



# 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

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### **CONGRESS SCRUTINIZES VA ELECTRONIC HEALTH RECORD MODERNIZATION PROJECT**

VA's Electronic Health Record Modernization (EHRM) efforts are under the microscope following the release of two VA Office of Inspector General (VAOIG) reports in early July and an earlier one from the Government Accountability Office (GAO) that identified faulty cost estimates and training deficiencies associated with the project. Earlier this year, VA Secretary Denis McDonough directed a top-to-bottom strategic review of the EHRM project. That 12-week study of the massive modernization effort concluded days after the VAOIG reports were released and immediately prior to a pair of hearings by the House and Senate Veterans' Affairs Committees.

During a July 13 Senate hearing, Secretary McDonough told Committee members the department uncovered "numerous patient safety concerns and system errors" with the Cerner Millennium system which they are still trying to resolve. These include prescription information not transferring properly resulting in veterans receiving duplicate medications, and inadequate support help for providers using the program. Secretary McDonough said VA is "reimagining" its approach to the EHR modernization effort, beginning with a new governance structure to manage the project. Also, the previous roll out plan is obsolete and future deployments would depend on which facilities are ready. The VA Deputy Inspector General told the panel that VA needs to spend billions on physical and IT upgrades to support the project. On the positive side, they have seen improvements in VA IT cost estimates but a previous audit by VAOIG estimated that the department's figures were off by at least \$2.5 billion.

At a House hearing on July 21, members voiced concerns about continuing to expand the project. "Until the Cerner system is shown to be absolutely safe in Spokane and fully functional, it must not be rolled out anywhere else," said Subcommittee on Technology Modernization Ranking Member Matt Rosendale (R-MT). "It has to improve operations, not grind them to a halt. It must improve the delivery of healthcare, not put our veterans' health at risk. The strategic

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review is an elaborate explanation of the problems, but the solutions are far and few between." VA did announce during the House hearing that newly installed VA Deputy Secretary Donald Remy would be leading the EHR modernization from this point onward. Also, the department would be pausing further EHR deployments at least through the remainder of this year to allow them time to resolve problems with the current system. Both hearings were recorded and you can watch the Senate hearing [here](#) and the House hearing [here](#).

## HOUSE COMMITTEE EXAMINES VA'S HOME AND COMMUNITY-BASED SERVICES

PVA was asked to testify at a July 27 House Veterans' Affairs Subcommittee on Health hearing on veterans' access to VA's Home and Community-Based Services (HCBS). Over the past 10 years, the Veterans Health Administration has made incremental efforts to refocus funds and resources into HCBS to ensure veterans are empowered to delay, if not avoid, entry into institutional care settings, by receiving appropriate support safely at home. But the rate of this change is not matching the current needs of veterans. The demand for long-term care for veterans is growing and several panel members expressed frustration with VA's prolonged rollout of key services, including the Veteran Directed Care (VDC) program. The VDC program allows veterans to receive HCBS in a consumer-directed way and is designed for veterans who need personal care services and help with their activities of daily living. Examples of the types of assistance they can receive include help with bathing, dressing, or fixing meals. Veterans are given a budget for services that is managed by the veteran or the veteran's representative.

Several Subcommittee members expressed frustration with the fact that VDC is only available at 40 percent (69 of 171) of VA medical centers. PVA shared the same angst about the lack of availability of VDC noting that VA Medical Centers must receive additional resources to help them expand programs like VDC. For example, an additional social worker who could get the program up and running at a facility could help expand the program's availability. Also, VA must do more to market the benefits of the VDC program to medical centers. A major benefit is that VDC is cheaper than institutional care and it also allows veterans to remain in their homes and direct their own care. VA officials told the Subcommittee that future expansions of VDC were likely, but they stopped short of providing any particulars when this might happen.

PVA also expressed concern that VA is not authorizing adequate hours to support the home care needs of veterans with spinal cord injuries and disorders (SCI/D). VA started using a different formula about three years ago that is resulting in less hours being authorized, with even less hours being approved. We questioned the rationale of having doctors who know their patients' needs best prescribe 28 hours only to have VA approve less than half of that amount. We believe that such little home care for catastrophically disabled veterans is in fact not reasonable.

In addition, we covered the challenges of finding suitable home care workers for veterans with SCI/D at a time when there is a nationwide shortage of home health aides and payment rates are low. Also, we called attention to a pair of legislative efforts that could help grow the direct care workforce through higher wages, better benefits, and sector-based job training and supports.

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Finally, and perhaps one of the most important lessons we shared with the Subcommittee is that for veterans with catastrophic disabilities, the need for a caregiver does not go away when a veteran is hospitalized. Community hospitals and VA Medical Centers are not always adequately staffed or trained to perform the tasks an SCI/D veteran needs. In some cases, it's simply the lack of available time to properly treat the patient. However, VA will not pay caregivers when the veteran is hospitalized. Veterans' caregivers must continue to be paid so they will have access to them while they are hospitalized and so that they will be able to swiftly return to their homes once released. Currently, veterans may pay out of their own pocket for the caregiver's time, or the caregiver may simply come even though he or she is not being paid because they know the importance of the care they provide to the veteran's health. VA must also recognize the importance of this care and should not be allowed to shift the burden to the veteran or their caregivers. Mr. Roscoe Butler, Associate Legislative Director, represented PVA during the hearing. You can find his written statement [here](#) and a video recording of the hearing [here](#).

## HOUSE AND SENATE INTRODUCE BIPARTISAN CLOTHING ALLOWANCE IMPROVEMENTS LEGISLATION

Many PVA members have expressed frustration with having to reapply for their clothing allowance year after year but this annual exercise may soon be coming to an end if some House and Senate lawmakers get their way. On July 28, Senator Catherine Cortez-Masto (D-NV) and Senator John Boozman (R-AR) introduced S. 2513, the Brian Neuman Clothing Allowance Improvement Act of 2021, while simultaneously, Representative Mike Levin (D-CA) and Representative Barry Moore (R-AL) were introducing H.R. 4772, the Mark O'Brien Clothing Allowance Improvement Act of 2021. PVA had a hand in developing these companion bills which would allow veterans' clothing allowances to renew automatically each year. The annual application process for the clothing allowance is an unnecessary administrative burden for veterans, including many PVA members, and VA alike and we thank these lawmakers for their effort to make it easier for veterans to receive this benefit.

## FDR MEMORIAL LEGACY COMMITTEE HOSTS WREATH LAYING ON ADA 31ST ANNIVERSARY

The FDR Memorial Legacy Committee (FDR Committee), a project of the National Council on Independent Living (NCIL), sponsored a wreath laying ceremony at the Franklin D. Roosevelt Memorial on July 26 to commemorate the anniversary of the Americans with Disabilities Act (ADA). The committee was borne out of an effort to have FDR represented in his reality as a person with a disability as part of the memorial.

When the FDR Memorial was first dedicated in 1997, there was no depiction of the 32nd President of the United States as a wheelchair user. A six-year campaign by disability community advocates resulted in the placement of the statue of FDR in his wheelchair in the Prologue Room to the memorial. The FDR Committee seeks to inform educators about the disability story of the FDR Memorial, the campaign for the wheelchair statue, and the influence of FDR's disability on his leadership.

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Speakers at the event included Representative Eleanor Holmes Norton (Del.-DC) and Senator Tammy Duckworth (D-IL) who have sponsored resolutions in the House and Senate calling for accessibility improvements at the FDR Memorial. Representative Norton also shared her reflections on the signing of the ADA by President George H. W. Bush and Senator Duckworth announced her plans to introduce legislation to strengthen the ADA and help more small businesses become accessible to people with disabilities. At the conclusion of the formal wreath laying, members of the audience were invited to place a carnation in front of the statue of FDR. To learn more about the FDR Memorial Legacy Committee, click [here](#).

## **U.S. ACCESS BOARD HOLDS VIRTUAL MEETING ON INCLUSIVE EXERCISE AND FITNESS EQUIPMENT**

On July 15, the U.S. Access Board held a virtual public meeting on inclusive exercise and fitness equipment. The event featured panel presentations on the need for access to fitness equipment, efforts to address equipment accessibility, and implementation of inclusive fitness equipment. Invited speakers included advocates, researchers, industry representatives, and three current and former Paralympians.

Senator Tammy Duckworth (D-IL) spoke to the Board about her rehabilitation at a VA hospital after her helicopter accident and the importance of accessible exercise equipment. She plans to re-introduce the Exercise and Fitness for All Act that would require the Access Board to issue guidelines and scoping requirements for exercise equipment in fitness facilities and the Department of Justice to implement regulations. PVA supported this legislation in the 116th Congress.

## **PVA SUBMITS COMMENTS REGARDING THE LACK OF EQUITY IN AIR TRAVEL FOR PEOPLE WITH DISABILITIES**

On July 22, PVA submitted comments in response to a request for information from the Department of Transportation (DOT) on inequities in transportation. Our comments specifically focused on inequities in air travel that affect persons with disabilities. In our response, we noted that DOT could assess equity in air travel for persons with disabilities in a variety of ways, including: (1) ensuring it is working diligently to meet the timelines set forth by Congress to address critical inequity issues inherent in air travel for persons with disabilities, including the lack of accessible lavatories on single-aisle aircraft, and (2) comparing the lack of accessibility standards for air travel with those required for other modes of transportation, governed by the Americans with Disabilities Act and engaging in rulemakings to close those gaps. Our full comments are available [here](#).

## **NEWS OF NOTE**

- Lifespan Respite Care Program Appropriation Advances

On July 15, the House Labor-HHS-Education Appropriations Committee approved the FY 2022 appropriations bill for programs in its jurisdiction. The bill includes \$14.2 million

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for the Lifespan Respite Care Program, the amount requested by the President and double the amount appropriated in FY 2021. The National Respite Coalition had previously sent a [letter from 52 national organizations](#), including PVA, to House and Senate Appropriations Committees requesting this amount. The bill also includes \$249.9 million for the National Family Caregiver Support program, which is \$61 million above last year's funding level.

- Hearing Focuses on Support for Direct Care Workers

On July 20, the House Education and Labor Subcommittees on Higher Education and Workforce Investment and Health, Employment, Labor, and Pensions held a joint subcommittee hearing to examine federal investments that meet the rising demand for direct care services. Witnesses focused their remarks on the [Direct CARE Opportunity Act](#), a bill sponsored by Chairman Bobby Scott (D-VA) which would invest in strengthening recruitment, retention, and career pathways for direct care workers.

- Home for the Brave Act Introduced

Representative Salud Carbajal (D-CA) introduced on July 22 the bipartisan [Home for The Brave Act of 2021](#), H.R. 4503. The bill has been endorsed by the For Country Caucus, a bipartisan group of military veteran lawmakers in the House of Representatives and would exempt veterans' VA disability benefits from counting toward total income when determining their eligibility for housing assistance programs through the Department of Housing and Urban Development (HUD). PVA has endorsed this legislation.

- DOL VETS Assistant Secretary Nomination

On July 16, President Biden officially nominated James R. Rodriguez to be Deputy Assistant Secretary (DAS) for Veterans Employment and Training. Mr. Rodriguez had been serving as Acting DAS. Before coming to the Department of Labor, he served as a senior executive within Deloitte LLP and BAE Systems and as the Deputy Assistant Secretary of Defense, Office of Warrior Care Policy, Office of the Secretary of Defense. In that latter role, he served as the principal advisor on the coordination of recovery, rehabilitation, and reintegration for wounded, ill, and injured service members across the military departments. Mr. Rodriguez served twenty-one years in the United States Marine Corps in numerous leadership and management positions and served in Operations Desert Shield/Desert Storm, Operation Eastern Exit- Somalia, and Operation Enduring Freedom.

- ADA.gov Invites Feedback on New Website

The Department of Justice's Civil Rights Division is inviting visitors to explore and provide feedback on an in-progress version of their website. The [beta site](#) currently includes an introduction to the ADA and an article on service animals and will add an article on parking soon. Visitors are invited to provide feedback on the site's design and usability through a brief form.

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- U.S. Access Board shares 2022-2026 Strategic Plan

The U.S. Access Board recently shared and invited comment on its [2022-2026 Strategic Plan](#). The Board has a vision that the United States will be a nation that is fully accessible to and inclusive of all people with disabilities. To advance this vision, the professional staff of the Board advance accessibility and inclusion by developing guidelines and standards, and providing technical assistance, education, enforcement, and outreach. Lee Page, Senior Associate Advocacy Director, provided public comments to the Board on the plan. He noted that the Board's goal to promote accessibility throughout society and identify and work to address barriers to accessibility beyond those covered by their guidelines and standards presents an opportunity to further investigate barriers that people with disabilities face in boarding and deplaning aircraft.

## WEBINARS/EVENTS/HEARINGS

- PVA Webinar Recording Now Available

Government Relations' June 29 webinar entitled, "Overview of VA's Home and Community-Based Services and Caregiver Programs" is now available on pva.org. To see the webinar recording, transcript, and PowerPoint slides, please click [here](#) and scroll down to "Webinar: VA Home & Community-Based Services and Caregiver Program."

- Wheelchair Transportation Safety Research Open House

Researchers from the University of Michigan Transportation Research Institute recently completed research that developed an automated wheelchair tie down and occupant restraint system incorporating the Universal Docking Interface Geometry. They are inviting the public to join a virtual open house to learn about the results of this research that was funded by the National Highway Traffic Safety Administration. The event will take place on August 5 from 1:00 - 4:00 pm ET. Please click [here](#) for registration information.

- Upcoming VA Committee Hearing

On August 4 at 3:00 pm ET, the Senate Veterans' Affairs Committee will hold a hearing entitled, "Success After Service: Improving Veterans' Employment and Educational Opportunities." To view the hearing, please click [here](#).