United States Senate
WASHINGTON, DC 20510

February 25, 2015

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

Dear Secretary McDonald:

Since November 1, 2014, the Choice Card, as provided under the recently enacted *Veterans Choice, Access, and Accountability Act of 2014*, has been distributed to approximately 8.5 million Veterans nationwide, yet less than one percent of recipients – 0.37 percent – have been authorized to access non-VA care through this program. With this in mind, we write to convey serious concerns regarding your implementation of the Choice Card Program with respect to funding for the program in connection with the Fiscal Year 2016 Presidential Budget Request and your interpretation of the 40-mile rule as provided under the Act. We ask you to address both of these concerns immediately.

First, we were dismayed to learn from the President's Fiscal Year 2016 Budget Request that the Department of Veterans Affairs intends to submit a legislative proposal that would reallocate part of the funding for the Veterans Choice Program to other programs within the VA. It is deeply disturbing that the Administration would try to reduce funding for this program before this program has even been allowed to work – being in existence for only a few short months – and as barriers to care continue to exist. Instead, the Department should make certain that funding provided by Congress is being used to implement the Veterans Choice Program to the fullest extent possible.

Second, the VA is construing the eligibility criteria as it relates to the 40-mile rule so narrowly that it is excluding too many who are far away from the care that they need. As you know, the Choice Program provides Veterans with the option to receive non-VA health care rather than waiting for a VA appointment if there is a significant delay in scheduling an appointment or a Veteran has to travel more than 40 miles to receive VA care. While many Veterans are satisfied with care provided through the VA Health Care System, trips to VA medical centers can be difficult for rural Veterans, especially those who are elderly or ill. Because long drive times are a hardship for these individuals and

can present a significant barrier to accessing care, many Veterans anticipated using their Choice Cards when Congress established the Choice Program last year.

The VA's definition of the eligibility criteria is too narrow in two important respects. First, the VA does not consider the type of care available within 40 miles of where a Veteran lives. In many areas across the nation, the effect is that those who need services only available at a VA medical center, but who live near a Community-Based Outpatient Clinic, are prevented from using the Choice Card to access specialty care in their local community. While the Clinic may be within 40 miles, the VA hospital offering the required care is often more than 40 miles and hours of travel time away.

Second, the VA measures the 40 miles "as the crow flies" and not the actual distance that the Veteran would have to travel. Congress' intent was to establish a pilot program that would allow Veterans to access non-VA care when they face an obstacle to care, whether it be an unacceptable distance to care or wait time for care. Given the clear intent of Congress to reduce barriers to care, it is perplexing that the VA is not using its authority to allow non-VA care for those who face a geographic challenge in accessing care, including long drive times or health conditions that make travel difficult. The impact of such an interpretation is to exclude from the program many of the Veterans for whom Congress aimed to make health care more accessible. For Veterans in remote and rural areas with limited transportation access, this could mean the difference between 30 minutes and half a day of travel.

As Secretary, you already have the authority to modify the way that the distance criteria is calculated so that the Choice Program is implemented as Congress intended, and we urge you to rectify the overly narrow definition without delay. Additionally, we urge you to stop any attempt to propose a reallocation of funds designed to kill the Choice Card program in its infancy.

Sincerely,

Jerry Moran

Jerry Moran
United States Senator

Susan M Collins

Susan M. Collins
United States Senator

John McCain

John McCain
United States Senator

Chuck Grassley
United States Senator

Angus S. King
United States Senator

Joni Ernst
United States Senator

Edward J. Markey
United States Senator

David Vitter
United States Senator

Joe Manchin III
United States Senator

Deb Fischer
United States Senator

Amy Klobuchar
United States Senator

Jeff Flake
United States Senator

Mark Warner
United States Senator

Mike Crapo
United States Senator

Ron Wyden
United States Senator

Orrin G. Hatch
United States Senator

Barbara Boxer
United States Senator

Pat Roberts
United States Senator

Tim Kaine
United States Senator

John Barrasso
United States Senator

Sherrod Brown
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Mike Enzi
United States Senator

Heidi Heitkamp
United States Senator

Marco Rubio
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Benjamin L. Cardin
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Thom Tillis
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Barbara A. Mikulski
United States Senator

Pat Toomey
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Martin Heinrich
United States Senator

Shelley Moore Capito
United States Senator

Steve Daines
United States Senator

James M. Inhofe
United States Senator

Richard Burr
United States Senator

Lamar Alexander
United States Senator

John Thune
United States Senator

Tom Cotton
United States Senator

John Hoeven
United States Senator

Ted Cruz
United States Senator

Jeff Merkley
United States Senator

Mark Kirk
United States Senator

Claire McCaskill
United States Senator

Tim Scott
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