

VA MAKES RECOMMENDATION ON BLUEWATER NAVY VETERANS BENEFITS

The Department of Veterans Affairs has announced they won't recommend appealing a federal court ruling to award disability benefits to thousands of Vietnam veterans claiming exposures to cancer-causing chemical defoliants during ship deployments off the Vietnam coastline, it has been confirmed.

When appearing in front of the Senate Veterans' Affairs Committee VA Secretary Robert Wilkie said he wouldn't ask the Department of Justice to keep fighting the legal issues.

There is an option for federal officials to appeal the decision through late April. The decision was issued by the U.S. Court of Appeals for the Federal Circuit in January.

Wilkie said that other federal officials could still provide their own arguments in favor of filing an appeal. However, his recommendation is likely to be a more relevant factor in any decision because of the impact it has on his department.

The move to let the decision stand provides advocates for blue water Navy veterans a victory, as they've been arguing thousands of Vietnam veterans are unfairly prohibited from receiving disability benefits.

Under the current VA rules, blue water veterans which is estimated to be 90,000 veterans, can receive medical care for illnesses through the VA, but to receive disability benefits they have to prove their conditions are directly connected to toxic exposure while on duty.

This is not true for other Vietnam veterans. Other Vietnam veterans are presumed to have been exposed to Agent Orange and other defoliants linked to rare and serious cancers.

Essentially, a veteran who served on the shoreline of Vietnam can receive payouts after getting Parkinson's disease, for example, while a veteran who was on a ship a few miles away has to prove they had direct contact with hazardous chemicals.

The federal court ruling came down on the side of advocates who have long said getting proof is almost impossible, since we're decades out from the exposure to toxic chemicals.

VA officials had previously argued that taking on new non-scientific standards for disability benefits might open a floodgate of new claims. As a result, lawmakers have been working for two years on narrowly tailored legislation for blue water Navy veterans, and they've been urging VA to end their opposition.

If the court decision stands, the VA could see total awards of around \$1.1 billion over 10 years. VA officials have said that number could go as high as \$5 billion or more.

Senate Veterans' Affairs Committee Johnny Isakson, R-GA said lawmakers will have to work with VA officials over the coming months to address costs.

John Wells, retired Navy commander and the executive director of Military-Veterans Advocacy, which is a group that helped file the lawsuit leading to the January court ruling, called for a similar plan.

“(Wilkie’s) decision is consistent with what he has told (our group) privately,” he said. “We thank him for bringing this tragic episode to a close and look forward to working with him on issues dealing with implementation.”

Mike Little, executive director for the Sea Service Family Foundation and a long-time advocate for the blue water issue, said the announcement by Wilkie is a great day for Vietnam veterans.

“VA owes all these vets an apology for the years they spent denying them benefits,” he said. “Not appealing this court decision is the first step. I hope this decision brings peace of mind to those widows left behind.”

PROPOSED NEW LEGISLATION WOULD LET VA DOCTORS

RECOMMEND MEDICAL MARIJUANA

A new bill filed by Rep. Earl Blumenauer (D-OR), would let doctors from the VA recommend medical marijuana to veterans. The latest version of this kind of legislation has 12 co-sponsors.

The proposal which was recently introduced in the House dictates that the VA must authorize health care providers to issue recommendations and opinions to veterans who are residents of states with state marijuana programs, regarding the participation of veterans in these programs.

“For too long, our veterans have been denied access to highly effective medical marijuana treatment for conditions like chronic pain and PTSD. Medical marijuana has shown proven benefits for treating these conditions and denying our veterans access to them is shameful,” Blumenauer said in a press release.

“This simple bill would align veterans VA treatment with their very popular state laws, usually approved by the voters.”

There have been other attempts in Congress to expand cannabis access to veterans in recent years. House and Senate have approved provisions as amendments to spending legislation, but nothing has become law to this point.

In 2016, the House and Senate pass language that allowed VA providers to fill out medical marijuana recommendations forms, but ultimately the proposal wasn't included in final legislation.

“This legislation would guarantee our veterans fair and equal treatment, along with the ability to consult with their own physician on all treatment options,” Blumenauer said of the new standalone bill. “It's past time we provide them with the care they need and deserve.”

There's been significant interest in addressing the veterans and marijuana issue this year. Sen Brian Schatz (D-HI) and Rep. Barbara Lee (D-CA) filed companion bills last month that would legalize medical cannabis for veterans and ensure that VA doctors could issue marijuana recommendations.

Separately, there is a group of lawmakers who are working on requiring the VA to do clinical trials to see the effects of medical marijuana on veterans.

SOME IN CONGRESS HOPE TO CHANGE THE FACT THAT GOLD STAR SPOUSES CAN LOSE FINANCIAL ASSISTANCE IF THEY REMARRY

Currently, Gold Star Spouses may lose their benefits if they remarry, and three combat veterans in the House of Representative want to change the law. Under the proposed changes, military widows and widowers would be able to keep their survivor benefit payments if they remarry. Proponents say it would let them raise their families and maintain a connection to the military.

The bill, H.R. 1911, or the Sgt First Class Brian Woods Gold Star and Military Survivors Act, would also extend child care assistance to surviving spouses and give continued access to base facilities such as commissaries, exchanges and fitness centers to those with dependent children who remarry.

The new proposed legislation also includes a provision that would cover the cost of transporting bodies of servicemembers killed in combat to their hometown for services, and if their family requests it, to a national cemetery. Right now, the government only pays for one trip.

Legislation co-sponsor Michael Waltz, R-Fl says this legislation would ensure Gold Star families can be cared for by giving their children and spouses the benefits they deserve.

“The knock on the door that initiates a family into the Gold Star community is the most dreaded moment in a military family’s life,” Waltz said in a release. “From that moment forward, these families deserve our best and most meaningful commitment in honor of their loved one’s sacrifice for our freedom and security.”

“Gold Star families should have the peace of mind that comes with knowing child care and funeral expenses are taken care of and that they will receive the nation’s lifelong financial support,” said Rep. Seth Moulton, a Massachusetts Democrat and co-sponsor.

The bill is named after a Special Forces senior medical sergeant and former Marine who served with Waltz. He died in 2009 after being wounded during a patrol in Afghanistan and was survived by his wife and two young daughters who were 5 and 8 months at the time of his death.

TWO SENATORS INTRODUCE LEGISLATION TO PROTECT VETERANS DISABILITY BENEFITS FROM DEBT COLLECTORS

Two senators recently introduced a bill aimed at protecting veterans' disability benefits from debt collectors.

When a veteran declares bankruptcy under current law, debtors can count their disability benefits as disposable income, meaning they can then seize the benefits.

At the same time, under current law Social Security benefits are exempted from being included in disposable income in bankruptcy filings and disability benefits in any form aren't taxable. Because of that, they aren't usually considered disposable income.

The legislation being introduced is called "the Honoring American Veterans in Extreme Need (Haven) Act." It is aiming to provide the same immunity in bankruptcy cases for benefits provided by the VA and Department of Defense to disabled veterans and their surviving spouses.

Sen. Tammy Baldwin, D-Wis, and Sen. John Cornyn, R-Texas, introduced the bill, which has already been endorsed by 10 Republican and 10 Democratic senators. It has also earned the support of organizations like the American Legion, Disabled Veterans of America and the American Bankruptcy Institute, among others.

"Right now, veterans and their families are forced to dip into their disability-related benefits to pay off bankruptcy creditors," said Baldwin during an unveiling event for HAVEN in her Senate office. "And that's not right. This reform will protect veterans' disability benefits when they fall on hard times."

Supporters of the proposed legislation say it is unfair veterans may be required to give up their disability benefits when declaring bankruptcy, when other people receiving Social Security benefits don't have to.

The effect is to shove veterans out of the protections that every other disabled American gets." Said Holly Petraeus, a HAVEN supporter and former assistant director of the Consumer Financial Protection Bureau. "We know that was not right and we were sure that was not intended with the original legislation, but that was the effect that it had."

Matthew Shuman, the American Legion's national legislative director, felt similarly.

"So often we find that veterans and service members and their families are exempted because they do great things," he said. "It's not often that we find the other way around."

Proponents of HAVEN say the bill could also help ease some of the mental health burdens veterans experience. John Thompson, a veteran and bankruptcy lawyer brought up veteran suicide statistics.

“We know that one of the single greatest contributing factors to that is financial distress.” He said. “And this is going to go a long way to easing that financial distress for many American veterans.”

“When somebody has financial woes that are so significant that they have to declare bankruptcy, if given a second chance they have a much more promising path to becoming tax payers again,” said Baldwin. “If not given that chance, people are not necessarily going to resume a productive job. We like to create new taxpayers.”

Shane Liermann, Disabled American Veterans’ assistant national legislative director spoke out about the impact of having disability benefits take as part of a bankruptcy.

“Disability compensation for many of our veterans is the difference between being able to provide the necessities for their family and not,” he said. “The notion that disability compensation can be considered disposable income is outrageous.”

WISCONSIN OFFERS EXPANDED GI BILL BENEFITS

One of the most favorable things about the Post-9/11 GI Bill is the fact that veterans can share it with their spouses and children, however it requires using the same pool of limited 36-month benefits. That means that it would make it difficult for any one person in a family to have full coverage to earn their four-year degree.

In Wisconsin, this isn't the case. The Wisconsin GI Bill can provide veterans with additional GI Bill benefits. For some disabled veterans, it can provide a veteran, spouse and children each with their own set of 128 credit hour Wisconsin GI Bill benefits. These benefits can be used at the same time as the veteran and as one another. One person in a family using the benefits doesn't reduce anyone else's benefits either.

The benefit can be used at any school in the University of Wisconsin and Wisconsin Technical College system and provides qualifying veterans with 128 credit hours, or eight semesters, of free tuition and related fees for all levels of higher education.

"Most of the time when I'm talking to folks and explaining what it can pay for, the reaction is, 'This sounds great. Where's the hook?'" said Joe Rasmussen, the veteran services coordinator at the University of Wisconsin, Madison's Veteran Services and Military Assistance Center.

"It's somewhat unbelievable, but it's a really generous benefit that has helped a lot of people," he said.

The Wisconsin GI Bill initially passed in 2005, and the Wisconsin Department of Veterans Affairs determine eligibility. The program itself is primarily operated and paid for by schools, however.

A veteran can apply by submitting a form to the state VA in Wisconsin. Once they receive approval, they can apply directly to participating universities.

For most Wisconsin veterans, they must have exhausted all their federal GI Bill benefits before they can access the Wisconsin GI Bill benefits.

To qualify, a veteran must have completed two years of active-duty service, or 90 days of active-duty service during war time. They must have also been a Wisconsin resident for five consecutive years.

There was an expansion of the benefit in 2017 for prospective students who started active duty service when they were residents of states other than Wisconsin. The goal was helping Wisconsin to be seen as a destination for active-duty troops who want free higher education.

“That’s a lot of what the intent has become,” said Jackie Helgeson, veterans services manager at Western Technical College in La Crosse, Wis. “It’s the carrot they dangle, ‘Hey come live in Wisconsin!’”

There ‘s no limit on when veterans must use the Wisconsin GI Bill. The benefits can be accessed any time post-separation, as long as they don’t exceed 128 credit hours or eight semesters.

Family members can also utilize the benefit, but only if a veteran has at least a 30 percent disability rating. The spouse of a deceased veteran can’t be re-married and eligible children must be between the ages of 17 and 25 on the day of the first semester they are using the Wisconsin GI Bill. They must have also lived in Wisconsin for five consecutive years to be eligible.

“The one big thing... is the fact you can send your kids to school at a low cost,” said Donnie Placidi, the Wisconsin State VA’s administrator of veteran benefits. “There’s just so much that this Wisconsin GI Bill offers.”

The Wisconsin VA approved 3,490 applications for Wisconsin GI Bill benefits from March 1, 2018 through February 28, 2019, of those, 1,321 weren’t Wisconsin residents when they entered the Military.

According to UW-Madison’s Rasmussen, 342 students at the school took advantage of Wisconsin GI Bill benefits in fiscal year 2017-18. That included 158 veterans, 174 children and 10 spouses, who saved over \$3 million combined in tuition and fee remissions.

CURRENT STATUS: NO DELAY IN NEW COMMUNITY CARE RULES

While critics have been trying to find a way to stop it, veterans' "choice" is happening in a matter of weeks, unless something happens between then and now.

Veterans Affairs Secretary Robert Wilkie has expressed his belief that new community care standards that expand access to private sector health care will be in place in June, regardless of concerns.

"The state is very clear, the timelines are very clear," he told reporters after a Senate Veterans' Affairs Committee hearing on Tuesday. "The regulations are in place. I can't see them changing unless Congress steps in between now and June 6."

Despite that statement, some Democratic members of Congress have been working on stopping or delaying the expansion. They say there are many questions still not answered such as how much it will cost and how it will affect other reforms being made to VA health care.

House Veterans' Affairs committee Chairman Mark Takano, D-Calif. Says he's looking for ways to stop or slow changes if he doesn't get answers to his questions. He said it's more important to him that the VA "do the right thing" as opposed to meeting a time deadline.

The VA Mission Act changes include significant expansions in the number of veterans who can receive taxpayer-funded private-sector health care.

The changes could triple the number of veterans eligible for care.

Veterans who live more than 30 minutes from a Veterans Affairs medical clinic or have a wait of more than 20 days for most appointments could be eligible for expanded community care.

The new standards replace the 40-mile and 30-day guidelines in place for veterans currently. For specialty care, veterans would have a threshold of a 60-minute drive or a 28-day wait. Around one-third of all VA medical appointments are currently done outside the VA health care system, and VA officials say they don't expect a significant increase in the number of veterans seeking care outside the system.

"The care in the private sector, nine times out of 10, is probably not as good as care in VA," Wilkie told the committee.

"You have said no privatization, and your staff has also said that," Sen. Jon Tester, D-Mont., told Wilkie at a Senate Veterans' Affairs Committee hearing on Tuesday. "Everything that I'm hearing and everything I'm seeing says something different."

VA MAKING NASAL SPRAY DRUG AVAILABLE

FOR TREATMENT-RESISTANT DEPRESSION

The VA recently announced health care providers will be able to offer the newly approved Spravato nasal spray for treatment-resistant depression.

The move follows the March 5 Food and Drug Administration (FDA) approval of Spravato (esketamine) nasal spray. Spravato was approved for use in conjunction with an oral antidepressant for the treatment of treatment-resistant depression in adults.

“We’re pleased to be able to expand options for veterans with depression who have not responded to other treatments,” said VA Secretary Robert Wilkie. “It reflects our commitment to seek new ways to provide the best health care available for our nation’s veterans.”

Spravato will be available through a restricted distribution system under an FDA-approved Risk Evaluation and Mitigation Strategy (REMS). The purpose of the REMS is to mitigate the risks of serious adverse outcomes and the potential abuse and misuse of Spravato.

VA health care providers will monitor veterans for serious adverse outcomes, such as sedation and difficulty with attention, judgment and thinking (dissociation), abuse and misuse, worsening of depression and suicidal thoughts and behaviors.

Veterans will self-administer Spravato nasal spray under the direct observation of a health care provider in a certified medical facility, and then must be monitored by a health care provider for at least two hours after receiving their dose. Spravato cannot be dispensed directly to veterans for use at home.

VETERANS' FAMILY, CAREGIVER AND SURVIVOR ADVISORY COMMITTEE **PROVIDES RECOMMENDATIONS TO VA SECRETARY**

Secretary of Veterans Affairs Robert Wilkie commended the veterans' Family, Caregiver and Survivor Federal Advisory Committee on March 27 for recommendations that will assist in the department meeting its commitment to improve the experiences of all those it serves.

The committee, chaired by former U.S. Sen. Elizabeth Dole, a noted advocate for military caregivers, offered cross-cutting recommendations addressing several areas that affect veterans' families, caregivers and survivors.

The recommendations range from an effort to identify all federal programs available to veterans and their families, caregivers and survivors, to increased coordination in resource distribution to those who require them most, as well as implementation of the expansion of caregiver stipends with more standardization.

"VA is not only listening to our veterans, but more intentionally to the voices of their families, caregivers and survivors," Wilkie said. "Thanks to the valuable work of this committee, we are understanding and taking action on their concerns and needs as we improve the delivery of care, benefits and services. The committee's recommendations are vital to VA as we meet our customer service mission."

Accomplishments include the establishment of the Center of Excellence for Veteran and Caregiver Research and creation of the Veteran Family Community Engagement Directorate.

The committee advises VA's Secretary, through the Chief Veterans Experience Officer, on matters related to Veterans' families, caregivers and survivors across all generation.

A key element of the committee's work is to engage veteran family members, research experts and family service providers to better understand their needs and identify ways VA can provide them with a positive experience in their use of care, benefits and services.

The committee also worked to facilitate development and distribution of quick start guides for caregivers, as part of their national welcome kit.

