STATEMENT OF
JACOB GADD, DEPUTY DIRECTOR FOR HEALTH CARE
VETERANS AFFAIRS AND REHABILITATION COMMISSION
THE AMERICAN LEGION

BEFORE THE

SUBCOMMITTEE ON HEALTH
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

ON

PENDING LEGISLATION

JULY 9, 2013

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Chairman Benishek, Ranking Member Brownley and distinguished Members of the Subcommittee, on behalf of Commander Koutz and the 2.4 million members of The American Legion, I thank you and your colleagues for the work you do in support of our service members and veterans as well as their families. The hard work of this Subcommittee in addressing the health care needs of the veterans' community makes a substantial impact on the ability for veterans to receive, as they deserve, the best care anywhere.

H.R. 1443: *Tinnitus Research and Treatment Act of 2013*

To direct the Secretary of Veterans Affairs to recognize tinnitus as a mandatory condition for research and treatment by the Department of Veterans Affairs, and for other purposes.

It is no secret that the men and women who serve in the armed forces are potentially subjected to some of the most devastating noise trauma in the occupational world. From noisy jet engines to gunfire and artillery, to say nothing of the potentially damaging shock waves from Improvised Explosive Devices (IEDs), the ubiquitous threat of the recent and ongoing wars in Iraq and Afghanistan, veterans again and again place their ears and hearing at risk in service to this country. Tinnitus, which can stem from multiple causes, is often characterized as a persistent ringing in the ears, ranging from the distracting to severely disruptive to the ability to concentrate and focus on tasks.

The American Legion provides accreditation for over 2,600 service officers nationwide who work with veterans to assist with claims for disability benefits. As such, this dedicated network is intimately familiar with the types of disorders affecting the nation's veterans. Tinnitus represents the most prevalent service connected disability, with over 840,000 veterans receiving compensation for the disorder as of 2011[1]. With so many veterans affected, research into the disorder is critical.

This bill would ensure a full spectrum of research would be conducted through the Department of Veterans Affairs (VA) into such varied topics as multidisciplinary treatment modalities, underlying etiological studies of the disorder, contrasting types of tinnitus with and without

[1] US Department of Veterans Affairs Annual Benefits Report, FY 2011

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accompanying hearing loss, and other factors. The bill also prompts close cooperation between VA and the Department of Defense, perhaps a key component in preventing future incidences of the disorder. The American Legion "encourages acceleration in the development and initiation of needed research on conditions that significantly affect veterans.[2]" All hearing trauma, be it tinnitus or hearing loss, is a scourge veterans are quite familiar with. Increased research into mitigating the effects of such traumas is a boon not solely to today's veterans, but to generations to come.

The American Legion supports the passage of H.R. 1443.

H.R. 1612:

To direct the Secretary of Veterans Affairs to convey a parcel of land in Tuskegee, Alabama, to Tuskegee University, and for other purposes.

This bill addresses land conveyance between the VA and Tuskegee University.

The American Legion has no position on H.R. 1612.

H.R. 1702: *Veterans Transportation Service Act*

To amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care.

This bill provides a technical amendment to the existing law in 38 United States Code §111A, eliminating the provision in the current law which causes the authority of VA to expire and making the authority permanent. The authority in question allows VA to provide transportation services, increasing access to their facilities and health services.

The American Legion believes there is a vital need for the Veterans Transportation System[3] to ensure all veterans receive access to the care they have earned through their service and sacrifice. Through the conduct of our many System Worth Saving (SWS) visits to VA health care facilities nationwide each year, our field staff and task force members have seen firsthand the importance of this program in getting veterans to the facilities. Whether through volunteer efforts or the VTS program, many veterans need help to reach treatment and disruption in the ability to provide that help results in a loss of care. Making this authority permanent would help provide stability for planning purposes. The American Legion would further urge Congress to continue to monitor this program and to consider raises as appropriate for beneficiary travel rates[4] as that is also a key component of getting veterans to the hospitals for treatment.

The American Legion supports the passage of H.R. 1702.

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[2] Resolution 108: *Request Congress Provide the Department of Veterans Affairs Adequate Funding for Research and Prosthetic Research,* - AUG 2012
[3] Resolution 293: *Veterans Transportation System (VTS) & Benefits Travel* – AUG 2012
[4] *Ibid*

H.R. 2065: *Safe Housing for Homeless Veterans Act*

To amend title 38, United States Code, to require recipients of per diem payments from the Secretary of Veterans Affairs for the provision of services for homeless veterans to comply with codes relevant to operations and level of care provided, and for other purposes.

This legislation requires veterans' homeless shelters to meet all appropriate building and fire codes. Veterans' homelessness is a critical problem. That veterans should have to contend with homelessness is a national shame. Secretary Eric Shinseki has been steadfast in his efforts to bring to bear the resources of VA to combat this issue, and great strides have been made in the last several years in reducing the numbers of homeless veterans on the streets every night.

The American Legion supports the efforts of public and private sector agencies and organizations that aid homeless veterans and their families[5]. Additionally, the Legion supports legislative proposals to provide medical, rehabilitative, and employment assistance to homeless veterans and their families. The American Legion places special priority on the issue of veteran homelessness. To help our struggling brothers and sisters-in-arms, the Legion works on a global level, lobbying for legislation affecting veteran homelessness, and acts on a local level, directly assisting veterans who have fallen on tough times and are without a place to live or facing the prospect of it.

This direct assistance is coordinated by the Legion's Homeless Veterans Task Force, which works to ensure local services and resources are available to homeless veterans and their families. The Task Force, which has chairpersons in each department, collaborates with government agencies, homeless service providers and veterans service organizations to develop and implement initiatives that will help homeless veterans.

The Legion recognizes that aiding homeless veterans requires a sustained coordinated effort, which should provide secure housing and nutritious meals; essential physical health care, substance abuse aftercare and mental-health counseling, as well as personal development and empowerment. Homeless veterans also need job assessment, training, and placement assistance. The ultimate goal is total self management for the homeless veteran.

Homeless veterans cannot be considered to have "secure housing" if they must contend with facilities that don't even meet basic building codes and place these uniquely vulnerable veterans at risk of serious injury or death from fires and substandard building materials. If these veterans have lost their homes and livelihoods, we cannot in good conscience place them at risk to life and limb in unsafe facilities.

This legislation would ensure the facilities designated to serve the needs of homeless veterans comply with appropriate codes and regulations, and give them a stable and safe environment to help piece their lives together as they move forward.

[5] Resolution 306: *Funding for Homeless Veterans* – AUG 2012

The American Legion supports the passage of H.R. 2065.

DRAFT LEGISLATION: *Long Term Care Veterans Choice Act*

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts for the transfer of veterans to non-Department adult foster homes for certain veterans who are unable to live independently.

Adult Foster Care homes provide an alternative in some situations to traditional nursing home elder care. In general, these are single family homes which provide room, board and supervision as well as personal care services. These types of facilities provide for the needs of the elderly who, though they may require periodic or regular assistance with the activities of daily living, do not require full time nursing services.

Individual states have a variety of rules and regulations related to the governance and approval of such facilities. This draft legislation would modify the United States Code to allow for veterans "for whom the Secretary is required to provide nursing care under section 1710A of [Title 38], the Secretary may transfer the veteran to an adult foster home that meets Department standards, at the expense of the United States, pursuant to a contract or agreement entered into between the Secretary and the adult foster home for such purpose." In essence, this legislation would allow VA to place veterans in these adult foster homes and pay for the services provided. Veterans can currently utilize such homes if they so choose, but they must pay out of their own pocket for the services, even if VA is authorized to pay for nursing care for the veteran.

VA is authorized[6] to provide a comprehensive array of medically necessary in-home services to enrolled veterans. This bill seeks to add a provision in title 38, United States Code (U.S.C.), Section 1720 that VA would be authorized to transfer veterans needing long-term care services to "Foster Homes," upon the request of the veteran or Secretary of Veterans Affairs.

VA issued VHA Handbook 1141.02, Medical Foster Home Procedures, in November 2009, which outlined the Department's policy on definition, responsibilities, selection, training, quality monitoring and financial arrangements for this program.

VA defines a Medical Foster Home (MFH) in VHA Handbook 1141.02 as:

> 1) MFH is an adult foster home combined with a VA interdisciplinary home care team, such as VA Home Based Primary Care (HBPC) or Spinal Cord Injury – Home Care (SCI-HC), to provide non-institutional long-term care for veterans who are unable to live independently and prefer a family setting.
> 2) MFH is a form of Community Residential Care (CRC) for the more medically complex and disabled veterans, and is generally distinguished from other CRC homes by the following:
>
> (a) the home is owned or rented by the MFH caregiver;
> (b) the MFH caregiver lives in the MFH and provides personal care and supervision,

[6] Title 38, Code of Federal Regulations (CFR) Section 17.38 (a)(1)(ix))

(c) There are not more than three residents receiving care in the MFH, including both veterans and non-veterans,
(d) veteran MFH residents are enrolled in a VA HBPC or SCI-HC Program.

Each VA Medical Center facility appoints a MFH Coordinator which oversees the recruitment of staff, new applications for MFH in the community, training, quality assurance and inspections, and maintaining files of patients and MFH caregivers.

While this program has been highlighted and encouraged because of the additional cost savings and access to care options for the veteran and VA, The American Legion seeks additional feedback from users of this MFH program about the level of patient safety and feedback on their quality of care that would be provided in a non-traditional care setting. We are continuing to study and monitor this situation to determine the best solution for veterans.

The American Legion has no position on this legislation.

For further questions or comments about this or other legislation affecting America's veterans please contact The American Legion through Ian de Planque, Deputy Legislative Director at ideplanque@legion.org