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**STATEMENT OF
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COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
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Chairman Isakson, Ranking Member Blumenthal, and Members of the Committee:

Thank you for inviting DAV (Disabled American Veterans) to submit testimony for the record of this legislative hearing, and to present our views on the bills under consideration. As you know, DAV is a non-profit veterans service organization comprised of nearly 1.3 million wartime service-disabled veterans. DAV is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity.

S. 2106 -- the Wounded Warrior Employment Improvement Act of 2015

This bill would require the Secretary of the Department of Veterans Affairs (VA) to analyze VA's Vocational Rehabilitation and Employment (VR&E) services and make recommendations in a report to Congress for the purpose of encouraging more service-disabled veterans to use the benefits of Chapter 31, title 38, United States Code, versus services authorized in Chapter 33 of the Code. The bill also would require an action plan be developed to improve the vocational and employment services and assistance provided to veterans under chapter 31. The required report would include a plan to remedy certain workload management challenges at VA regional offices (VARO), including reducing counselor caseloads for veterans participating in rehabilitation, and in particular counselors assisting veterans with traumatic brain injury and post-traumatic stress disorder, and also counselors with dual educational and vocational counseling workloads.

The bill also would require VA to analyze and assess the decisions and circumstances of veterans with service-connected disabilities who served on or after September 11, 2001 who choose not to participate in rehabilitation under Chapter 31 but instead use their entitlement to educational assistance under Chapter 33. The analysis required by this bill would examine barriers to timely enrollment in rehabilitation programs under Chapter 31 and any additional barriers to a veteran's enrollment.

The bill would require VA to report within 270 days of the date of its enactment, and to develop and publish the action plan to improve the services and assistance provided under Chapter 31.

DAV has no resolution from our membership on the particular issue within this bill. While we would not oppose passage, we have identified some concerns that we recommend be addressed prior to passage of this bill.

DAV recognizes the intrinsic value of Chapter 31 vocational rehabilitation services for wounded, ill and injured veterans. However, encouraging those veterans with eligibility under

Chapter 33 to instead use Chapter 31 authority would require additional resources in VR&E to meet the increase in demand.

Today, VR&E's counselor-to-client ratio is far too high, at 1:135. This ratio has been historically disproportionate and contributes to the delays in the administration of timely and effective services. However, the average ratio can be misleading. For example, the Cleveland VARO's counselor-to-client ratio is 1:206, but in the Fargo VARO it is 1:64.

Ideally, an effective counselor-to-client ratio would be 1:125, as has been advocated by the *Independent Budget* for the past several years. In order to achieve the 1:125 counselor-to-client ratio in FY 2016, VR&E would require an additional 382 full-time employee equivalents (FTEE), of whom 277 would be dedicated as VR&E counselors and the remaining 105 employees would be in support services, bringing VR&E's total FTEE strength to 1,824. While increased staffing levels are required to provide efficient and timely services, it would also be essential that these increases be properly distributed throughout VR&E to ensure that counselors' caseloads are equitably balanced among VAROs.

DAV calls on Congress to increase staffing levels within VA's VR&E program in accordance with DAV Resolution No. 135, approved by our membership at our most recent National Convention. As contemplated by this bill, if Congress intends to encourage increased use of Chapter 31 services, versus services afforded under Chapter 33, then adequate resources would be essential to strengthen this critical program to meet the increased demands inherent in servicing more eligible service-disabled veterans for their rehabilitation and vocational needs.

S. 2134 – the Grow Our Own Directive: Physician Assistant Employment and Education Act of 2015

This bill would direct the VA to carry out a five-year pilot program to provide educational assistance to certain veterans for education and training as VA physician assistants.

Under this bill, the pilot program would target veterans with experience gained in medical or military health while serving; had received a certificate, associate degree, baccalaureate degree, master's degree, or post-baccalaureate training in a science related to health care; had participated in the delivery of health care services or related medical services. The bill would exclude physicians and dentists from participation.

The bill would require VA to provide educational assistance, including scholarships, to no fewer than 250 participants. VA would reimburse their costs of obtaining master's degrees in physician assistant studies or similar master's degrees. The bill would require VA to make available mentors for participants at each VA facility at which a veteran is participating, and would require VA to establish partnerships with other government programs and with a significant number of educational institutions that offer degrees in physician assistant studies.

The bill also would require VA to establish standards to improve the education and hiring of VA physician assistants, and implement a national plan for the retention and recruitment of VA physician assistants.

The bill would establish a series of new, mandatory positions in VA's national Office of Physician Assistant Services in VA Central Office, including a Deputy Director for Education and Career Development, a Deputy Director for Recruitment and Retention, a designated recruiter of

physician assistants, and an administrative assistant to support these functions. The bill would specify their major duties.

The bill would redesignate not less than \$8 million in funds appropriated prior to the passage of this bill to carry out its purposes. The bill is silent on sources of any additional funding that might be needed to meet its mandates.

Finally the bill would align VA physician assistant pay grades equivalent to the pay grades of VA registered nurses.

DAV has not received a national resolution from our members dealing with VA recruitment, training or employment of physician assistants; therefore, DAV takes no formal position on this bill. Nevertheless, we observe that this bill is unusually prescriptive, is not based on any broadly understood need for VA to hire additional physician assistants, and assumes these 250 individuals who would undergo the subsidized VA education and training the bill would authorize, are in fact needed by VA. Also, the bill would divert previously appropriated funds from other purposes to serve this new, unanticipated purpose. These issues raise a number of concerns that we ask the Committee to consider as it deals further with this bill.

S. 2170 – the Veterans E-Health and Telemedicine Support Act of 2015, or the “VETS Act of 2015”

This bill would enable a health care professional of the VA, including a contract provider, who is authorized to provide health care by or through VA, and who is licensed, registered, or certified in a state to practice his or her profession at any location in any state, regardless of where the professional or veteran is located, to treat a veteran through telemedicine. If enacted the bill would permit telemedicine treatment regardless of whether the professional or the patient were physically located in a federally owned facility.

The bill would require VA to report to Congress one year following its implementation on a variety of aspects of VA’s telemedicine program, including patient and provider satisfaction, access, productivity, waiting times and other information related to appointments made and completed through telemedicine.

Because health professional licensure is a state-regulated function, as a national system VA has experienced barriers in its efforts to broaden the use of telemedicine across state lines. A number of VA telemedicine initiatives have been frustrated because of the interstate restriction. Enactment of this bill would eliminate that barrier, and would promote much greater use of telemedicine, especially in facilities whose treatment populations come from multiple states (Martinsburg, WV—patients from VA; Washington, DC—patients from VA and MD; Pittsburgh, PA—patients from OH; New York City, NY—patients from NJ; Boston, MA—patients from NH, VT and ME; Fayetteville, AR—patients from MO, OK, and KS, etc.). Enactment of this bill would open the door to VA specialists treating veterans through telemedicine irrespective of state jurisdiction, physical location, or the distance that separates patient from provider (for example, VA specialists in Seattle telemedically treating VA patients at the VA Outpatient Clinic in Anchorage, AK), and should also be highly cost-effective and more convenient for veterans who live at a distance from their VA medical centers, or who must travel long distances for access to basic VA care.

Delegates to our most recent DAV National Convention approved Resolution No. 126. Among other priorities, this resolution calls on VA and Congress to establish and sustain effective

telemedicine programs as an aid to veterans' access to VA health care, particularly in the case of rural and remote populations. Our delegates also approved Resolution No. 226, fully supporting the right of rural veterans to be served by VA. This bill is consistent with these resolutions and DAV policy; therefore, DAV strongly supports its enactment and appreciates the sponsors' intention to promote the use of telemedicine in the care and treatment of veterans.

S. 2253 -- Department of Veterans Affairs Veterans Education Relief and Restoration Act of 2015

This bill would address a veteran's continued entitlement to VA education benefits in situations in which an educational institution permanently closed prior to the completion of a term, quarter, or semester. Under current law, a veteran in this circumstance would be penalized by a charge against educational entitlement for failing to successfully complete the prescribed period of education. VA also reclaims living allowances and other payments as if the veteran simply withdrew from the educational institution. This bill would hold harmless a veteran in such a situation.

Under this bill, if a veteran were forced to discontinue a course as a result of an educational institution's permanent closure and did not receive full credit for, or lost training time toward completion of, the VA-approved education program, VA educational assistance payments would not, for a specified period of time thereafter, be charged against the individual's entitlement to educational assistance, or counted against the aggregate period for which VA assistance would be provided in the absence of such a closure.

The bill would require VA to continue to pay the approved monthly housing stipend following a permanent school closure, but only until the earlier of: (1) the date of the end of the term, quarter, or semester during which the school closure occurred; or (2) the date that is four months after the school closure.

The bill also would require VA to continue to pay educational assistance and subsistence allowances to veterans and other eligible persons enrolled in specified courses for up to four weeks in any 12-month period if their schools were closed temporarily under an established policy based on an executive order of the President, or due to an emergency situation.

The effective date of this bill would begin retroactively with Fiscal Year 2015.

DAV has received no resolution from our membership that would address the purposes of this bill. However, the bill seems to be a reasonable accommodation for a situation that has been reported, affecting educational entitlements of numerous veterans who are victimized by unexpected, permanent school closures. DAV would not object to passage of this legislation.

Draft Bill – the Veterans Affairs Retaliation Prevention Act of 2015

If enacted this bill would sanction VA employees who take retaliatory steps against other employees when truthful complaints are made about waste, fraud, gross mismanagement, and risks to life and safety of veterans. The bill also would specify a number of procedures and actions VA would be required to take to address and document complaints made, while protecting the VA employee(s) who made them. The bill also would establish a central repository of complaints made that are subject to the purposes of the bill. The bill would restrict the payment of bonuses to VA

supervisors who are found to have committed prohibited personnel actions in circumstances as defined in the bill.

The bill would require VA to create a whistleblower training program, and would require VA to train every VA employee in whistleblower rights, including the right to petition Congress, and in the processing of complaints and related matters.

The bill would require a series of reports to Congress related to its purposes, and would require the VA Office of Inspector General (OIG) to make public, and provide to Congress broadly and on request in specific cases, all OIG work products that make recommendations or call for corrective action in any VA matter.

The final section of this bill would declare that official testimony before Congress by any VA employee to be that of official duty by that employee, including coverage of salary and travel support.

Delegates to our most recent National Convention approved Resolution No. 214. This resolution requires that any legislation changing existing employment protections in VA must strike a balance between holding civil servants accountable for their performance, while maintaining VA as an employer of choice. Resolution No. 214 does not directly discuss the plight of VA whistleblowers, but DAV supports fairness for all VA employees, including those whom this bill would declare to be whistleblowers. Therefore, DAV would not object to the passage of this bill.

Mr. Chairman and Members of the Committee, this concludes DAV's testimony. We thank the Committee for inviting DAV to submit this testimony for the record of this hearing. DAV is prepared to respond to any further questions by Committee Members on the positions we have taken with respect to the bills under consideration.