

**STATEMENT OF
THE HONORABLE JACKIE WALORSKI
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BEFORE THE
SUBCOMMITTEE ON HEALTH
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES**

March 29, 2017

Good morning Chairman Wenstrup, Ranking Member Brownley and members of the Committee. I appreciate being given the opportunity to discuss the VA Scheduling Accountability Act.

First, I would like to thank Chairman Wenstrup and Ranking Member Brownley for holding this hearing and allowing me to testify on the reintroduction of this important legislation. In 2014, news reports uncovering gross mismanagement and scheduling manipulation at a Department of Veterans Affairs (VA) hospital in Phoenix shook us to the core. Through hearings held in this committee and investigations by the VA Office of Inspector General (OIG) and Government Accountability Office (GAO), we substantiated many of the allegations of manipulated schedules and falsified wait-time data at the Phoenix facility. The manipulation of appointment schedules and data in Phoenix led to at least 40 veterans dying while they were waiting for care. However, three years after this tragedy VA is still plagued with facilities unable to get their act together when it comes to scheduling appointments. Earlier this month the OIG released yet another report that identified flaws in the scheduling system still used by VA facilities nationwide. Instead of owning up to the problems that continue to prevent veterans from getting timely care they need, the new Secretary disputed the findings of inaccurate wait times. We need to let the VA know that we will never give up in holding their feet to the fire. That is why I reintroduced the VA Scheduling Accountability Act.

VA Directive 2010-027 is VA's implementation processes and procedures policy for scheduling at their facilities and contains 19 different items on the checklist. The directive requires an annual certification of full compliance with all items on the list. For instance, facilities are required to conduct an annual audit of the timeliness and appropriateness of scheduling actions and the accuracy of desired dates. They are also required to ensure that deficiencies of competency or performance that are identified by the audit are effectively addressed.

An August 2014 OIG report uncovered that in May 2013, the then-Deputy Under Secretary for Health for Operations Management waived the FY 2013 annual requirement for facility directors to certify compliance with the VHA scheduling directive. Allowing facilities to only self-certify reduced oversight over wait time data integrity and compliance with appropriate scheduling practices. This, in turn, allowed VA's data to be easily manipulated, contributing to the wait time scandal. While the VA has reinstated the certification requirement, there is nothing stopping them from waiving it again.

The VA Scheduling Accountability Act would codify into law that each facility director is required to annually certify compliance with the scheduling directive, or any successor directive that replaces it, and would prohibit any waivers in the future. Should a director be unable to certify compliance, either because the facility is not in compliance or the director refuses to sign the certification for some other reason, the director must submit a report to the Secretary explaining why the facility is out of compliance. The Secretary will then report yearly to the House and Senate VA Committees with a list of facilities in compliance and those that are not, with an accompanying explanation as to why they were not in compliance. To incentivize a facility's compliance, there is a provision that allows the VA Secretary to revoke an award or

bonus for not complying. Lastly, the legislation requires that any time VA waives or allows noncompliance with requirements in any other directive or policy beyond scheduling, VA must provide a written explanation for the decision to the House and Senate Veterans' Affairs Committees. This will provide more oversight of the Department and ensure Congress is aware when VA is waiving these policies.

We need this legislation in order end the reckless practice of avoiding compliance. I look forward to working with the members of this Committee, and Veteran Services Organizations in addressing this critical issue. I thank you again for this opportunity to testify today.