first term, President Trump expanded millions of veterans' treatment options by signing the VA MISSION Act. Unfortunately, the VA has historically failed to faithfully carry out the letter or spirit of the MISSION Act, making additional Congressional action necessary. Evidence obtained via Freedom of Information Act (FOIA) requests revealed that VA internal guidance directly undermined MISSION Act implementing regulations covering community care access.¹ The Veterans' ACCESS Act can correct these shortcomings and foster greater accountability for the VA in carrying out its mission.

FOIA-obtained VA training documents show the VA prioritized driving veterans toward seeking treatment at VHA facilities regardless of their individual preferences. The documents recommended that staffers not inform veterans of their community care eligibility during scheduling unless veterans directly asked about community care.² VA call scripts even suggested that schedulers actively dissuade veterans from choosing community care options when requested.³

The agency also systematically manipulated wait time measurements to limit community care access. The MISSION Act's implementing regulations direct the VA to measure wait times for the purpose of community care eligibility from a veterans' date of request for an appointment to the date he or she receives care.⁴ The VA ignored these regulations and instead used obsolete "patient indicated date" (PID) metrics from over a decade ago to calculate wait times.⁵ PID measurements artificially reduce the appearance of wait times on paper and have been criticized by the Government Accountability Office

¹ "Records confirm VA's use of inaccurate wait time numbers," *Americans for Prosperity Foundation*, October 1, 2021.

<https://americansforprosperity.org/blog/records-confirm-va-inaccurate-wait-time-numbers/>

² "Unless the patient requests to review their other eligibility, no additional [community care] eligibility is required to be reviewed other than wait time." See: "Standard MISSION Act Guidance: Patient Eligibility and Scheduling Reference Sheet," *Department of Veterans Affairs*, October 28, 2020, pg. 2.

<https://americansforprosperity.org/wp-content/uploads/2021/09/03-Mission-Act-Guidance-Oct.-2020.pdf>

³ "Referral Coordination Initiative Implementation Guidebook," Veterans Health Administration, *Department of Veterans Affairs*, March 10, 2021.

<https://americansforprosperity.org/wp-content/uploads/2021/09/Referral-Coordination-Initiative-Guidebook.pdf#page=62>

⁴ CFR § 17.4040

⁵ See examples of VA training materials using PID wait time measurements in: "More Evidence the VA is Improperly Delaying or Denying Community Care to Eligible Veterans," January 28, 2022, *Americans for Prosperity Foundation*, <https://americansforprosperity.org/blog/va-denying-delaying-care/>

for being too subjective and prone to manipulation.⁶ As a result, tens of thousands of veterans have been cut off from the care options they are legally entitled to in jurisdictions across the country.⁷

Current VA leadership is exercising a greater commitment to following through on the MISSION Act, but Congress must act now to ensure that the law protects veterans' access to quality and timely care choices, regardless of who is in office.

The Veterans' ACCESS Act Protects and Expands Veterans' Health Care Choices

First, the Veterans' ACCESS Act codifies community care access standards, providing veterans certainty about their future treatment options. Putting access standards into statute increases their enforceability, making community care implementation less vulnerable to the political whims of VA leadership. The Veterans' ACCESS Act still leaves Congress the flexibility to consider periodic VA recommendations for updating access standards as well.

Secondly, the Veterans' ACCESS Act **prioritizes** veterans' needs when **they seek** care. The bill requires that the VA notify veterans of their community care eligibility during scheduling. The legislation also ensures the VA and veterans alike have accurate, public wait time information, requiring measurements to start from the veteran's date of request for an appointment. Additionally, the bill directs a plan to create an online self-scheduling and appeals portal to reduce the amount of time veterans have to spend on the phone.

Finally, the legislation will prioritize veterans' access to urgently needed mental health care and substance use treatment. The Veterans' ACCESS Act creates a three-year pilot program allowing veterans to access outpatient mental health or substance abuse treatment services from community providers without pre-approval. Giving veterans the ability to use their benefits either at a VA facility or a community care provider without complicated pre-approval steps, also known as "full choice," would be a major step forward in reimagining how to deliver health care to our veterans, maximizing their power to seek the treatment that best meets their needs. In doing so, the bill will save lives by shortening the distance between crisis and treatment for tens of thousands of veterans affected by mental health and substance use.

Veterans deserve the ability to access timely and quality health care, whether delivered through VHA facilities or in the communities where they live. President Trump previously demonstrated his commitment to our nation's veterans through the VA MISSION Act. The Veterans' ACCESS Act will ensure the will of Congress and the President are carried out. **For these reasons, we urge you to support H.R. 740, the Veterans' ACCESS Act, in this week's Committee markup hearing.**

Sincerely,

A handwritten signature in blue ink, appearing to read "John Vick", with a stylized, cursive script.

John Vick
Executive Director | Concerned Veterans for America

⁶ Comptroller General Gene Dodaro to Secretary Denis McDonough, *U.S. Government Accountability Office*, May 10, 2021. <https://www.gao.gov/assets/720/714332.pdf>

⁷ "Delayed and Denied Care," *Concerned Veterans for America*, February 2022. https://cv4a.org/wp-content/uploads/2022/02/22_298900_VAPolicyBriefingHandout.pdf