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Attachments:

FOR IMMEDIATE RELEASE

The American Legion calls for “transparency” at VA

WASHINGTON (Oct. 1, 2009) - The leader of The American Legion says he is concerned over a Department of Veterans Affairs directive that refuses public disclosure of inspection reports that might reflect negatively upon VA facilities.

National Commander Clarence E. Hill says, “I am bothered by VA’s practice of designating facility reports that measure timeliness and quality of care as ‘protected documents’ for internal use only. VA administrators as well as veterans who turn to VA for their healthcare would benefit from knowing the state of affairs at VA facilities.”

Hill’s statement was prompted by the VA’s refusal to readily disclose information contained in a report issued by the Long Term Care Institute (LTCI), an organization hired by VA to provide quality reviews of its Community Living Centers (CLC). The reports issued by the LTCI assess the quality of care being provided in VA facilities and provides recommendations for addressing any deficiencies.

Of the more than 100 CLC reports, one, from June, 2008, detailed incidents of wholesale neglect of some veterans residing in the Philadelphia CLC. This report was obtained by a Pittsburgh newspaper under the Freedom of Information Act (FOIA) recently and became the basis of a critical story by the paper. Many veterans objected to the fact that it took an investigative reporter using the FOIA to bring the matter to light.

The Department of Veterans Affairs maintains that information provided in the LTCI reports constitutes quality management activities protected by federal statute. This code (38 U.S.C. § 5705) provides that records and documents created by the Veterans Health Administration (VHA) as part of a designated medical quality-assurance program are confidential and privileged and may not be disclosed to any person or entity except when specifically authorized by the statute. There is no authority contained within the statute for disclosure to members of the news media, says the VA.

The department argues further that congressional oversight committees are able to obtain copies of quality assurance documents when the documents are requested for official oversight purposes. The VA also points out that the situation in question occurred more than a year ago and that once leadership became aware of the problems they took swift action.

A VA spokesperson says: “Many changes have been implemented at the Philadelphia Veterans Community Living Center, including disciplining and terminating personnel contracts, installing a new leadership team, hiring specialists in the areas of wound care and staff training, installing new equipment in the Nutrition and Food area, and beginning nearly \$10 million in construction projects. The Department of Veterans Affairs places the highest priority on the safety, security and dignity of all of our Veteran patients.”

“That is all well and good, but we still believe it is the responsibility of the VA to make the findings in this report, and others like it, accessible to its stakeholders - America’s veterans,” Hill said. “We can work together to improve the VA healthcare system by identifying any deficiencies realized in these reports. If, for instance, The American Legion is aware of deficiencies and problems affecting the health and welfare of our veterans in VA care, we can assist with resolving them, as we have for decades.

“In particular, The American Legion’s ‘A System Worth Saving’ program is employed to follow up on GAO reports, IG inspections, and independent findings to identify where positive steps have been made by the VA to improve identified issues, Hill added. “Without the ability to use all information available, an incomplete and misleading picture emerges. Conversely, a hand-in-

hand cooperative approach is to everyone's benefit, especially the most deserving parties of all - our nation's veterans.

“The American Legion has a long history of advocating on behalf of America's veterans. By working with VA to identify areas in need of improvement, we can continue that proud tradition by providing a strong voice for VA and working with Congress to provide a budget that will enable facility administrators to adequately address any issues identified in these reports.”

With a current membership of 2.5 million wartime veterans, The American Legion was founded in 1919 on the four pillars of a strong national security, veterans affairs, Americanism, and the mentoring of youth. Legionnaires work for the betterment of their communities through more than 14,000 posts across the nation.

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