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TONY McCLAIN, STAFF DIRECTOR

May 12, 2020

The Honorable Robert Wilkie
Secretary of Veterans Affairs
810 Vermont Ave, NW
Washington, DC 20420

Dear Secretary Wilkie,

We write concerned about the Department of Veterans Affairs' (VA) guidance regarding Compensation and Pension (C&P) examinations during the COVID-19 pandemic. The Department must issue clear guidance to its Regional Offices (ROs), those who perform C&P examinations and potential beneficiaries so that veterans are not needlessly confused or harmed during this unprecedented time.

For example, we were disappointed to learn that veterans, including those in high-risk health groups, were still required to go to C&P exams until early April, exposing themselves to unneeded risk and potentially putting their health in jeopardy. Veterans should not have been unnecessarily forced from their homes during this COVID-19 pandemic. Veterans are normally cautioned to not miss their scheduled C&P exams because it can cause delay in the adjudication of their claims as they wait for new appointments. However, during a pandemic we cannot continue operating business-as-usual. It is critical for VA to have reasonable expectations of veterans for completing examinations during this time. As such, we need additional information about VA's new process and procedures for C&P exams.

We would appreciate information on VA's plan for suspending in-person C&P examinations and how those suspensions will affect a veteran's claim. We also request information on how VA plans to continue completing Disability Benefits Questionnaires through the Acceptable Clinical Evidence (ACE) initiative, including the use of any necessary supplemental Tele-C&P examination. And how will virtual C&P exams be conducted for veterans in rural America without access to reliable broadband or those veterans with low-incomes who may lack internet access, computers or smart phone capabilities? How will VA address veterans' missed virtual or Tele-C&P Exams? It is our understanding that VA is denying conditions associated with missed Tele-C&P and virtual exams appointments, rather than deferring a decision until an appointment can be completed. We would like VA to clarify its guidance to ROs on deferment or cancellation of C&P exams during this epidemic, including whether partial ratings will be issued for conditions that have the appropriate evidence to be rated. For a veteran's deferred C&P exams, how will VA maintain his or her priority in the queue? Veterans should not lose their place in line for circumstances beyond their control because of this COVID-19 national emergency.

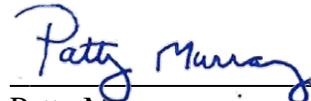
Finally, news reports indicate VA rushed to set up a tracking mechanism to identify each time a veteran reported that VA or a contractor incorrectly informed them that they must report for an in-person C&P exam during the pandemic. We request information regarding the tracking mechanism or database, including, but not limited to: when VA put the tracking system in place; how many veterans, by RO, reported for in-person C&P exams after March 13, 2020; and which contractors or VA facility required these in-person exams. We have a responsibility to ensure accountability and transparency of the processes put in place on behalf of our nation's veterans. To provide appropriate oversight over this process, we also request a breakdown of the number of veterans undergoing a C&P examination since March 1, 2020, and whether those examinations were conducted in-person, through the ACE initiative or virtually. Please provide this data by RO on a weekly basis moving forward.

Although we certainly understand there are challenges presented to VA of providing C&P exams to veterans under the current situation, we would welcome VA identifying any additional needs in order to improve veterans' C&P examination experience during this pandemic. Thank you for your attention to the issues raised in this letter and we look forward to your prompt response.

Sincerely,



Jon Tester
United States Senator



Patty Murray
United States Senator



Sherrod Brown
United States Senator



Richard Blumenthal
United States Senator



Joe Manchin III
United States Senator



Kyrsten Sinema
United States Senator