

THE VETERANS ACCESS, CHOICE AND ACCOUNTABILITY ACT OF 2014
(Became Public Law 113-146 on August 7, 2014)

To be eligible for the new “Choice Card” provision, a veteran must:

- Be enrolled in VA as of August 1, 2014, **or** if enrolled after August 1, 2014, be a combat veteran separated within 5 years of enrolling; **and:**
 - Reside more than 40 miles from the nearest VA medical facility, **or**
 - Be unable to secure an appointment at a VA medical facility within access standards (currently 30 days for primary care and for most specialty care appointments), **or**
 - Resides in state without a VA medical center that provides hospital, emergency and surgical care, **or** resides more than 20 miles from a VA medical center that provides hospital, emergency and surgical care, **or**
 - Resides in a location (other than Guam, American Samoa, or the Philippines), **and:**
 - Resides 40 miles or less from a medical facility requiring travel by air, boat, or ferry, **or**
 - Faces an unusual or excessive burden in accessing the medical facility due to geographical challenges.

***NOTE:** DAV is awaiting additional information from VA on how these determinations will be made in individual cases, and the circumstances in which veterans will be authorized to receive private care. DAV will provide an update when these rules become clearer.*

Veterans Choice Card:

- If a veteran meets the eligibility criteria above, VA will provide them with a “Veterans Choice Card” to facilitate (not guarantee) authorized care in the private sector. VA will also send the private provider information describing how, when and what care the veteran is authorized to receive.
- The “Veterans Choice Card” will state on it that private health care providers must contact VA in order to confirm the medical services the veterans is authorized to receive from them and how the provider should bill VA in order to be reimbursed.
- If VA is unable to provide medical care requested by the veteran within existing access standards (currently 30 days for primary care and for most specialty care appointments) and **at the election of the veteran**, the law allows the veteran to seek health care from non-VA providers under rules to be written by VA.

***NOTE:** The authorization for the new “Veterans Choice Card” program is a **temporary** measure—the law authorizes the choice option only for 3 years or until the \$10 billion in emergency funding provided by Congress is expended, whichever comes first.*

***NOTE:** VA must implement the law by regulation within 90 days from the law’s enactment (by November 5, 2014), including the delivery of “Choice” cards to qualifying veterans. DAV is closely monitoring how VA will establish regulations governing the new “Choice” provisions and how and in what circumstances they may be used by veterans. By mid-November, DAV should have further*

clarification about the details of the new program and will provide an update to our members at that time.

For further review of VA, to extend programs, and for other purposes, the law:

- Requires an assessment of the VA health care system by an outside group, and also creates a Commission on Care to make recommendations on the future of VA health care.
- Extends the Access Received Closer to Home (ARCH) pilot program for two years, which provides additional private rural care options.
- Extends for three years a pilot program to provide private assisted-living services to veterans with traumatic brain injuries.
- Expands eligibility to VA health care for survivors of military sexual trauma by adding the “inactive duty for training” category.

For improving VA’s internal capacity, the law:

- Provides \$5 billion to VA to increase treatment capacity by hiring more physicians and other clinical staff and by repairing and expanding some of VA’s medical facilities.
- Authorizes 27 new leases in 18 states and Puerto Rico, primarily for new VA community-based outpatient clinics.

For VA Senior Executive Service (SES) managers, the law:

- Authorizes the Secretary to fire or demote SES employees and Title 38 SES equivalent employees for poor performance or misconduct.
- Provides expedited and limited appeal process for employees disciplined under this authority. Appeals would go to a Merit Systems Protection Board administrative judge, who would have 21 days to decide on the appeal. If a decision is not reached within that 21-day period, then VA’s decision is final.
- Prohibits SES employees from receiving pay and benefits during the appeal process.
- Reduces funding for bonuses to VA employees by \$40 million annually through 2024.

For education benefits, the law:

- Requires public colleges to provide in-state tuition rates to veterans and dependents in order for the school to remain eligible to receive G.I. Bill education payments.
- Expands the Sgt. Frye Scholarship Program to provide full Post 9/11 G.I. Bill benefits to spouses of service members who died in the line of duty after September 11, 2001.

Cost:

- According to the Congressional Budget Office (CBO), the law will increase spending by nearly \$17 billion over a 10-year period, and will be partially offset by reduced spending under other federal health care programs accessed by veterans, through additional collections of copayments from veterans, through increased VA home loan guaranty fees, and due to lower in-state tuition rates paid by VA for Post 9/11 G.I. Bill benefits. CBO estimates that the net increase of the federal deficit due to this law will be approximately \$10 billion over the next ten years.