



BLINDED VETERANS ASSOCIATION

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TESTIMONY of the BLINDED VETERANS ASSOCIATION
BEFORE The SUBCOMMITTEE on HEALTH,
HOUSE COMMITTEE on VETERANS' AFFAIRS
September 26, 2017

Introduction

Thank you, Chairman Wenstrup, Ranking Member Brownley and members of the Health Subcommittee, for the opportunity to participate in this hearing. The comments that follow are submitted on behalf of the Blinded Veterans Association, (BVA) the only Congressionally chartered veteran service organization (VSO) exclusively dedicated to serving the needs of blinded veterans and their families. There are several significant pieces of legislation under consideration at this hearing, and we appreciate the opportunity to comment on them. Our comments will focus on three bills in particular: H.R.93; H.R.2225; and H.R.2327.

H.R. 93

Approximately 400 of BVA's current members are female veterans. Most of these veterans are enrolled in the VA healthcare system. Many of them have reported experiencing significant hardships due to the lack of gender-specific medical services at the clinic where they receive their healthcare. These veterans sometimes face insurmountable barriers due to the lack of transportation options that would enable them to get to an alternate facility where gender-specific treatment is available. We, therefore, applaud the introduction of H.R. 93 and would welcome the assistance it could bring to some of our female members.

H.R.2225

Many members and staff of the Blinded Veterans Association, including this writer, have experienced firsthand the benefits a well-trained dog can provide to a person with a disability. Those benefits can be life changing. Therefore, we welcome efforts that will give veterans with other disabilities opportunities to experience similar benefits. Although we believe the sponsors of H.R.2225 intended to design a program that could provide such opportunities to veterans who struggle with PTSD, we are concerned that the effectiveness of the pilot it seeks to establish could be undermined by numerous shortcomings in the program's design. There are a number of questions crucial to the effectiveness of this program that this legislation leaves unanswered. First, although the bill directs the Secretary to enter into contracts with entities "certified in the training and handling of service dogs," it does not specify what certification will be acceptable. We believe this is an important oversight that should be clarified. Working with quality training entities from the beginning will give this program a greater chance for success. Since other programs administered by the VA to support service dogs and their handlers require that the dogs be trained by entities with ADI or IGDF certification, we would be much more favorable to this legislation if it further specified that the entities participating in this program must be ADI certified. Alternatively, standards could be specified related to the training methodologies, facilities, and dog care practices expected of the contracting entities. This would give

the VA some criteria by which to evaluate entities seeking to participate in the program, and determine whether they are likely to produce the desired results.

Another key aspect of this pilot that this bill fails to consider adequately involves the dogs. It seems to us that one of the criteria contractors should be evaluated on is their ability to provide dogs that are likely to be successfully trained to assist veterans appropriately. The formal training is only one factor in determining that success. How will the dogs be prepared for participation in this program? For that matter, this legislation does not even discuss provision of the dogs. Is it assumed that contractors will provide dogs ready and available for training?

With regard to the training itself, there is no mention of what tasks veterans will train dogs to do, or what tasks the dogs will be trained to perform, by participating veterans, as part of their therapy. This is a crucial omission, if the intended result is to have trained dogs that could be placed with other veterans as working service dogs. Activities that can provide veterans with high quality therapy may not necessarily also produce well-trained dogs that can be placed with other veterans and serve them as service dogs. We believe that all of these issues should be addressed in order to provide the VA with the greatest chance of designing a successful program. The training itself should be designed in a manner that minimizes obstacles and maximizes its chances of success. To do this, guidelines as to what the VA should look for in training entities should be provided. The VA is not currently involved in service dog training, so leaving such matters unspecified creates risk of unintended consequences, missteps by the VA and ultimately, design flaws that undermine the program's ability to achieve its goal of serving veterans. It also undermines the department's ability to assess the effectiveness of the program in mitigating the veterans' disabilities.

It is also unclear whether this legislation anticipates that the veterans who receive training will then be utilized as trainers by the contracting entity during the pilot, or whether it anticipates an additional phase of the program, established in the future, to give these veterans an opportunity to utilize their newly-acquired skill. Further there are no criteria here for the placement of dogs with other veterans, and the nature and scope of follow-up services that will be provided to them in order to insure their long-term success after training.

The premise behind this bill, that giving veterans a practical means of helping other veterans could restore the mental health of the helpers, while assisting additional veterans, is laudable. However, we are concerned that the program, as currently designed, is fraught with myriad opportunities for things to go wrong that could undermine the program's chances for success. It will also be difficult for VA to assess the effectiveness of this program. We applaud the intent to get help to veterans as quickly as possible in order to try to avert crises that could otherwise occur, and we acknowledge the possibility that this help could come in the form of a partnership with an animal begun through a program such as this, we worry that the concern for creating those partnerships as soon as possible could undermine the success of those partnerships long-term. That being said, we would welcome an opportunity to work with the offices of Rep. Stivers and Rep. Walz, and other co-sponsors of this legislation, to address these issues. It is our hope that the concerns that we believe currently undermine the effectiveness of this bill can be remedied, so that a program that gives additional veterans access to the benefits of partnership with service dogs will follow.

H.R. 2327

There are many aspects of this bill that the Blinded Veterans Association both welcomes and supports. However, once again, we have several questions and serious concerns about the feasibility of the project, as set forth in this legislation.

First, the general concern we have is with the offset being proposed to fund this pilot. It is our understanding that VA's Office of Human Resources is currently under staffed. Additionally, Secretary Shulkin has been talking about department-wide efforts to ramp up recruitment of personnel to deal with shortages of medical personnel throughout the VA healthcare system, particularly within the mental health field, whose professionals provide much-needed services to the same veterans the authors of this bill are trying to help. We wonder what impact reductions in funding for the VA Office of Human Resources will have on that office's ability to provide administrative support to VA's recruitment efforts.

The design of the pilot program itself looks reasonable. It is our position that good training for both dogs and their users is essential to the success of their partnership. We are not certain how well developed the best practices are for training of dogs to assist people who have PTSD, but there are well established standards of dog behavior that should be included in any service dog training curriculum and we are pleased to see them included in the requirements for covered facilities here. The rush to get people paired with dogs as quickly as possible, in hopes of mitigating their disability's negative impact on quality of life is laudable and, we believe, generally well intentioned. But we hope this will not be done at the expense of careful and thorough training for both the dogs and their recipients. To compromise here could add significantly to, rather than relieve an individual's stress. It can and has also caused injuries to veterans, dogs, and members of the public who inadvertently get caught up in situations involving misbehaving, frightened or aggressive dogs.

Finally, we have some concerns about whether VA has the capacity to administer a program of dog training and placement, such as the one called for in this legislation. We worry that the process of determining whether a facility and/or a veteran, is eligible to participate in this program might be more involved than this legislation appears to anticipate. It could easily require more than making sure all the boxes are checked and all the right documents are attached to the applications. Does the VA have staff with the expertise to make these determinations beginning in 2018? Do the bill's authors envision that some of the monies appropriated for this program would be used to hire additional staff with the expertise to process these applications? To make certain facilities are what and who they claim to be? If someone falls short and doesn't follow through, will VA have the capability of tracking and trying to redress the situation?

I raise the questions above because VA is already having trouble communicating and consistently enforcing the policies they have in place with regard to service dog access. We have received numerous reports over the past couple of years of incidents involving apparently untrained, or poorly trained dogs on VA property who act aggressively toward VA employees, veterans who accidentally get too close to the dog, or the service dogs of veterans with disabilities. Several of our members have reported to us that they have been forced by repeated encounters with aggressive dogs at VA medical centers to leave their service dogs at home when they must go to those facilities for care. Unfortunately, many of these dogs are presented to VA personnel as service dogs who are needed by the person bringing them to the facility to mitigate PTSD. Frequently, front line personnel are not equipped to, or don't feel that they can, make a judgment as to whether an animal's behavior is sufficiently inappropriate to deny access. Security and law enforcement personnel who are called in response to incidents of dog misbehavior commonly ignore it or claim there's nothing they can do. Nobody wants to be the "bad guy" and risk wrongfully denying access to a service dog, even though both the VA policy and the ADA regulations clearly give agency and business operators the authority to remove out-of-control or disruptive animals from their premises. We met with Dr. Alaigh and other VHA leaders last month to discuss this growing trend and ask the under-secretary to initiate a review of both the current department policies and the means by which those policies are communicated to VA personnel. We hope this will encourage the VA to take action to clarify the access rights of service animal users, regardless of disability, as

well as the enforcement tools available to security personnel who have reason to believe that a dog is being fraudulently presented as a service animal or who encounter a dog that is not under the control of its handler and poses a danger to other people on the premises. This should include the standards of good public behavior that the law allows the VA to expect as well as the enforcement options that can be exercised when animals, or their handlers, do not comply with those standards.

In summary, while we appreciate the intent of this legislation, and we believe this program is a good one, we are not convinced that the VA has the capacity to carry out this program in the manner prescribed, or the funds to cover the cost of the program, within the time frame set forth in the bill.

Conclusion

Each piece of legislation discussed above seeks to address critical issues faced by a significant number of veterans today. We appreciate the efforts of the bills' sponsors to address these critical issues, and we appreciate the opportunity to discuss these issues with the members of the Health Subcommittee. We hope this is the beginning of continuing dialogue on this legislation, and will look forward to working with committee members and staff to further address these issues and help the VA find innovative ways to provide critical assistance to veterans who have PTSD and post-deployment mental health conditions.

Biographical Information For Melanie Brunson

Melanie Brunson is the Director of Government Relations for the Blinded Veterans Association (BVA). She joined the staff of BVA in October 2015, and is based at the organization's national headquarters in Alexandria, Virginia.

Prior to joining the staff of BVA, Mrs. Brunson served as Executive Director for the American Council of the Blind (ACB). She held that position beginning in 2003, following five years of service as ACB's Director of Advocacy and Governmental Affairs.

Before moving to the Washington D.C. area, Mrs. Brunson lived and worked in California. She practiced law in that state for fourteen years. Much of that time was spent in a private practice which emphasized estate planning for people with disabilities and their families. From April of 1996 to December of 1997, she also worked as a Client Assistance Program Advocate, assisting individuals with disabilities with legal issues related to their matriculation of the state's vocational rehabilitation system. From January to July of 1998, she was employed as an attorney for the Western Law Center for Disability Rights in Los Angeles.

Mrs. Brunson received her Bachelor of Arts degree in Political Science from Whittier College, and her Juris Doctorate from Whittier College School of Law. She was admitted to the California Bar in 1984.

In her spare time, Mrs. Brunson enjoys being a part of several community organizations. She is currently a member of the Board of Directors of the Guide Dogs for the Blind Alumni Association. In 2008, Brunson was appointed by the Governor of Virginia to the State Rehabilitation Council, a federally mandated body that advises the Virginia Department for the Blind and Vision Impaired on how to improve the vocational rehabilitation services it provides. She was a member of the Council for six years, served as Council Chair in 2012 and served on the Executive Committee during her last two years on the Council.