



Paralyzed Veterans  
of America

# 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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## VA COVID-19 RESPONSE

VA announced on March 17 that it plans to ask for an additional \$16.6 billion to respond to the health care needs of veterans with the corona virus (COVID-19). Action is pending in Congress on this and other virus-related spending.

The response to COVID-19 is a rapidly unfolding situation. Contact your local VA for up to date information as this continues to evolve.

### Things to expect from VA Medical Centers:

Every person entering a VA hospital will undergo a daily screening for the corona virus.

The spinal cord injury (SCI) population is one of VA's most susceptible populations to the novel corona virus. All VA SCI/D Centers will adopt a "no visitor" stance, meaning no outside visitors will be permitted to see inpatients. Exceptions will be when veterans are in their last stages of life or any other extenuating circumstance.

Routine SCI/D admissions including annual examinations and respite will be rescheduled.

Outpatient clinics are only accepting urgent appointments. Non-urgent, routine appointments are being rescheduled to a later date or scheduled as a telehealth appointment when feasible. The VA has increased telehealth appointments to continue meeting veterans' health care needs.

Recreational therapy outings are canceled.

Physical therapy is performed at bedside.

Dayrooms and common areas are closed.

Food delivery from outside restaurants is prohibited.

If you have symptoms, or think you may have come in contact with the corona virus, contact your provider before visiting your local VA medical center or doctor's office.

Information on the novel corona virus can be found here: <https://www.publichealth.va.gov/n-coronavirus/>. Information on the visitor policy for SCI can be found here: <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5400>.

### **Paralyzed Veterans of America**

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## VA PUBLISHES PROPOSED CAREGIVER PROGRAM REGULATIONS

On March 6, VA published a [proposed rule](#) in the Federal Register that would improve and standardize VA's Program of Comprehensive Assistance for Family Caregivers (PCAFC) and ensure the program's regulations reflect changes required by the VA MISSION Act of 2018.

In the proposed rule, VA seeks to standardize eligibility by expanding the definition of serious injury to include any service-connected disability that is rated at 70 percent or more by VA or is combined with any other service-connected disability or disabilities, and a combined rating of 70 percent or more is assigned by VA; defining what it means to be in need of personal care services; and ensuring that the eligibility criteria capture the personal care service needs of veterans and service members with cognitive or neurological impairment or mental health conditions, among other things.

Additionally, VA is proposing changes to the stipend payment methodology, definitions for financial planning and legal services, and procedures for revocation and discharge, to include advance notice requirements aimed at improving communication between VA and PCAFC participants.

The regulation also accounts for the VA MISSION Act's expansion of eligibility for the PCAFC to eligible veterans from all eras, beginning with those who incurred or aggravated a serious injury in the line of duty on or before May 7, 1975. Two years after the first phase of program expansion, PCAFC will include eligible veterans who were seriously injured in the line of duty after May 7, 1975, and before September 11, 2001. Prior to expanding, VA must fully implement an information technology system required by the VA MISSION Act.

The proposed rule is open for public comment for 60 days. Written comments must be received on or before May 5. PVA will be submitting comments on the proposed changes to the program.

## REEVE FOUNDATION HOSTS FIRST SUMMIT

The Christopher and Dana Reeve Foundation held its first summit in Washington, DC in late February. Its theme: Where Care, Cure and Community Connect was meant to encompass the broad range of topics affecting those with spinal cord injuries and diseases (SCI/D). The conference brought together people with SCI/D, advocates, researchers, health professionals, family members, caregivers and other stakeholders for two days of workshops, briefings, and presentations about living with SCI/D, the state of research, and information on initiatives of the Reeve Foundation and Paralysis Resource Center (PRC). The work of the Foundation, the PRC and the conference are supported through the Administration on Community Living (ACL) at the Department of Health and Human Services (HHS).

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Keynote speakers included Julie Hocker, ACL Commissioner and nominee to head the Department of Labor's Office of Disability Employment Policy (ODEP), disability rights advocate Emily Ladau, former Senator Tom Harkin, and co-anchor of ABC's Good Morning America Robin Roberts. In her remarks, Hocker described some of the work ACL has undertaken to change the medical model mindset of the health care community and its challenge grants program to highlight best practices in employment of people with disabilities. Ladau spoke of her efforts to be a self-advocate for accessibility and the value of collaboration rather than confrontation when she encountered disability-barriers in businesses. Sen. Harkin reflected on the work to gain passage of the Americans with Disabilities Act, the progress that has been achieved in its 30-year lifespan, as well as the challenges that remain to fulfill the goal of economic self-sufficiency embodied in the law.

Break-out sessions included presentations on "Building Resilience through Self-Advocacy," "State of Spinal Cord Injury Research," "Finding a Good Caregiver," information about the Reeve Foundation Quality of Life Grants program, preparing for emergencies, and making travel less stressful. At a session on Reeve Foundation advocacy priorities, representatives of the organization reported on their ongoing work to ensure access to insurance coverage for treatments, devices, and rehabilitation for those with paralysis and coalition efforts with organizations such as PVA and others to protect the rights of air travelers with disabilities.

Another session on women living with SCI/D featured Elizabeth Leef, Program Specialist at ACL; Jennifer Sheehy, Acting Assistant Secretary for ODEP; writer and founder of the Great Scuba Adventure, Cody Unser; and Bernadette Mauro, Director at the Reeve Foundation and manager of its Military and Veterans Program. Each woman shared her experiences living with SCI/D, barriers she encountered and solutions she found most effective in overcoming those challenges. A common thread in their comments were ongoing problems in accessing health care from parking and access to health clinics, inaccessible exam tables, and doctors' lack of understanding physical manifestations of their condition.

Through its Paralysis Resource Center - <https://www.christopherreeve.org/living-with-paralysis/about-the-paralysis-resource-center> - the Reeve Foundation offers a 400 page resource guide - <https://www.christopherreeve.org/living-with-paralysis/free-resources-and-downloads/paralysis-resource-guide> - covering a range of topics from SCI/D treatment modalities and therapies, health and wellness tips, information about peer and family supports, rehabilitation professionals, recreation, travel advice, tools and technology, useful resources and basics on disability rights. One chapter in the guide is devoted to the Reeve Foundation's Military and Veterans Program, a description of the Military Veterans Program Council and lists of Departments of Defense, VA, and caregiver resources.

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## NEWS ITEMS OF NOTE

- VA Publishes Proposed Regulations on Automobile Adaptive Equipment

On March 12, VA published a [proposed rule](#) in the Federal Register that addresses reimbursement to eligible persons who have paid for automobile adaptive equipment (AE) and payments made by VA directly to registered AE providers. The proposed rule does not address eligibility to receive adaptive equipment.

This proposed rule is open for public comment for 60 days. Written comments must be received on or before May 12. PVA is carefully evaluating the proposed rule and will be submitting written comments about how it would impact paralyzed veterans.

- Stories Needed

In the coming months, we are anticipating a congressional hearing on sexual harassment and assault at VA facilities. We would like to represent the barriers to care our members have experienced in the VA system. To do so, we invite PVA members to share any personal experiences of assault and/or harassment at VA facilities or VA-led events, whether from a VA patient, staffer, or caregiver. With your permission, submitted stories may be used to lend support to the fact that harassment and/or assault is occurring at the VA. If you would like to submit your story, please email Maureen Elias, Associate Legislative Director, at [maureene@pva.org](mailto:maureene@pva.org).

- AMTRAK Accessible Viewliner

On March 9, Senior Associate Advocacy Director Lee Page viewed the next generation of the Amtrak Viewliner car. The new cars include an accessible sleeper and a sit and takeout café car. The mockup of the café car includes an accessible path of travel that allows a wheelchair user to independently select and purchase items. There is accessible seating in the car or the passenger can return to his or her sleeping compartment in the adjacent train car. The accessible sleeper includes a 360-degree turning space with the bed extended behind the closed door. Also, inside are a power door switch to secure the door, a fold out table for dining, and a roll-in shower. The Viewliner is a long-distance train car that runs from New York City to Chicago, New Orleans, and Miami in different train sets.

- House VA Subcommittee On Economic Opportunity Reviews Pending Legislation

PVA submitted a [Statement for the Record](#) for a March 10 House Veterans' Affairs, Subcommittee on Economic Opportunity hearing on pending legislation. Committee members reviewed four pending bills including, H.R. 5324, the "Sergeant Daniel Somers Veterans Network of Support Act of 2019," H.R. 5056, the "Modern GI Bill Act," and H.R. 2224, the "Homeless Veterans with Children Reintegration Act" and more than a dozen

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pieces of draft legislation regarding the Forever GI Bill, homeless veterans, and the Skillbridge program.

- Suspension of New Enrollments at Five VA Approved Schools

Recently, VA [announced](#) it will be suspending new veteran enrollments at five colleges that engaged in illegal practices such as utilizing advertising, sales, or enrollment practices that were erroneous, deceptive, or misleading either by actual statement, omission, or intimation against GI Bill beneficiaries. American InterContinental University, Bellevue University, Colorado Technical University, the University of Phoenix, and Temple University will be suspended from new veteran enrollments unless the schools demonstrate compliance with the law to VA and other federal and state regulatory agencies within 60 days. Currently enrolled students will be notified and can either elect to continue their course of study or change schools.

- New Effort to Get Concurrent Receipt for Medical Retirees

In 2004, Congress passed Concurrent Receipt legislation allowing military retirees with a disability rating of 50 percent or higher to receive their full military retired pay and VA disability compensation. Unfortunately, those with less than 50 percent disabilities and anyone short of the 20-year mark but who were medically retired under Chapter 61 do not receive the compensation they deserve. These individuals have their military retired pay offset or reduced dollar-for-dollar by the amount of their non-taxable VA compensation. A trio of bills (H.R. 303, H.R. 333, and S. 208) introduced early in the 116th Congress sought to right this wrong. None of the bills gained enough sponsorship to advance because the Congressional Budget Office pins the cost at \$30 billion over 10 years.

Recently, H.R. 5995, the “Major Richard Star Act,” a bipartisan bill was introduced focusing on a smaller cohort of medical retirees. This legislation would allow more than 40,000 “combat-wounded” Chapter 61 veterans to receive their retired pay and VA disability compensation without offset. Disabilities that may be considered combat related include injuries incurred as a direct result of armed conflict, hazardous duty, an instrumentality of war, or simulated war. Since a much smaller number of retirees would benefit from this legislation, the cost of enacting it would be significantly less than the three larger bills. We are told a Senate companion measure is likely to be introduced soon.

- VA Announces Change to Urgent Care in Community Care Network Region 1

Effective March 18, VA is transitioning its urgent care network manager from TriWest Healthcare Alliance to Optum Public Sector Solutions, Inc. More information about how this will impact veterans in Region I is available here:

<https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5401>.

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- Annual Disability Statistics Compendium and Report Released

The University of New Hampshire Institute on Disability released the 2019 Annual Disability Statistics [Compendium and Report](#) on February 11. The Compendium features extensive tables of data about people with disabilities, including state and national values and trends over time. The Compendium covers topics such as employment, health, and education, and contains one section devoted to statistics on veterans with service-connected disabilities. An Annual Report accompanying the Compendium highlights state and trend data, and complements the detailed tables available in the Compendium & Supplement.

- PVA Joins Over 70 Local, State, and National Organizations Calling for Disability Rights in COVID-19 Response

The Partnership for Inclusive Disaster Strategies has issued a National Disability Rights Call to Action calling on policymakers to ensure that the rights of people with disabilities are protected as the nation responds to the coronavirus. PVA was among over 70 organizations joining in support of the [statement](#).

- Senate Passes Lifespan Respite Reauthorization Act

On February 24, the Senate passed the Lifespan Respite Reauthorization Act (S. 995) by voice vote. This bill will now have to be reconciled with the House-passed bill or go directly to the House floor for final passage. PVA was among more than 100 local, state, and [national organizations supporting Senate passage](#) of the bill.

- Housing Survivors of Major Disasters Act Advances

On February 26, the House Transportation and Infrastructure Committee approved H.R. 2914, the “Housing Survivors of Major Disasters Act.” If enacted, the bill would:

- Allow survivors to use a broader range of documents to prove that they reside in a disaster-impacted area, including utility bills, credit card statements, pay stubs, school registration, and other documents.
- Provide survivors of recent disasters the ability to reopen or appeal their cases.
- Allow FEMA financial assistance to be used to clear title for properties.
- Require FEMA and the Department of Housing and Urban Development to publish a report analyzing temporary disaster housing solutions, including the Disaster Housing Assistance Program.