

(October 2018)

DEPARTMENT OF VETERANS AFFAIRS ANNOUNCED CHANGES TO
DISABILITY RATING SCHEDULE RELATED TO SKIN CONDITIONS

Effective August 13, the U.S. Department of Veterans Affairs (VA) updated portions of the VA Schedule for Rating Disabilities (VASRD, or Rating Schedule) that evaluate conditions related to the skin.

The VASRD is the collection of federal regulations used by Veterans Benefits Administration claims processors to evaluate the severity of disabilities and assign disability ratings.

VA is in the process of updating all 15 body systems of the VASRD to reflect modern medicine more accurately and provide clearer rating decisions.

“VA remains committed to providing veterans the benefits they have earned at the highest quality,” said VA Secretary Robert Wilkie. “With modern medicine advancing at a rapid rate, it’s important to ensure VA’s disability rating schedule and rating decisions reflect these advancements.”

No conditions were removed from the new skin rating schedule, but a number of diagnostic codes were restructured or revised, according to the VA.

Claims pending prior to August 13 will be considered under both the old and new rating criteria, and whichever criteria are more favorable to the veteran will be applied. Claims filed on or after August 13 will be rated under the new rating schedule.

By updating the rating schedule for skin conditions, VA claims processors can make more consistent decisions with greater ease and ensure veterans understand these decisions.

VA RELEASES HEALTH CARE BENEFIT APPLICATION
FOR SPANISH-SPEAKING VETERANS

The Department of Veterans Affairs recently released the Spanish version of the application for health benefits. According to the VA, this was done as part of the VA's ongoing effort to simplify and improve the health care enrollment process for veterans.

The new language version implements the VA Advisory committee on Minority Veterans' recommendation to provide Spanish versions of the application and instructions.

"Our veteran population is made up of an increasingly diverse group of people," said VA Secretary Robert Wilkie. "Our nation appreciates the service and sacrifice of all veterans, including Hispanic and Latino veterans. And it's our duty to expand the ways we communicate with all veterans, so they're properly informed about the benefits they've earned."

According to the National Center for Veterans Analysis and Statistics, the number of living veterans who identify as being Hispanic or Latino, as of September 20, 2017, is nearly 1.5 million people. More than half a million veterans already enrolled in the VA health care system self-identify as Hispanic or Latino.

DELAYS IN FOREVER GI BILL IMPLEMENTATION

COULD AFFECT VETERANS' CHECKS

According to a report from Stars and Stripes, student veterans in the 2018-2019 school year might receive incorrect payments from the VA, because of a deadline missed by the agency to fully implement how checks are calculated. This information comes from law-makers and veteran advocates.

Last year Congress approved the Forever GI Bill, which is a significant expansion of education benefits. The VA had until August 1 to implement the 34 new provisions outlined by the law. One of the changes that needed to be implemented was changing how veterans' housing allowances are calculated, based on the zip code of the campus where they attend classes.

The VA didn't meet that August 1 deadline, reportedly because of technology problems. The technology was being used to complete new calculations. By mid-August, the new system still was not in place.

"It's come to my attention that the (VA) has screwed up accountability and responsibility for a Forever GI Bill benefit," said Sen. Johnny Isakson, R-Ga. He said at a Senate Veterans' Affairs Committee hearing that the changes that should have been made were not made and the checks and balances built into the system were not followed.

Student Veterans of America, which has nearly 1,500 chapters at colleges nationwide, is hearing from members concerned about their payments, said Barrett Bogue, the group's vice president of public relations.

"I haven't heard from a critical mass of student veterans who've been negatively affected yet, but I have heard from schools and representative that this is a problem and it needs to be addressed as soon as possible," he said.

Since the Forever GI Bill was signed, the VA has implemented 28 of its 34 measures, Cashour said.

"It just so happens one they didn't is the one that affects the living allowance," Bogue said. "It's affecting livelihood."

Rep. Phil Roe, R-Tenn., chairman of the House Committee on Veterans' Affairs, promised "aggressive oversight" of what he described as a "serious problem."

The House committee already held two hearings on implementation of the Forever GI Bill, one late last year and another in July. At the July hearing, retired Maj. Gen Robert Worley II, the VA

director of VA education services, said it was a “complex, heavy-lift effort.” The VA hired 200 workers to handle the additional workload.

“It’s troubling to me that VA still has not yet finalized the IT systems needed to fully implement the law, despite having a year to do so,” Roe said Wednesday in a statement. “It is now a month past the deadline set in the law... and the department’s failure to do so is unacceptable.”

The VA’s chief information officer, Scott Blackburn, resigned in April. Recently, James Gfrerer was nominated to replace him. At the senate hearing, the committee told him it would now be his responsibility to correct the problem.

Student Veterans of America is encouraging any veteran who believes they received an incorrect or delayed housing stipend to contact the VA’s GI Bill hotline, at 888-GIBill-1, or the White House VA Hotline at 855-948-2311.

VA CLARIFIES COLLECTIVE BARGAINING AUTHORITY RELATED TO

PROFESSIONAL CONDUCT AND PATIENT CARE

The U.S. Department of Veterans Affairs (VA) announced that VA Secretary Robert Wilkie clarified that unions can no longer use collective bargaining rights when it comes to professional conduct and patient care by VA providers.

Specifically, Secretary Wilkie has taken back rights the VA gave away under the previous Administration to preclude collective bargaining on issues indirectly related to VA providers' professional conduct or competence (patient care).

In doing so, Secretary Wilkie is refocusing VA providers' commitment to veterans' care and VA's ability to deliver that care.

Wilkie rescinded a Memorandum of Understanding (MOU) that VA entered in 2010 with National Nurses United, Service Employees International Union, National Federation of Federal Employees, and National Association of Government Employees on VA's application of 38 U.S.C. S7422.

As a result, unions will no longer be able to use collective bargaining when it comes to VA providers on issues indirectly related to their professional conduct or the care that they provide patients at the VA.

"President Trump has made it clear that we want our providers laser-focused on caring for veterans and that's exactly what we're doing here," said Secretary Wilkie. "This move today ensures that unions can't bargain on issues related to our providers' professional conduct or competence, essentially patient care. Our nation's heroes deserve no less."

Secretary Wilkie's action today builds on VA's implementation of a recent Presidential executive order (EO) that outlined new guidelines for how union officials use work hours when representing federal employees.

The executive order affects about 1,700 VA employees using taxpayer-funded union time – including two doctors, 65 nurses and 405 other employees who spent 100% of their tax-payer-funded time working on nothing but union business.

Approximately 300,000 VA employees are represented by one of five national unions.

The executive order's restrictions regarding time spent on government work include member solicitation, lobbying activities, elections of union officials and collection of dues.

As part of VA's implementation of the executive order, VA employees who previously spent 100 percent of their official work hours on union issues can devote no more than 25 percent of that time to the union.

Union leaders also must request and receive approval of their use of taxpayer-funded union time to allow the VA to monitor the use of this time to ensure that it's only used for authorized purposes.

VA AND WALGREENS COLLABORATE FOR VETERAN CARE COORDINATION

As part of ongoing efforts by the VA to improve veteran care coordination, the department is working with Walgreens, which is a primary services provider, to coordinate both patient and pharmaceutical care for VA-enrolled patients.

Now, VA providers will be able to easily see the full medication and immunization history of VA-enrolled patients who received prescriptions and immunizations at Walgreens.

“This arrangement is the first of its kind and it’s a strong collaboration,” said VA Secretary Robert Wilkie. “Partnerships like this will help VA continue to improve the way we care for veterans.”

As it expands its community care program, VA actively refines its ability to track medication prescribed by community providers. Prior to the arrangement, VA providers would ask patients to inform them about medications filled at Walgreens. With the VA-Walgreens exchange, VA providers can now easily view medications directly that are prescribed to VA-enrolled patients by community providers and filled at Walgreens pharmacies.

VA exchanges standards-based medical information securely and electronically with participating community health care partners, such as Walgreens, to ensure the best possible care coordination and medication management. Currently, VA exchanges health information with over 170 community health care partners, representing 1,288 hospitals, 537 Federally Qualified Health Centers, 261 nursing homes, 8,649 pharmacies (including over 8,000 Walgreens pharmacies) and over 22,431 clinics.

VA ANNOUNCES EXPANSION OF VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM TO IMPROVE SERVICES TO VETERANS

The U.S. Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment Program (VR&E) recently began the process of reducing the average counselor-to-caseload ration, to one to 125 or below, through the hiring of 172 vocational rehabilitation counselors (VRCs).

The hiring effort, which began early this summer, will help improve service to veterans with service-connected disabilities and employment barriers, as well as help provide them with expedited services to improve their ability to transition to the civilian workforce.

"The VR&E program is much more than a benefits program," said VA Secretary Robert Wilkie. "It's a vital support network, where VA's expert counselors work closely with veterans on their personalized vocational rehabilitation goals. Congressional funding enables us to expand our team of counselors who are on the ground across the country working tirelessly for veterans, and we appreciate their support."

VA is committed to ensuring its counselors have manageable caseloads and the resources needed to ensure veterans are receiving thorough, quality services.

Currently, 941 counselors are working across VA's 56 regional offices, as well as in out-based and satellite locations.

Once hiring is complete for the additional 172 counselors, a total of 1,113 VRCs will be deployed in the field to serve veterans.

This includes 905 VRCs at regional and out-based offices, 132 Integrated Disability Evaluation System counselors at 71 military installations and 76 Veteran Success on Campus counselors at 105 institutions of higher learning.

THE PENTAGON IS MAKING SOME CHANGES TO NEW GI BILL RESTRICTIONS

Earlier in 2018, the Department of Defense announced it would be making changes to the GI Bill transfer policy that would prevent long-serving troops from being able to pass benefits on to their dependents.

That won't apply to service members who have been wounded in combat, according to a recent announcement from Pentagon officials.

The Pentagon recently announced Purple Heart recipients will be able to transfer their benefits, regardless of how long they served in the military or whether they are able to commit to a longer period of service.

"Secretary Mattis has been clear, we must recognize the sacrifices these service members have made," Stephanie Miller, director of accessions policy in the Office of the Secretary of Defense, said in a statement announcing the change. "This policy reflects our continuing commitment to Wounded Warriors and their families."

Under the new controversial and highly debated GI Bill transfer policy, service members who have been in the military for more than 16 years can no longer transfer GI benefits to their dependents as of July 12, 2019. That was a move away from the current policy, which doesn't cap time-in-service for transferability as long as service members can commit to four more years in the service.

The new policy also ends eligibility of some service members to transfer their benefits, including the ones who couldn't commit to the additional service requirements because of mandatory retirement, high-year tenure or medical issues. These changes no longer apply to Purple Heart recipients, although all other laws and DOD policies related to transferring unused Post-9/11 educational benefits remain in effect, according to the Pentagon's announcement.

VETERANS CAN NOW FILE CLASS ACTION LAWSUITS AGAINST THE VA

There was recently a federal court ruling announced that opens the possibility for veterans to file suit against the Department of Veterans Affairs as a class, instead of individuals. That, according to advocates, could create a significant change in how legal cases against the VA are handled.

The ruling, *Monk v. Wilkie*, came from the US Court of Appeals for Veterans Claims. The eight-justice panel ultimately ruled against the plaintiff's claim that their case should proceed as a class-action suit, arguing it failed to meet previously established standards for such legal consideration.

They did say in appropriate cases" in the future, there would be potential for class action lawsuits.

"This is a watershed decision, and its importance should not be diminished merely because the court declined to certify this proposed class," wrote Chief Judge Robert Davis. "On the contrary, the court's decision will shape our jurisprudence for years to come, and I hope, bring about positive change for our nation's veterans."

Fellow appeals court Judge Michael Allen said the decision "has been decades in coming and holds great promise as a means to address systemic problems in the VA system."

In private lawsuits, individuals are required to prove specific harm or damage to them personally or their personal situation to win judgement. In class action lawsuits, the plaintiffs can demonstrate harmful or illegal activity against a larger group. This brings different standards for correction.

Officials who are with the Veterans Legal Services Clinic at Yale Law School, which is responsible for bringing suit on behalf of Vietnam veteran Conley Monk Jr., said the decision is a historic step forward.

"(Allowing class-action suits) will allow our nation's veterans to unite in fighting for prompt answers to their disability benefits claims," said clinic law student Catherine McCarthy said in a statement. "The VA's delays are intolerable, and we hope the court will exercise its class action authority to hold the agency to account."

According to reports, it's difficult to know right now if this will make it easier to establish an eligible case. In this situation, the panel of judges reject Monk's claim that all veterans facing long wait times for benefits appeals cases should be able to collectively sue the department to force a quicker response.

However, the new legal option could bring about groups of veterans with the same illness coming together to force a response from the VA, or to require policy changes based on problems reported by as similar group.

VA ANNOUNCES UPCOMING AWARD GRANTS TO HELP AT-RISK VETERANS AND THEIR FAMILIES

The VA recently announced thousands of low-income veteran families around the country will continue to receive benefits issued under the Supportive Services for Veteran Families (SSVF) program.

SSVF funding, which supports outreach, case management and other flexible assistance rapidly to re-house Veterans who are homeless—or at risk of becoming homeless—will be awarded to 252 nonprofit organizations in all 50 states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands. A list of applicants that will be awarded grants is located at www.va.gov/homeless/ssvf.asp.

“At VA, we’re dedicated to fulfilling President Lincoln’s promise of taking care of Veterans and their families, and the SSVF program has proven extremely effective in doing just that. It provides low-income Veterans and their families with the services and support they need to secure and maintain stable housing,” said VA Secretary Robert Wilkie. “Our hope is to see many more Veterans avoid or exit homelessness because of these important grants.”

Grantee will continue to provide eligible veteran families with outreach, case management and assistance obtaining VA and other benefits. These may include:

Health care

Fiduciary payee

Financial planning

Child care

Legal support

Transportation

Housing counseling, and

Other Services.

SSVF grantees are expected to leverage supportive services grant funds to enhance the housing stability of low-income veteran families that are occupying permanent housing. In doing so, grantees are required to establish relationships with local community resources.

In fiscal year (FY) 2017, SSVF served more than 129,450 participants, including approximately 83,900 Veterans and 27,535 children. Because of these and other efforts, veteran homelessness is down significantly since the launch of the Federal Strategic Plan to Prevent and End Homelessness in 2010.

The applicants to which grants will be awarded competed under a November 6, 2017, Notice of Fund Availability. Applications were due January 12, 2018. The funding will support SSVF services in FY 2019, which starts October 1, 2018, and ends September 30, 2019

The SSVF program is authorized by 38 U.S.C. 2044. VA implements the program by regulations in 38 CFR Part 62.

AMAZON FOUNDER GIVE \$10 MILLION
TO HELP VETERANS GET ELECTED TO CONGRESS

Amazon founder Jeff Bezos and his wife announced they are supporting With Honor. With Honor is a super PAC that works to help get military veterans from both parties elected to Congress.

The donation is the largest political contribution that has been made by Bezos to date.

With Honor does not focus on party affiliation, but instead the group works on helping veterans get elected who commit to a pledge of integrity, civility and courage.

The committee divides spending evenly between Republican and Democratic candidates.

Howard Shultz, retired Starbucks CEO is another donor as are members of the Walmart family.

