



**TESTIMONY**

**OF**

**TIFFANY ELLETT**

**VETERANS AFFAIRS & REHABILITATION DIVISION DIRECTOR**

**THE AMERICAN LEGION**

**BEFORE THE**

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

**ON**

**"PENDING LEGISLATION"**

**MARCH 29, 2023**

## EXECUTIVE SUMMARY

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Chairwoman Miller-Meeks, Ranking Member Brownley, and distinguished members of the subcommittee, on behalf of National Commander Vincent J. "Jim" Troiola and more than 1.6 million dues-paying members of The American Legion, we thank you for the opportunity to testify on pending legislation considered before this Subcommittee.

The American Legion is directed by active Legionnaires who dedicate their time and resources to serve veterans and their families. As a resolution-based organization, our positions are guided by more than 104 years of advocacy and resolutions that originate at the grassroots level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

**H.R. 41 – VA Same-Day Scheduling Act of 2023**

*To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to ensure the timely scheduling of appointments for health care at medical facilities of the Department of Veterans Affairs, and for other purposes.*

Veterans using the Department of Veteran Affairs (VA) for their healthcare should receive that care in a timely manner. Appointment scheduling has often been a topic of contention in reference to improvements at VA. Medical centers have tried to make the process easier for veterans by allowing them to schedule appointments online through their secure system and by calling their specific facility.<sup>1</sup> However, the division of the VA system into 18 Veterans Integrated Services Networks (VISNs) allows for access to care, wait times, and appointments to vary.

VA has created other ways for veterans to schedule medical appointments to meet the wait time standard of 20 days or less. The most recent scheduling tool is the VA Online Scheduling portal which provides convenience to veterans by allowing them to schedule their appointments through a web browser.<sup>2</sup> Veterans are also able to schedule their appointments online through *My*

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<sup>1</sup> The Department of Veteran Affairs, "Scheduling and manage health appointments." <https://www.va.gov/health-care/schedule-view-va-appointments>. This and subsequent URLs cited have been accessed March 27, 2023.

<sup>2</sup> The Department of Veteran Affairs, "VAMobile." <https://mobile.va.gov/app/va-online-scheduling>.

*HealtheVet*.<sup>3</sup> In regard to timely access to appointments, VA has also made efforts to be more transparent by giving veterans the ability to look up provider wait times through the [accesstocare.va.gov](https://www.accesstocare.va.gov) website.<sup>4</sup>

Some VISNs use call centers and others allow the medical facility or third-party administrators to handle scheduling, oftentimes a veteran would complete several phone conversations without successfully scheduling an appointment. The inability to schedule appointments in a timely manner cause veterans to seek healthcare through other avenues, such as private insurance and providers outside of the VA healthcare system, or the veteran may become discouraged and stop seeking care altogether.

The *VA Same-Day Scheduling Act of 2023* would ensure that a veteran enrolled in VA healthcare is able to schedule an appointment the same day they call the VA facility. Through Resolution No. 14: *Access to Care*,<sup>5</sup> The American Legion supports legislation and programs that will increase access to healthcare for veterans.

**The American Legion supports H.R. 41 as currently written.**

### **H.R. 366 – Korean American VALOR Act**

*To amend title 38, United States Code, to treat certain individuals who served in Vietnam as a member of the armed forces of the Republic of Korea as a veteran of the Armed Forces of the United States for purposes of the provision of health care by the Department of Veterans Affairs.*

The provisions of this bill fall outside the scope of established resolutions of The American Legion. The American Legion is a resolution-based, grassroots organization that takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. The American Legion has no current position on the *Korean American VALOR Act*. However, The American Legion is currently researching this critical issue to include consulting with our membership to determine the best course of action which best serves veterans.

**The American Legion has no position on H.R. 366.**

### **H.R. 542 – Elizabeth Dole Home-and Community-Based Services for Veterans and Caregivers Act of 2023**

*To amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community-based services for veterans, and for other purposes.*

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<sup>3</sup> The Department of Veteran Affairs, “Manage your Appointments.” <https://www.myhealth.va.gov/keeping-up-with-your-va-appointments>.

<sup>4</sup> The Department of Veteran Affairs, “Average wait times at individual facilities search.” <https://www.accesstocare.va.gov/PWT/SearchWaitTimes>.

<sup>5</sup> The American Legion Resolution No. 16 (2022): Access to Care. <https://archive.legion.org/node/14052>.

According to the Department of Veteran Affairs' (VA) Policy Analysis and Forecasting Office, the number of veterans eligible for nursing home care is estimated to expand from approximately two million in 2019 to more than four million by 2039.<sup>6</sup> Additionally, as of 2021, almost half of the 19.5 million veterans are 65 years or older and account for over 45 percent of VA emergency department visits, more than double the rate of the civilian counterpart population.<sup>7</sup>

The *Elizabeth Dole Home-and Community-Based Services for Veterans and Caregivers Act of 2023 (Elizabeth Dole Act)* aims to improve caregiver support at VA by establishing a publicly centralized access portal, expanding home-based community services nationwide, and providing greater access to resources and guidance on services supporting caregivers and their families. This legislation also covers a variety of improvements to home and community-based services and programs, such as expanding the Veteran Directed Care (VDC) program and respite care. The American Legion is pleased to see that respite care is addressed in this legislation as it is beneficial to caregivers and their families.

Veterans and caregivers have direct control of their long-term care through this legislation. They can identify and select the services they need. Additionally, VDC programs have a high satisfaction rating and have proven to be mutually advantageous by simultaneously lowering costs for VA. On average, supporting a veteran through a VDC program is \$144 less per day than the cost of a veteran living in a community nursing home. This amount of savings averages out to about \$52,800 per veteran per year.<sup>8</sup>

The *Elizabeth Dole Act* addresses The American Legion's long-held concerns regarding the VA recruitment and retention challenges by calling on the VA Secretary to establish procedures to identify staffing needs for the program and defining the roles and responsibilities of personnel at the national, Veterans Integrated Service Network, and facility levels. The American Legion is also pleased to see consideration given to caregivers by supporting services and education on possible benefits and agrees that successful transitions in care are critical to the overall well-being of both the caregiver and the veteran.

Through Resolution No. 20: *Home and Community-Based Services and Veteran Choice to Age in Place*,<sup>9</sup> Resolution No. 18: *Comprehensive Supports for Caregiver Support Program*,<sup>10</sup> and Resolution No. 24: *Caregiver Program*,<sup>11</sup> The American Legion supports improvements to community-based and home-based services in caring for our veterans.

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<sup>6</sup> The Department of Veteran Affairs, "VA amplifies access to home, community-based services for eligible Veterans," Office of Public and Intergovernmental Affairs. <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5757>.

<sup>7</sup> The John A. Hartford Foundation, "VA Launches Program to Improve Emergency Care for Nation's Older Veterans," September 9, 2021. <https://www.johnahartford.org/newsroom/view/va-launches-program-to-improve-emergency-care-for-nations-older-veterans>.

<sup>8</sup> Mary Lazare, "A Better Way to Care for Our Veterans?," Administration for Community Living, 2022. <https://acl.gov/news-and-events/acl-blog/better-way-care-our-veterans>.

<sup>9</sup> The American Legion Resolution No. 20 (2021): Home and Community-Based Services and Veteran Choice to Age In Place. <https://archive.legion.org/node/3579>.

<sup>10</sup> The American Legion Resolution No. 18 (2022): Comprehensive Supports for Caregiver Support Program. <https://archive.legion.org/node/7902>.

<sup>11</sup> The American Legion Resolution No. 24 (2017): Caregiver Program. <https://archive.legion.org/node/3411>.

**The American Legion supports H.R. 542 as currently written.**

**H.R. 562 – Improving Veterans Access to Congressional Services Act of 2023**

*To direct the Secretary of Veterans Affairs to permit Members of Congress to use facilities of the Department of Veterans Affairs for the purposes of meeting with constituents, and for other purposes.*

The provisions of this bill fall outside the scope of established resolutions of The American Legion. The American Legion is a resolution-based, grassroots organization that takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. The American Legion has no current position on the *Improving Veterans Access to Congressional Services Act of 2023*. However, The American Legion is currently researching this critical issue to include consulting with our membership to determine the best course of action which best serves veterans.

**The American Legion has *no position* on H.R. 562.**

**H.R. 693 – Veterans Affairs Medical Center Absence and Notification Timeline Act**

*To limit the detailing of directors of medical centers of the Department of Veterans Affairs to different positions within the Department, and for other purposes.*

The American Legion has previously testified in support of the Department of Veterans Affairs' (VA) innovative recruitment and retention practices for the largest integrated healthcare system in the United States.<sup>12</sup> Recently, VA has presented several programs to improve recruitment efforts and foster a better working environment within this system. Though the American Legion recognizes the efforts, there continues to be concern over VA's leadership, physicians, and medical specialist staffing shortages within the Veterans Health Administration (VHA).

Since the inception of our System Worth Saving program in 2003, The American Legion has identified staffing shortages at every VA medical facility (VAMC) and reported these critical deficiencies to Congress, the VA Central Office (VACO), and the President of the United States. During the visits, on more than one occasion, VAMC staff have also expressed that the change of executive leadership caused a disruption in the workflow of the facility, in some cases lowering morale, hindering operational functions, fragmenting oversight, and weakening services for veterans.

Understanding that the movement and assigned detail of medical center directors are at times unavoidable, this legislation would force VA to establish and report a timeline for and reasoning behind the movement of a facility director. This reporting is in an effort to ensure appropriate

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<sup>12</sup> VA Choice and Quality Employment Act of 2017, Public Law No. 115-4, Congress. (2017).  
<https://www.congress.gov/bill/115th-congress/senate-bill/114/text>.

leadership remains in charge of VA medical facilities in addition to permanently filling vacant key leadership positions without delay.

Through Resolution No. 115: *Department of Veterans Affairs Recruitment and Retention*,<sup>13</sup> The American Legion encourages legislation that addresses the recruitment and retention challenges at VA. Additionally, through Resolution No. 16: *Department of Veteran Affairs Accountability and Whistleblower Protections*,<sup>14</sup> The American Legion urges VA to maintain oversight and implement accountability on all methods of care provided through the VA healthcare system to ensure the needs of the veterans are met in a supportive, safe, and accepting environment.

**The American Legion supports H.R. 693 as currently written.**

### **H.R. 754 – Modernizing Veterans’ Health Care Eligibility Act**

*To establish an advisory commission regarding eligibility for health care furnished by the Secretary of Veterans Affairs.*

Throughout American history, Congress has found commissions to be useful in the legislative process.<sup>15</sup> By establishing a commission, Congress can provide a highly visible forum for critical issues and assemble greater expertise than may be readily available within the legislature. Establishing an advisory commission to examine veterans’ eligibility for healthcare from the Department of Veterans Affairs (VA) would allow for the complex policy issues involved with veteran eligibility to be examined over a longer period and in greater depth. In addition, the nonpartisan or bipartisan character of the proposed commission would serve to minimize the politics of the issue, which has become charged in recent years. Finally, the changing healthcare landscape has been significantly impacted by the COVID-19 pandemic, and consideration of its impact and meaning for the Veteran Health Administration is needed.

Congress can and should exercise immediate action involving reforms to VA healthcare and eligibility when possible. Setting up a multimember, bipartisan, independent structure that incorporates participation from across the veteran stakeholder community would be welcomed in this instance. Through Resolution No. 74: *Amend the Eligibility Requirements and Extend the Eligibility Time Period for Service-Disabled Veterans Insurance*,<sup>16</sup> The American Legion strongly supports establishing a bipartisan advisory commission and would welcome the opportunity to work with and on it.

**The American Legion supports H.R. 754 as currently written.**

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<sup>13</sup>The American Legion Resolution No. 115 (2016): Department of Veterans Affairs Recruitment and Retention. <https://archive.legion.org/node/342>.

<sup>14</sup> The American Legion Resolution No. 16 (2022): Department of Veterans Affairs Accountability and Whistleblower Protections. <https://archive.legion.org/node/7908>.

<sup>15</sup> CRS Report R40076, *Congressional Commissions: Overview, Structure, and Legislative Considerations*. <https://sgp.fas.org/crs/misc/R40076.pdf>.

<sup>16</sup> The American Legion Resolution No. 74 (2018): Amend the Eligibility Requirements and Extend the Eligibility Time Period for Service-Disabled Veterans Insurance. <https://archive.legion.org/node/576>.

## **H.R. 808 – Veterans Patient Advocacy Act**

*To amend title 38, United States Code, to improve the assignment of patient advocates at medical facilities of the Department of Veterans Affairs.*

Patient advocates often function as the voice of a veteran who does not know where to turn when they are unable to find the proper connection between the Department of Veterans Affairs (VA) and their healthcare needs. Patients like Sergeant John Tedford, an American Legion member with a 90 percent service-connected disability rating, voiced his own story in an American Legion forum of how he waited over a year for a medical appointment after having several unsuccessful attempts.<sup>17</sup> Veterans like Sergeant Tedford offer their learned experiences by assisting other veterans to navigate through the VA healthcare system. This drive to help veterans was the catalyst for The American Legion to create the System Worth Saving (SWS) program, where The Legion conducts structured visits to VA facilities across the Nation in an effort to learn about the quality of care provided to veterans.

In March 2017, during an SWS visit to the Phoenix VA, in Arizona, The American Legion recommended that VA upgrade the patient advocate's position from a General Schedule (GS) 9 to a GS 11.<sup>18</sup> Currently, the patient advocate and patient representative positions are identified as GS 9-11 positions. During the 2022 SWS visits to the Bronx VA in New York, the Columbia VA in South Carolina, and the 2023 visit to Sacramento VA in California, The Legion saw that the patient advocates were managing a heavy workload, which could lead to burnout, inadvertently followed by loss of employees, slowed patient response times, and frustrated veterans. The availability of patient advocates is a priority of The American Legion, and will continue to be a focal point when speaking with veterans about their representation as a VA patient.<sup>19</sup>

This legislation would increase the success and decrease the chance of burnout for patient advocates by ensuring that there is at least one patient advocate for every 13,500 veterans enrolled in the VA medical center's catchment area. It could also expand support for veterans in rural areas, allowing them more access to advocates through community-based outpatient clinics. The American Legion believes that veterans should be able to receive timely healthcare regardless of their geographical location and that they have access to advocates that can help them access appropriate care. Through Resolution No. 75: *Department of Veterans Affairs Rural Health Care Program*<sup>20</sup> and Resolution No. 377: *Support for Veteran Quality of Life*,<sup>21</sup> The American Legion

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<sup>17</sup> The American Legion. "Only hope for some." The American Legion. <https://www.legion.org/yourwords/personal-experiences/221152/only-hope-some>.

<sup>18</sup> The American Legion. "Phoenix VA Health Care System." The American Legion System Worth Saving. [https://www.legion.org/sites/legion.org/files/legion/publications/SWS\\_Report\\_2017\\_Phoenix.pdf](https://www.legion.org/sites/legion.org/files/legion/publications/SWS_Report_2017_Phoenix.pdf)

<sup>19</sup> The American Legion. "Veterans Healthcare System of the Ozarks (VHSO)." The American Legion System Worth Saving. [https://www.legion.org/documents/legion/pdf/SWS\\_Report\\_Fayetteville\\_2019.pdf](https://www.legion.org/documents/legion/pdf/SWS_Report_Fayetteville_2019.pdf)[https://www.legion.org/document/s/legion/pdf/SWS\\_Report\\_Fayetteville\\_2019.pdf](https://www.legion.org/document/s/legion/pdf/SWS_Report_Fayetteville_2019.pdf).

<sup>20</sup> The American Legion Resolution No. 75 (2017): Department of Veterans Affairs Rural Health Care Program. <https://archive.legion.org/node/541>.

<sup>21</sup> The American Legion Resolution No. 377 (2016): Support for Veteran Quality of Life. <https://archive.legion.org/node/520>.

supports increased access to patient advocates for all veterans so they can receive the quality healthcare they deserve.

**The American Legion supports H.R. 808 as currently written.**

### **H.R. 1089 – VA Medical Center Transparency Act**

*To require directors of medical centers of the Department of Veterans Affairs to submit annual fact sheets to the Secretary of Veterans Affairs on the status of such facilities, and for other purposes.*

The American Legion recognizes that parts of the Department of Veterans Affairs (VA) fall short of meeting the healthcare needs of veterans. We also recognize that the healthcare system is one worth saving, and we continue to work with VA to identify areas of improvement in addition to best practices that meet or exceed standards for veteran care. In 2021, Past National Commander, Paul E. Dillard, testified that The American Legion recommended congressional oversight on a variety of topics regarding VA programs and treatments for women veterans, medications, mental health services, traumatic brain injury, post-traumatic stress disorder, and the overall quality of life of veterans.

The American Legion supports the *VA Medical Center Transparency Act* as an avenue to create a transparent bridge of information that will highlight areas of need, improvement, and success in VA facilities. Furthermore, this information would facilitate actions by Congress and VA by creating and improving programs that will enhance the quality of life for veterans. The American Legion believes it is imperative for VA to maintain oversight and implement accountability on all methods of care provided through the VA healthcare system to ensure the needs of the veterans are met in a supportive, safe, and accepting environment. Through Resolution No. 16: *Department of Veterans Affairs Accountability and Whistleblowers Protections*,<sup>22</sup> The American Legion supports increased transparency in efforts to increase oversight and communication to provide better services for veterans.

**The American Legion supports H.R. 1089 as currently written.**

### **H.R. 1256 – Veterans Health Administration Leadership Transformation Act**

*To amend title 38, United States Code, to make certain improvements in the laws relating to the appointment of the Under Secretary of Health and Assistant Under Secretaries of Health of the Department of Veterans Affairs, and for other purposes.*

The provisions of this bill fall outside the scope of established resolutions of The American Legion. The American Legion is a resolution-based, grassroots organization that takes positions on legislation based on resolutions passed by the membership or in meetings of the National

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<sup>22</sup> The American Legion Resolution No. 16 (2022): Department of Veterans Affairs Accountability and Whistleblower Protections. <https://archive.legion.org/node/7908>.

Executive Committee. The American Legion has no current position on the *Veterans Health Administration Leadership Transformation Act*. However, The American Legion is currently researching this critical issue to include consulting with our membership to determine the best course of action which best serves veterans.

**The American Legion has *no position* on H.R. 1256.**

### **Conclusion**

Chairwoman Miller-Meeks, Ranking Member Brownley, and distinguished members of the committee; The American Legion thanks you for your leadership and for allowing us the opportunity to explain the positions of our 1.6 million members on the importance of these pieces of proposed legislation. Questions concerning this testimony can be directed to John Kamin at 202-263-5748, or [jkamin@legion.org](mailto:jkamin@legion.org).