Congress of the United States
House of Representatives
Washington, DC 20515

March 3, 2015

The Honorable Robert A. McDonald
Secretary
Department of Veterans Affairs
810 Vermont Avenue Northwest
Washington, D.C. 20420

Dear Secretary McDonald:

We write to express our concerns regarding the Interim Final Rule - Expanded Access to Non-VA Care Through the Veterans Choice Program (Docket ID: VA-2014-VHA-0022).

P.L. 113-146, the Veterans Access, Choice, and Accountability Act of 2014, directed the Secretary of Veterans Affairs (VA) to establish a temporary program (Veterans Choice Program) to furnish hospital care and medical services through non-VA health care providers to veterans who either cannot be seen within the wait-time goals of the Veterans Health Administration or who qualify based on their place of residence. Additionally, the law gave the Secretary of the VA the flexibility to determine the eligibility of a veteran for the Veterans Choice Program if the veteran "faces an unusual or excessive burden" in accessing a VA medical facility.

On November 5, 2014, the VA issued an Interim Final Rule that defines the parameters of the Veterans Choice Program, and clarifies aspects affecting veterans and the non-VA providers who will furnish hospital care and medical services through the Veterans Choice Program.

While we were pleased that the rule making process proceeded in a timely fashion, we are concerned that the Interim Final Rule establishes a very narrow interpretation of the geographic-based eligibility criteria with regard to a veteran's residence. Most notably, the 40 mile distance is measured from a veteran's residence to any VA medical facility, even if that facility cannot provide the care that the veteran requires. We believe this strict interpretation severely limits the eligibility of veterans and runs counter to the intent of the Veterans Choice Program, which is to ensure timely access to high-quality health care services and to provide a temporary relief valve on the VA to allow it to increase its own capacity to provide care. We respectfully request that you reconsider this position, for as you stated before the House Veterans Affairs Committee on February 11, 2015, when asked a question about this particular interpretation by Rep. Huelskamp, "I agree with your point of view that distance from a place you can't get the service seems like a relatively weak measure..."

We strongly encourage you to utilize, to the maximum extent allowable, the authority provided to you through the law to define a veteran facing "an unusual or excessive burden" in accessing a VA medical facility.

Specifically, we urge you to reconsider travel time as well as total distance to a medical service offered at a VA medical facility, rather than simply the distance to any VA medical facility. Many of the veterans in our Congressional Districts have to travel distances that significantly exceed 40 miles in order to access certain specialty care or inpatient services. Further, due to traffic congestion in many of our districts, the driving times for these trips are unpredictable. These distances and times are further exacerbated by the fact that many of our veterans rely on shuttle transportation. This is an incredibly frustrating experience for older infirmed veterans, as local non-VA hospital care and medical services are readily available.

We all agree that this is about ensuring every veteran receives the care they have earned regardless of where they choose to get it from. As your Department works to finalize and implement to Veterans Choice Program, we stand ready to assist you in those efforts.

We look forward to your response and thank you for your attention to this critical issue.

Sincerely,

Rep. Peter J. Visclosky
Member of Congress

Rep. Julia Brownley
Member of Congress

Rep. Rob Bishop
Member of Congress

Rep. Earl Blumenauer
Member of Congress

Rep. Cheri Bustos
Member of Congress

Rep. Bradley Byrne
Member of Congress

Rep. Lois Capps
Member of Congress

Rep. Mike Coffman
Member of Congress

Rep. Paul Cook
Member of Congress

Rep. Joe Courtney
Member of Congress

Rep. Suzan DelBene
Member of Congress

Rep. Elizabeth Esty
Member of Congress

Rep. Chris Gibson
Member of Congress

Rep. Denny Heck
Member of Congress

Rep. Brian Higgins
Member of Congress

Rep. Tim Huelskamp
Member of Congress

Rep. Bob Goodlatte
Member of Congress

Rep. Bill Johnson
Member of Congress

Rep. Walter Jones
Member of Congress

Rep. Derek Kilmer
Member of Congress

Rep. Ann Kirkpatrick
Member of Congress

Rep. Dave Loebsack
Member of Congress

Rep. Tom McClintock
Member of Congress

Rep. James McGovern
Member of Congress

Rep. Eleanor Norton
Member of Congress

Rep. Beto O'Rourke
Member of Congress

Rep. Scott Peters
Member of Congress

Rep. Jared Polis
Member of Congress

Rep. Raul Ruiz
Member of Congress

Rep. Mark Takano
Member of Congress

Rep. Mike Thompson
Member of Congress

Rep. Mac Thornberry
Member of Congress

Rep. Chris Van Hollen
Member of Congress

Rep. Filemon Vela
Member of Congress

Rep. Lee Zeldin
Member of Congress

Rep. Ryan Zinke
Member of Congress

Rep. Trent Franks
Member of Congress

Rep. Jim Cooper
Member of Congress

Rep. Alcee Hastings
Member of Congress

Rep. Chellie Pingree
Member of Congress

Rep. Kyrsten Sinema
Member of Congress

Rep. Albio Sires
Member of Congress

Rep. Ted Yoho
Member of Congress

Rep. Bill Shuster
Member of Congress

Rep. David Cicilline
Member of Congress

Rep. Peter DeFazio
Member of Congress

Rep. Matt Cartwright
Member of Congress

Rep. Jared Huffman
Member of Congress

Rep. Madeleine Bordallo
Member of Congress

Rep. John Delaney
Member of Congress