



Paralyzed Veterans  
of America

## WASHINGTON UPDATE

*Recent news regarding legislation and regulatory actions affecting veterans and people with disabilities.*

Written and produced by Paralyzed Veterans of America - Government Relations Department

August 20, 2019

Volume 25, Number 8

### **PVA TESTIFIES IN SUPPORT OF SOCIAL SECURITY 2100 ACT**

On July 25, PVA Deputy Executive Director Shaun Castle testified before the House Ways and Means Committee in support of the Social Security 2100 Act (H.R. 860). Earlier in the year, Castle appeared before the Ways and Means Subcommittee on Social Security to speak in favor of this legislation introduced by Rep. John Larson (D-CT) and cosponsored by over 210 members of the House. H.R. 860 contains a number of provisions aimed at strengthening the Social Security system, improving benefits, and ensuring its solvency well into this century without harming beneficiaries.

Castle's testimony centered largely on his own experiences with Social Security disability benefits as a member of the millennial generation and the importance of Social Security's survivor, retirement, and disability programs to members of his age cohort. He also highlighted provisions in the bill that would establish a more realistic cost-of-living-adjustment for beneficiaries, strengthen protections for low-income workers and for all beneficiaries, cut taxes on benefits for nearly twelve million beneficiaries, and make long overdue adjustments in the financing mechanisms for the system. He also noted that Social Security actuaries have determined that this bill will ensure the long-term solvency of the Social Security trust funds without cutting benefits or raising the retirement age, as have been proposed by some Social Security reform proponents. PVA's full hearing statement can be found on the Ways and Means Committee website along with other witness statements and information about the hearing at [https://waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/documents/Shaun%20Castle%20Testimony\\_0.pdf](https://waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/documents/Shaun%20Castle%20Testimony_0.pdf).

### **LIFESPAN RESPITE CARE REAUTHORIZATION PASSES HOUSE**

On July 24, the House of Representatives passed the Lifespan Respite Care Reauthorization Act of 2019 (H.R. 2035). Led by bipartisan sponsors, Rep. Jim Langevin (D-RI) and Cathy McMorris Rodgers (R-WA), the measure authorizes \$200 million in funding over the next five years for the Lifespan Respite Care Program. Created in 2006, and run by the Department of Health and Human Services, Administration on Community Living (ACL), the program aims to coordinate and provide technical assistance to state and local agencies delivering community-based respite care services for family caregivers of children and adults of all ages with

#### **Paralyzed Veterans of America**

Government Relations Department

801 18<sup>th</sup> Street, NW · Washington, DC 20006  
(800) 424-8200 · (800) 795-4327 · [www.pva.org](http://www.pva.org)

# WASHINGTON UPDATE

August 20, 2019

Volume 25, Number 8

disabilities. State Aging and Disability Resource Centers are the agencies eligible to receive competitive grants under Lifespan Respite and must work in collaboration with a public or private nonprofit statewide respite care coalition or organization. As of 2017, grants were awarded to eligible agencies in 37 states and the District of Columbia. Since implementation began, ACL has funded the ARCH National Respite Network and Resource Center to provide technical assistance to the Lifespan Respite grantees and others in the field. More information can be found at <https://archrespite.org/home>. H.R. 2035 must now be voted on in the Senate.

## VA AWARDS CONTRACT FOR REGION 4 OF COMMUNITY CARE NETWORK

VA recently awarded a contract to TriWest Healthcare Alliance to serve as the Third Party Administrator managing Region 4 of VA's new [Community Care Network](#) (CCN). Region 4 includes VA medical centers in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

CCN will be the standard contract vehicle that allows VA to provide access to care for veterans from community health care providers using industry-standard approaches and guidelines. Until CCN is fully-implemented nationwide, TriWest Healthcare Alliance will continue to support veteran community care through its community provider network.

Contracts for Regions 1, 2, and 3 were awarded to OPTUM Public Sector Solutions, Inc. Awards for Regions 5 and 6 are expected to be announced by the end of calendar year 2019.

## SENATE BILL TO IMPROVE VA CAREGIVER PROGRAM INTRODUCED

In late July, Senators Gary Peters (D-MI) and Marsha Blackburn (R-TN) introduced legislation to improve VA's caregiver program. S. 2216, the Transparency and Effective Accountability Measures for (TEAM) Veteran Caregivers Act, seeks to improve the current program by:

- **Ensuring all caregivers are included in veterans' medical records.** Currently, only certain caregivers participating in the Caregiver Support Program are included in veterans' medical records. Annotating all caregivers in medical records strengthens communication between VA and caregivers and recognizes them as an important part of the clinical team.
- **Establishing a minimum standard of information in downgrade notification letters.** S. 2216 requires VA to provide additional context and explanation leading to downgrade or termination decisions. Caregivers have reported that their decision letters are sometimes missing important information that would be necessary to file an appeal.

# WASHINGTON UPDATE

August 20, 2019

Volume 25, Number 8

- **Extending benefits for at least 90 days after a termination letter is sent for cases where a veteran is deemed “no longer clinically eligible” for the program.** Caregivers have reported being dropped within a couple weeks of receiving a termination letter and have no time to appeal or make new accommodations. This provision provides the veteran and their caregiver a “safety parachute” and codifies the VA’s goals of maintaining care.

Since the inception of VA’s Program of Comprehensive Assistance for Family Caregivers, PVA has worked to ensure that the program meets the needs of service-connected catastrophically injured veterans. As VA prepares to roll-out the expansion of the program to veterans of all eras, this bill will help ensure that adequate controls are in place to govern what VA must consider before downgrading or terminating a veteran’s participation in the program. PVA applauds introduction of this important measure and is working to ensure its swift passage.

## **WATCHDOG SAYS VA IMPROPERLY DENIED CLAIMS FOR NON-VA EMERGENCY CARE**

In 2016, the United States Court of Appeals for Veterans Claims ruled that VA’s regulation on reimbursement for non-VA emergency medical services, 38 CFR 17.100(2)(f), was at odds with VA statute, 38 USC 1725(b)(3)(B). As a result, the Court determined expenses not covered by Medicare should be reimbursed by VA. A 2017 VA Office of Inspector General (VAOIG) audit, however, found that VA was still continuing to inappropriately deny claims.

In September 2017, former Representative Tim Walz (D-MN) expressed concerns about claims processors denying veterans’ non-VA emergency care claims to meet production goals and receive incentives such as high performance ratings and bonuses. He requested VAOIG conduct an audit to determine whether processors of non-VA emergency care claims inappropriately denied or rejected the claims, and if so, whether the cause was pressure to meet production standards.

On August 6, VAOIG released a report titled, “Non-VA Emergency Care Claims Inappropriately Denied and Rejected.” VAOIG determined that VA supervisors pressured staff to decide claims quickly, and some staff members said they were encouraged to deny claims to maximize productivity. This unfavorable culture “created systemic pressure to favor speed over accuracy,” leading staff to incorrectly reject 31 percent of veterans’ emergency care claims from April 1 to September 30, 2017.

According to VAOIG, these errors directly impacted 17,400 veterans who were stuck with a total \$53.3 million in medical bills that VA should have paid. According to the report, “VHA’s (Veterans Health Administration’s) claims-processing environment focused on production and prioritized quantity over quality.” Furthermore, “[W]hen these claims are denied, non-VA facilities

# WASHINGTON UPDATE

August 20, 2019

Volume 25, Number 8

---

and providers can bill veterans for some or all the costs of the emergency care services provided.”

PVA requested a briefing from VA on the current status of the program so we can determine what steps VHA is taking to rectify these errors. We intend to provide additional information in a future edition of the Update.

## **SSA INSPECTOR GENERAL REPORT EXAMINES HANDLING OF VETERAN DISABILITY CLAIMS**

The Social Security Administration's (SSA) Office of Inspector General (OIG) released an audit report in July examining the agency's expedited handling of Military Casualty/Wounded Warrior (MC/WW) and Veterans Affairs 100 Percent Permanent and Total (VAPT) claims. The objective of the audit was to determine whether SSA followed its policy to identify and expeditiously process veteran and military casualty disability claims.

Several years ago, SSA established a program to expedite claims for Social Security disability benefits filed by current and former military service members. Military service has been covered under Social Security since 1957 and PVA and many other veterans service organizations had long advocated for changes to SSA's policies governing disability claims by veterans rated 100 percent permanently and totally disabled by VA. Many veterans with disability ratings of 100 percent found it difficult to understand why they should have to go through the entire Social Security disability process and PVA was pleased when SSA adopted this streamlined process for these veterans' claims.

However, the OIG found that SSA does not define "expeditious handling" of these veterans' claims, and as a result, processing times vary greatly from state to state. Nor could SSA provide evidence that it had followed its policies and procedures to ensure that these claims were properly tracked and monitored. In its response to the OIG, SSA reported that it had recently developed refresher training for SSA technicians to reinforce existing procedures to expedite MC/WW and VAPT cases and will act to better define the term "expeditious" for processing MC/WW and VAPT claims. SSA also committed to measuring processing time pursuant to the definition and to implementing controls to monitor, track, and measure the processing of MC/WW and VAPT claims. The full OIG report can be found at <https://www.oversight.gov/sites/default/files/oig-reports/A-15-17-50227.pdf>.

## **CAP RELEASES REPORT ON ECONOMIC SECURITY FOR PEOPLE WITH DISABILITIES**

On the anniversary of the Americans with Disabilities Act (ADA), the Center for American Progress (CAP) held a briefing on a newly released report titled, "Advancing Economic Security for People with Disabilities." The report discusses some of the most entrenched and under-explored barriers to economic security facing people with disabilities, and outlines several practical steps that policymakers can take to help level the playing field and provide economic

# WASHINGTON UPDATE

August 20, 2019

Volume 25, Number 8

---

security for these Americans. Barriers mentioned in the report include access to long-term services and supports, waiting lists for vocational rehabilitation, inadequate availability of accessible transportation and housing, and limited family and medical leave policies. Among the recommendations in the report, CAP proposes phasing out a program that allows people with disabilities to be paid below minimum wage, creation of a partial or temporary disability program within Social Security, and enhancing the earned income tax credit. The report urges the U.S. Department of Housing and Urban Development to mandate that all federally-assisted housing units meet accessibility standards that allow aging in place and address the shortage of available units for low-income people with disabilities. In addition, the report recommends increased funding for Federal Transit Administration programs such as paratransit, the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program, and the United We Ride interagency initiative. The full report can be found at <https://www.americanprogress.org/issues/disability/reports/2019/07/26/472686/advancing-economic-security-people-disabilities/>.

## **BIPARTISAN DISABILITIES CAUCUS BRIEFING ON DISABILITY POLICY 101**

On July 26, the Bipartisan Disabilities Caucus (BDC) held an introductory briefing on disability policy to celebrate the 29th Anniversary of the Americans with Disabilities Act (ADA). The BDC, co-chaired by Representatives Jim Langevin (D-RI) and Don Young (R-AK), serves as a forum for members of Congress and their staff to inform, educate, and raise awareness on issues affecting people with disabilities. Speakers included Heather Ansley, PVA Associate Executive Director of Government Relations; Phoebe Ball, Legislative Affairs Specialist, National Council on Disability; and Jennifer Mathis, Director of Policy and Legal Advocacy, Bazelon Center for Mental Health Law. The briefing provided an overview of the ADA, examined how courts have interpreted the law, and discussed its effect on policy in the 116th Congress.

## **HOUSING ADAPTATION LEGISLATION CLEARS HOUSE**

Last month, we reported on the introduction of a pair of bills to improve VA's Specially Adaptive Housing (SAH) Grant program. H.R. 3504, the Ryan Kules Specially Adaptive Housing Improvement Act of 2019, and S. 2022, the Paul Benne Specially Adaptive Housing Improvement Act of 2019, started out with identical core provisions: raising the top grant amount from \$85,645 to nearly \$99,000; increasing the number of chances to utilize the grant from three to six; expediting claims for seriously ill veterans like those diagnosed with Amyotrophic Lateral Sclerosis (ALS), and adding a supplementary SAH grant. After a pair of hearings, House lawmakers amended H.R. 3504 to allow blinded veterans who have not lost use of a leg to be eligible for the Specially Adapted Housing grant and address a few education-related issues. On July 23, the full House approved the measure and it currently awaits action by the Senate.

# WASHINGTON UPDATE

August 20, 2019

Volume 25, Number 8

PVA's Government Relations Team will be visiting Senate offices throughout the August recess, working to increase support for this important legislation. Our members can reinforce their efforts by calling the offices for their Senators and urging them to support S. 2022. If preferred, you can use the sample language we have prepared below to send them an email or a letter.

August \_\_\_\_, 2019

The Honorable \_\_\_\_\_  
United States Senate  
\_\_\_\_\_ Senate Office Building  
Washington, DC 20515

Dear Senator \_\_\_\_\_,

I am writing to ask you to please cosponsor S. 2022, the "Paul Benne Specially Adaptive Housing Improvement Act of 2019."

This important legislation reforms VA's Specially Adaptive Housing (SAH) program by: raising the top grant amount from \$85,645 to nearly \$99,000; increasing the number of chances to utilize the grant from three to six; expediting claims for seriously ill veterans like those diagnosed with Amyotrophic Lateral Sclerosis (ALS), and adding a supplementary SAH grant.

VA's SAH programs help veterans with catastrophic service-connected disabilities (**like me**) to live independently in a barrier-free environment by providing critical housing adaptations.

Members of Congress should seize this opportunity to improve the lives of the most critically ill or injured veterans, their families, and caregivers.

As your constituent, I'm asking you to please do all you can to ensure S. 2022 is enacted in law.

Sincerely,

(Name)  
(Address)  
(Contact Information)

# WASHINGTON UPDATE

August 20, 2019

Volume 25, Number 8

---

We got off to a fast start in the House, but it will take a lot of effort to get it through the Senate where everything moves much slower. Our hope is to have S. 2022 receive the attention it deserves sometime in the fall. Your calls, emails, and letters can certainly help bring that about.

## STATUS OF BLUE WATER NAVY CLAIMS

In response to the passage of H.R. 299, VA imposed a stay on all Blue Water Navy (BWN) cases until January 1, 2020. Until that time, VA will not develop or adjudicate any claims for benefits by BWN veterans.

Multiple veteran service organizations (VSOs), including PVA, signed a letter to VA Secretary Robert Wilkie asking him to lift the stay and quickly adjudicate the claims for the veterans who have been waiting so long for their benefits; however, even with such strong opposition, VA has indicated that it has no intent to lift the stay and will proceed with adjudicating claims beginning in 2020.

During the stay, VA is implementing tools and processes to assist with the adjudication of BWN claims to include: revising policy letters for the Office of General Counsel, drafting new procedures for Regional Offices, and changing regulations to adapt to the new law. VA is also in the process of scanning deck logs to determine the location of all the ships considered to be in Blue Water areas which should conclude by the end of November. There will also be a ship locator tool for Rating Specialists to assist with properly developing veteran's claims. VA has assured VSO representatives that they will have all the tools necessary to assist veterans with the development of their claims for benefits to include copies of the deck logs and the location tool. In addition, VA is developing a communications plan, to include outreach letters to be sent to all affected veterans.

## ACCESS BOARD TO CONDUCT WEBINAR ON WEBSITE ACCESSIBILITY

Access to websites is essential in today's digital environment for obtaining information, downloading data, sharing media, obtaining goods and services, and making other transactions. Many websites, however, remain off-limits to people with disabilities, particularly those with sensory impairments, because they are not structured and coded properly for accessibility. The U.S. Access Board, which maintains accessibility standards for information and communication technology in the federal sector under Section 508 of the Rehabilitation Act, is conducting free webinars in September on how to evaluate websites for accessibility.

An introductory webinar on September 5 from 2:30 – 4:00 (ET) will cover online barriers to accessibility and explain how to check that web content is accessible to all visitors using the Board's Section 508 Standards. Presenters will review key components of the Web Content Accessibility Guidelines issued by the World Wide Web Consortium, which are incorporated by reference in the Section 508 standards. They will also discuss common problems and easy solutions and share practical tips for improving website accessibility. Attendees can pose questions in advance or during the live webinar. This session is intended for both a general

# WASHINGTON UPDATE

**August 20, 2019**

**Volume 25, Number 8**

---

audience as well as website designers and content managers who are experienced, but new to accessibility.

For more information or to register for this session, visit [www.accessibilityonline.org](http://www.accessibilityonline.org). This webinar series is hosted by the ADA National Network in cooperation with the Board. Archived copies of previous Board webinars are available on the site.