House Committee on Veterans Affairs
Legislative Hearing on 27 Bills
Mr. Michael Fox, CRO, ProMedTek Inc.
March 17th, 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 Mike Fox. I am the Chief Revenue Officer at ProMedTek. Our company manufactures a prescription short wave diathermy device, Replexa+, which is widely prescribed across the Veterans Health Administration. Indeed, we are proud to say that we have been on FSS contract for over 10 years. Replexa+ has been prescribed to over 20,000 veterans by over 2000 healthcare providers in over 90% of VHA Medical Centers nationwide.

The non-invasive, short wave diathermy devices are used by patients outside of clinic to treat debilitating chronic pain. Most veterans treated with Replexa+ have been living with chronic pain for greater than 6 years with average pain scores of 7+/10 prior to prescription of our product. Treatment is easily self-administered aby the patient. Simply place the applicator pad on the body part experiencing pain location, turn on the device, and push the start button. Treatment is preset in the device for a 30-minute session and is recommended twice per day. Sustained product use has seen 96% of patients experience positive outcomes.

Replexa+ is listed on FSS as a rental device. The average treatment therapy length to achieve a positive outcome for all patients is 4.5 months – meaning that cost to the VA is significantly lower than competitors operating on a purchase-only model. Each rental month paid is credited towards the 9-month lifetime rental cap. When a patient attains 9 months of Replexa+ rental, the device is acquired by the patient. We operate within this rental model for one simple reason: the VA and taxpayers should not pay for treatments beyond their relevant use and should be capped to prevent long-term financial costs to the VA.

I am 100% aligned with the VA mission to reduce the high utilization of opioid and chronic pain medications over the long term. The damaging impact of opioids on communities across the country unfortunately speaks for itself. Veterans have been forced to endure 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 thank the Veterans Administration and the Committee for their continued focus to improve the availability of non-opioid, non-pharmaceutical option products that provide positive pain reduction outcomes and a greater quality of life for veterans.

Replexa+ is made available to veterans through Prosthetics and Sensory Services. After a qualified medical provider exercises their medical judgement to write a prescription, it is then fulfilled by a prosthetics employee. The veteran then receives the device, can get relief from debilitating pain, and can regain an active role in their in their families and communities.

I must report that we have experienced problems where select prosthetics chiefs and agents have chosen not to fill or have denied prescriptions of Replexa+ without physician knowledge or approval. This obstruction results in the denial of care, frustration, and the misapplication of federal resources, in direct violation of CFR 38 Part 17. Bottom line, patients are not being provided with the device prescribed by a medical professional due to the actions of a non-medically trained, licensed, or healthcare capable VA employee.

In 2024, ProMedTek began receiving notice that non-clinically trained prosthetics agents were denying doctors' prescription orders for Replexa+, 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 Replexa+. Reasons for denials, if given at all, tend to focus on prosthetics agents' assessment that our product is "too expensive" or "not medical necessity". The reasons given also tend to include recommendations that the veteran use and fail an alternative product first, such as pharmaceuticals or other devices not shown to be effective for chronic pain.

While preventing or denying a prescription by a licensed medical professional for a product on FSS contract that is being utilized within FDA label by prosthetics 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 is being denied care, as prescribed by their medical provider for chronic pain, who must now seek other sources of pain relief, such as additional and higher doses of pain medications and other drugs.

We all know that PSAS employees are not medically trained, and as such should never make any medical 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)"*. Replexa+ is prescribed under this *"direct and active component standard,"* so prescription authority resides solely with the VA licensed medical provider.

We thank you for 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, to ensure all veterans achieve the same great care regardless of 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.

ProMedTek 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.