

**House Committee on Veterans Affairs**  
***Legislative Hearing on 27 Bills***  
**Mr. Dan Goldberger, CEO, electroCore Inc.**  
**March 17<sup>th</sup> 2026**

Mr. Chairman, Members of the Committee, thank you for the opportunity to contribute to this important discussion on the VA National Formulary Act. We commend the Committee's commitment to improving the provision of quality products to veterans to ensure that they can continue to lead active, healthy lifestyles, and fully benefit from participation in their communities across the country.

My name is Dan Goldberger. I am the CEO of a small publicly traded company called electroCore that manufactures a range of prescription only, non-invasive vagus nerve stimulation devices widely used across the Veterans Health Administration. Indeed, we are proud to say that we are currently used in approximately 195 Veterans Administration Medical Centers nationwide.

These handheld, non-invasive, neurostimulation devices are used to treat fibromyalgia, as well as migraines and cluster headaches, through the Quell and gammaCore ranges, respectively. Taking gammaCore as an example, treatment is self-administered when an individual places the applicators on the vagus nerve on the neck and turns on the device. Patients experience a tingling sensation for the two-minute treatment duration, and treatment can take place as many times a day as desired. Sustained product use has seen patients experience relief from the onset of cluster headaches and migraines, as well as improved mood and sleep.

I am also proud that all our products are non-opioid based. The devastating impact of opioids on communities across the country unfortunately needs no introduction. As you know, veterans have suffered from poor health and a lower overall quality of life at higher rates than the average population, due in part to the effects of the intense physical activity required by their time in active duty. We commend the Veterans Administration and the Committee for their continued focus to improve the availability of non-opioid products that provide positive health outcomes and a greater quality of life for veterans who have given so much to this country.

electroCore's medical products are made available to veterans through Prosthetics and Sensory Services (PSAS). After a qualified medical provider exercises her or his judgement to write a prescription, it is then fulfilled by a PSAS employee. The veteran then receives the device, can get relief from debilitating pain, and can participate in their communities.

Unfortunately, we have experienced a problem where PSAS chiefs and representatives have chosen to not fill or to suspend these prescriptions - without consultation with patients or their physicians. This obstruction results in the denial of care, frustration, and the misapplication of federal resources, in direct violation of CFR 38 Part 17.

In 2024, electroCore began receiving notice that non-clinically trained prosthetics agents were denying new doctors' prescription orders for electroCore's products, as well as suspending physicians' historic prescription orders for the product. These refusals to follow physician orders have led to veterans being denied access to the product, and being actively taken off gammaCore and Quell, respectively. Reasons for denials, if given at all, tend to focus on prosthetics agents' assessment that our products did not meet "medical necessity" requirements. The reasons given also tend to include recommendations that the veteran use an alternative product, such as pharmaceuticals or a TENS unit off label.

While an off label recommendation by PSAS is in violation of CFR 38 Part 17 in itself, it is also actively dangerous for veterans given what it represents; namely, that a veteran should use a medical device for reasons not clinically recommended by the FDA. While a TENS unit is excellent for certain purposes, its indications for use specifically state that it is inappropriate for use above the shoulders. We have seen PSAS recommend that a TENS unit be used on the vagus nerve in the neck, as a substitution for gammaCore.

That PSAS employees would dispense such incorrect advice is not surprising in itself. PSAS employees have not received medical training, and as such cannot make decisions about appropriate treatment options for veterans. Indeed, CFR 38 Part 17 explicitly states that "*prosthetics representatives [must] give deference to the prescription written by a VA health care provider, or an authorized non-VA health care provider*" for products prescribed under "*direct and active component standard in §17.3230(a)*". electroCore's products are prescribed under this "*direct and active component standard,*" and as such, prescription authority resides solely with the VA qualified medical provider.

We commend the efforts of the Committee, as well as their counterparts in the Senate, in identifying this issue and working to resolve it. To that end, I would like to highlight H.R. 6580 – VA National Formulary Act – as a substantive set of measures to end this practice among PSAS employees; especially with the addition of a provision to ensure all medical devices on FSS contract be allowed to be prescribed by medical professionals as per the FDA label for each device, or what is deemed in the best interest of the patient by the provider, to ensure all veterans achieve the same great care regardless of the VA and medical provider they trust their with their health. This would be of tremendous assistance to our nation's veterans.

Mr. Chairman, Members of the Committee, I believe that the advancement of this legislation into statute will make significant steps toward improving access to equipment of all kinds dispensed through Prosthetics and Sensory Services, enabling veterans to obtain the assistance they need to live healthy and fulfilling lives.

Through its non-opioid based products created to treat debilitating conditions, electroCore stands ready to support this Committee to deliver this mission for those who have given so much to this country – our veterans.

Thank you for your time and leadership on this critical issue.