

**NATIONAL ASSOCIATION OF
COUNTY VETERAN SERVICE OFFICERS**



**House Committee on Veterans' Affairs
Subcommittee on Disability Assistance and Memorial Affairs**

Hearing

September 19, 2019

Presented by

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Washington Liaison, National Association of County Veteran Service Officers

CVSO Monmouth County, NJ

Chairwoman Luria, Ranking Member Bost, and distinguished members of the committee, my name is Kim Shalloo. I currently serve as a County Veteran Service Officer in Monmouth County, NJ, and I am the Washington Liaison for the National Association of County Veterans Service Officers, or NACVSO. It is my honor to testify before this committee about the effectiveness of contracted VA C&P exams.

For those who are unfamiliar, NACVSO is an association of nearly 2,000 county, city, tribal and state government employees from 33 states who work tirelessly to ensure an estimated 10 million veterans receive the benefits they have earned through their service and sacrifice to our nation. We assist veterans by guiding them through the long and sometimes stressful benefits claim process. We do this by educating veterans and their family members about the process, identifying and obtaining medical evidence prior to submission of the claim, and sometimes transporting them to their examinations.

Through our work, we understand veterans' needs and the daily challenges and successes they encounter. We also see the frustration and confusion veterans and their family members sometimes feel when dealing with the VA claims process. Our national platform is largely based on these experiences. In short, I hope my testimony will give the committee a "front line" perspective so that this process can continue to be improved.

NACVSO Survey and Results

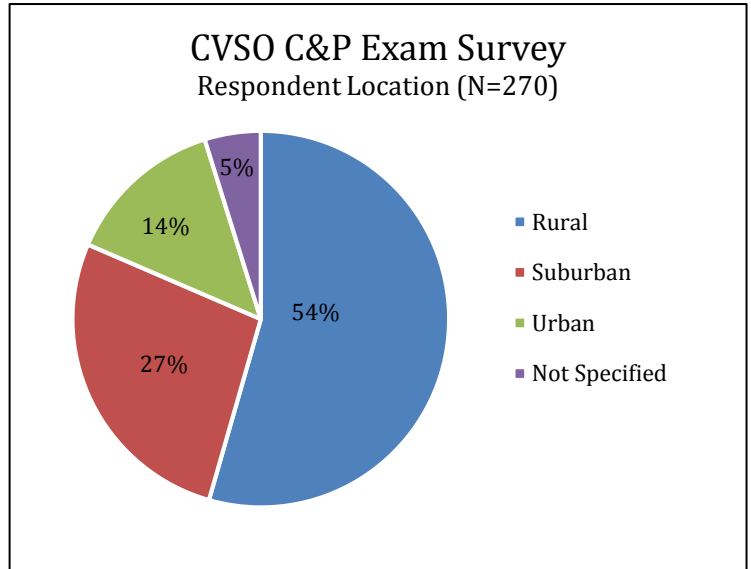
In preparation for today's hearing, we recently surveyed our members so that we could help the committee better understand the impact contracted C&P exams have on veterans' experience with the benefits claim process. We also wanted the committee to understand our members' experience with contract examiners compared to VA examiners.

We asked our members the following questions:

1. Considering your experience on claims you have worked within the last two years, how would you rate the timeliness of C&P examinations handled by contract providers?
2. Considering your experience on claims you have worked within the last two years, how would you rate the timeliness of C&P examinations handled by VA providers?
3. How would you rate the accuracy of C&P examinations handled by contracted providers compared to the accuracy of C&P exams completed by VA providers?

4. What kind of impact has the use of contracted C&P exams had on satisfactory rating decisions in your county?
5. What kind of impact has the use of contracted C&P exams had on decisions leading to appeal or NOD rates in your county?
6. Overall, how would you rate the impact VA's decision to contract C&P exams have had on the veterans you serve?

To date we have received over 270 responses from CVSOs across the country, representing rural, suburban and urban communities. The distribution of survey respondent location type, as shown in the chart on the right, closely mirrors that of our national membership. By comparing responses by location, we hope to help the committee assess whether or not rural veterans face any unique access challenges to C&P exams.



While we continue to receive responses to our survey and are continuing to analyze results, a summary of the responses to each question from this first round of respondents is included at the end of this document. Below is a summary of our initial observations and themes from the survey.

Our CVSO members do not report a significant difference in the timeliness or accuracy of C&P exams performed by contractors or VA providers, regardless of their location. Additionally, the use of contract examiners has not led to a change in the number of satisfactory ratings. However, several of our CVSOs, particularly those in rural areas, believe that the increased use of contracted C&P providers has led to an increase in the rate of decisions leading to appeals or NODs. While our analysis is preliminary, this observation suggests that veterans may be waiting longer to receive earned benefits because of examination or interpretation errors. It would be helpful if the VA could provide analysis that either supports or refutes this observation.

CVSOs also believe that the decision to contract C&P examinations has been overall positive for the veteran community, especially for veterans in rural areas. Over half of our respondents said the VA's decision to contract C&P exams have had either a somewhat positive or very positive effect on the veterans they serve. This result remained consistent

for our rural members – just over half said the VA’s decision to contract C&P exams have had either a positive or very positive effect on the veterans they serve.

VA quality review in contracted C&P examinations and recommendations

Qualitative feedback received from CVSOs responding to our survey suggests that the VA needs a better quality review process for their contract examiners. Currently, the VA assigns examiners to cases, but only monitors whether or not the exam was returned in a timely manner. According to feedback from our members, this has led to veterans receiving exam notifications the day before an exam, and in some cases after the exam date had already passed, which is commonplace for rural veterans.

Due to the contractor’s inability to reschedule exams, veterans often end up needlessly in the appeals process. If a veteran cannot make an exam, the contractor commonly reports back to the VA that the veteran failed to report to the examination or “FTR”, even if the sole reason for the veteran missing the exam is because they were inadequately notified ahead of time. Once an FTR is sent back to the VA, the claim is automatically denied and closed out. For the claim to be re-opened, one of the three appeals options will have to be selected, putting the claim into the appeals lane.

We’ve also heard from veterans who reported being examined in unprofessional settings, including examiners’ residences. In one notable recent example, a Florida veteran drove to the address listed in his packet for his examination. Upon arrival, the veteran found himself at a nail salon. In spite of his confusion, he decided to walk into the facility and asked if he was in the correct location. The staff said he indeed was in the right place and pointed him to a back office where his examiner evaluated his claimed disabilities.

We’ve encountered incidents like the ones listed above far too regularly, and we believe it is the VA’s and Congress’ responsibility to improve the contracted C&P exam quality review process so that veterans receiving exams have the same experience, regardless of whether the exam is performed by a VA or contracted provider.

As we support the use of contracted examiners for C&P exams, improved standards for performance and transparent sharing of contractor performance are necessary. Our recommendations for improving the quality review process include:

1. Implement a yearly review process of contract and VA examiners so that the agency can determine which clinicians are performing well, and which ones need improvement.
2. Create a mechanism for veterans so they can reschedule C&P exams. This will ensure veterans are able to make their appointments, especially in situations where they receive a late notice. It would also give them flexibility to make

proper accommodations if they are required to travel a long distance for their appointment.

3. Develop and regularly publish a report on the effectiveness of contract examinations from the VBA's perspective where timeliness, rate of appeals generated, and rate of overturned cases are all given consideration. This would give the VA, Congress, and veteran service organizations the ability to determine how to work together to best improve the claims process.

We are confident that these recommendations, if implemented, will significantly decrease "no shows," decrease subsequent claim denials, improve veteran satisfaction, and lower overall costs for the VA. We look forward to partnering with the VA to provide our findings and recommendations in more detail.

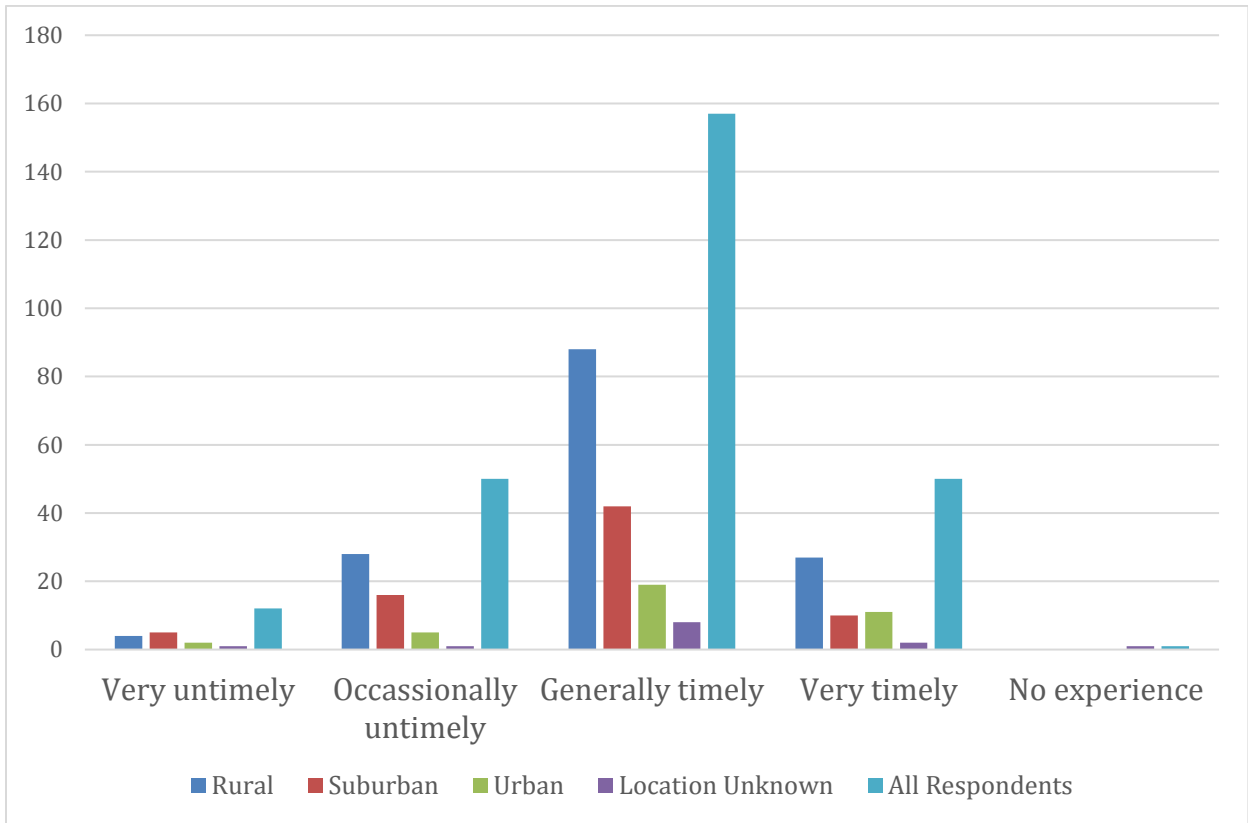
Chairwoman Luria, Ranking Member Bost and distinguished Members of the committee, on behalf of NACVSO and its members we deeply respect and appreciate the important work you are doing to ensure America's veterans receive the service, respect and benefits they have earned. Working together, with VA and all its stakeholders, we can make this process better.

Thank you for including NACVSO in this very important hearing.

**Preliminary NACVSO Survey Results on C&P Examination Process
(Surveys received between September 9, 2019 and September 13, 2019)**

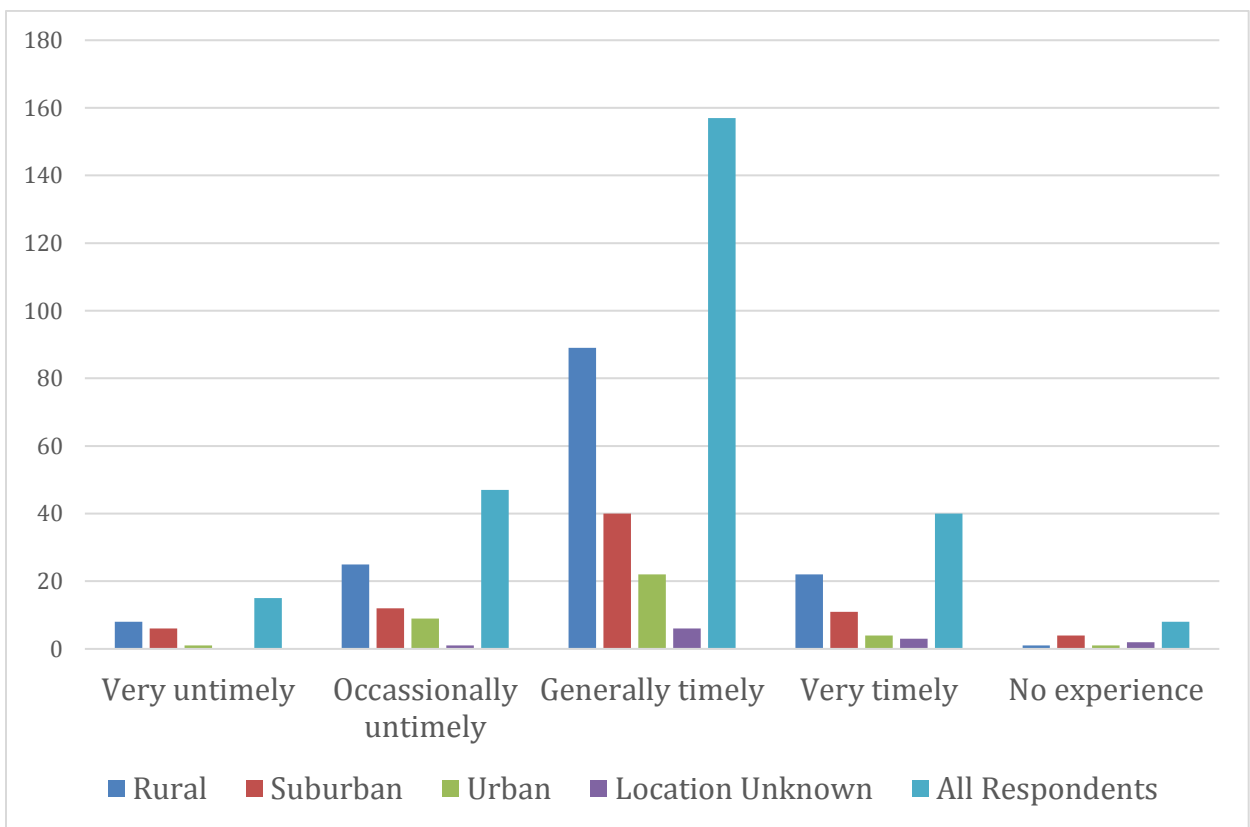
1. Considering your experience on claims you have worked within the last two years, how would you rate the timeliness of C&P examinations handled by contract providers?

	Rural	Suburban	Urban	Location Unknown	All Respondents
Very untimely	4	5	2	1	12
Occasionally untimely	28	16	5	1	50
Generally timely	88	42	19	8	157
Very timely	27	10	11	2	50
No experience	0	0	0	1	1



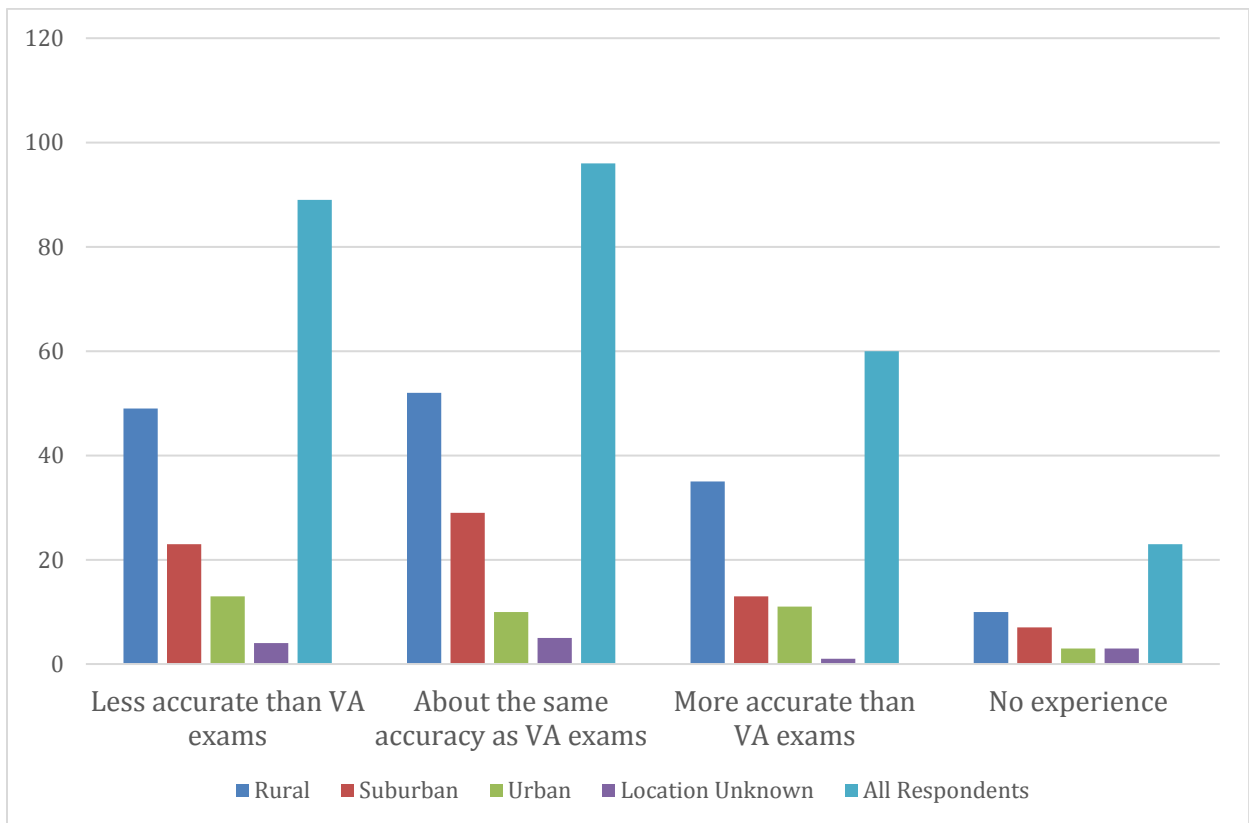
2. Considering your experience on claims you have worked within the last two years, how would you rate the timeliness of C&P examinations handled by VA providers?

	Rural	Suburban	Urban	Location Unknown	All Respondents
Very untimely	8	6	1	0	15
Occasionally untimely	25	12	9	1	47
Generally timely	89	40	22	6	157
Very timely	22	11	4	3	40
No experience	1	4	1	2	8



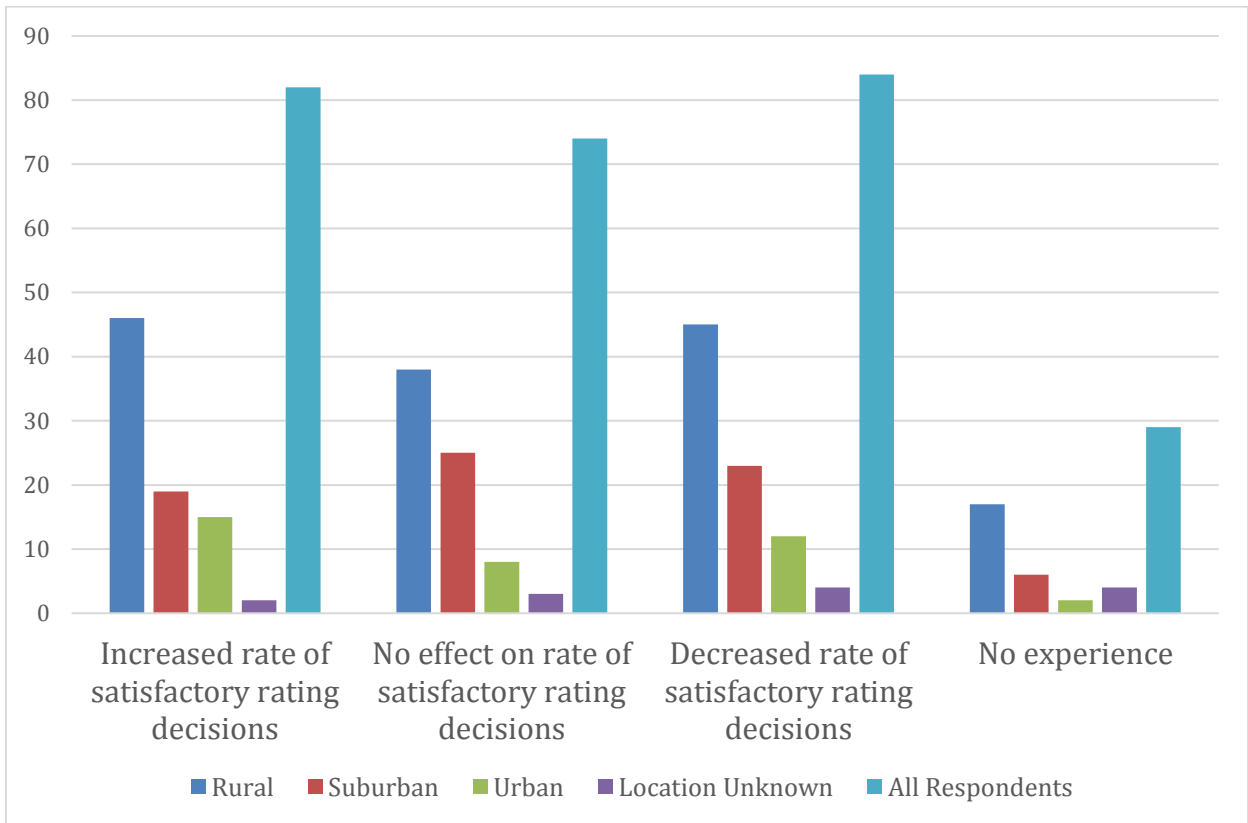
3. How would you rate the accuracy of C&P examinations handled by contracted providers compared to the accuracy of C&P exams completed by VA providers?

	Rural	Suburban	Urban	Location Unknown	All Respondents
Less accurate than VA exams	49	23	13	4	89
About the same accuracy as VA exams	52	29	10	5	96
More accurate than VA exams	35	13	11	1	60
No experience	10	7	3	3	23



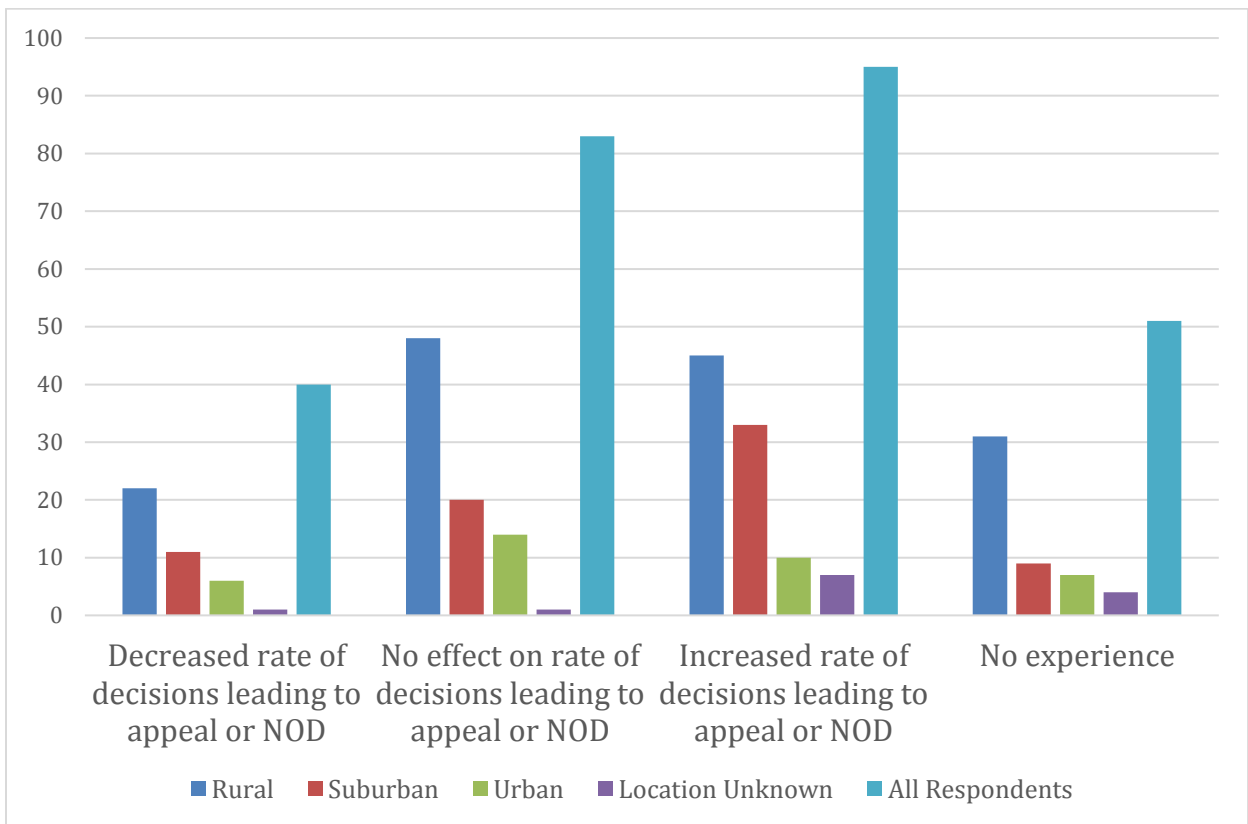
4. What kind of impact has the use of contracted C&P exams had on satisfactory rating decisions in your county?

	Rural	Suburban	Urban	Location Unknown	All Respondents
Increased rate of satisfactory ratings	46	19	15	2	82
No effect on rate of satisfactory ratings	38	25	8	3	74
Decreased rate of satisfactory ratings	45	23	12	4	84
No experience	17	6	2	4	29



5. What kind of impact has the use of contracted C&P exams had on decisions leading to appeal or NOD rates in your county?

	Rural	Suburban	Urban	Location Unknown	All Respondents
Decreased rate of decisions leading to appeal or NOD	22	11	6	1	40
No effect on rate of decisions leading to appeal or NOD	48	20	14	1	83
Increased rate of decisions leading to appeal or NOD	45	33	10	7	95
No experience	31	9	7	4	51



6. Overall, how would you rate the impact VA's decision to contract C&P exams have had on the veterans you serve?

	Rural	Suburban	Urban	Location Unknown	All Respondents
Very negative	15	11	2	2	30
Somewhat negative	28	22	10	2	62
Neither positive nor negative	23	5	6	2	36
Somewhat positive	58	27	13	5	103
Very positive	21	8	6	1	36
No experience	2	0	0	1	3

