



October 17, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Denis R. McDonough
Secretary of Veterans Affairs
810 Vermont Ave NW Washington, DC 20420

Dear Secretary McDonough,

We are concerned about the level of service provided to our nation's veterans and seek answers regarding compensation and pension (C&P) examinations. Far too often we hear from our veteran constituents about their difficulties with the process to obtain their benefits through the Department of Veterans Affairs (VA). These concerns are particularly related to accessing C&P examinations, the quality of those examinations, and poor management and oversight of the contractors used to perform the examinations.¹

Veterans Health Administration (VHA) examiners and contracted examiners of the Veterans Benefits Administration (VBA) conduct C&P exams to determine a veteran's eligibility for disability compensation.² VBA contracted examiners have been used more frequently in recent years as the VHA examiners have not had the capacity to handle these examinations alone.³ The selection of these contracted examiners has raised concerns about veterans' access to C&P exams, particularly with the distance the veterans are expected to travel. Take, for example, a veteran from Jasper County, Iowa, which is near the city of Des Moines with a VA medical center and a large number of medical providers, who was instead expected to travel approximately ninety-seven miles one way for an exam. That is just one example. To expect veterans to travel lengthy distances, while often managing a health condition, creates a barrier that discourages too many veterans from seeking the benefits that they deserve.

Veterans also face challenges with the management of their appointments by contracted vendors. We have been made aware that appointments for C&P exams have been cancelled due to a veteran not being able to make a certain time work, but instead of assisting veterans in rescheduling, a decision is sometimes made on their claims. For example, a contractor made

¹ "Better Oversight Needed of Accessibility, Safety, and Cleanliness at Contract Facilities Offering VA Disability Exams." U.S. Department of Veterans Affairs Office of Inspector General, May 8, 2024.

<https://www.vaoig.gov/reports/review/better-oversight-needed-accessibility-safety-and-cleanliness-contract-facilities>.

² "VA Disability Exams Actions Needed to Clarify Program Requirements Regarding Examiners." United States Government Accountability Office, Report to Congressional Committees, June 15, 2023.

<https://www.gao.gov/assets/d23105787.pdf>.

³ *Id.*

appointments in Maine for a veteran from Rindge, New Hampshire, and when the veteran explained he could not make those appointments, the contractor suspended his claim.

Once a veteran eventually arrives at a contracted facility for their examination, the quality of the facility may be substandard. On May 8, 2024, the VA Office of Inspector General (OIG) issued a report that outlined concerning information that your department has yet to begin to correct.⁴ The instances of non-compliance with the Americans with Disabilities Act (ADA) and standards of the Occupational Safety and Health Administration (OSHA) are unacceptable.⁵ Though, the Medical Disability Examination Office (MDEO) does not do its own due diligence when keeping an inventory of contracted examination facilities and instead relies on its vendors to provide the inventory and performance data.⁶ This needs to change.

Further, the overall management and oversight of VA vendors that provide C&P exams must improve. As the department relies more on contracted examiners, it should also remain committed to ensuring that veterans are properly looked after. The VBA has admitted that it cannot verify the subcontracts that exam vendors have as those agreements are with third parties.⁷ Additionally, a separate VA OIG report found that the department has not complied with proper vetting requirements of contracted employees.⁸ This lack of oversight contributes to the poor experiences that veterans are having.

The need for improvement with disability exams is not new for the department. *The Consolidated Appropriations Act, 2024*, requires the department to provide oversight of C&P exams and to apply standards of timeliness and quality performance for VHA examiners and your contracted vendors.⁹ It also requires a mechanism for veterans, such as the ones described in this correspondence, to lodge complaints with the VBA to provide for a resolution to the unnecessary barriers put in front of our veterans. As we await the report from the department, our concerns for veterans persist.

In light of our concerns outlined above, we ask that you provide us with responses to the following questions by November 15, 2024:

1. What steps does the VA take to ensure that contracted vendors for C&P exams provide appropriate access for veterans as it relates to the physical locations of the contracted facilities?
 - a. How does the VA ensure that there is adequate access for veterans in rural areas?

⁴ Better Oversight Needed of Accessibility, Safety, and Cleanliness at Contract Facilities Offering VA Disability Exams.” U.S. Department of Veterans Affairs Office of Inspector General, May 8, 2024.

<https://www.vaog.gov/reports/review/better-oversight-needed-accessibility-safety-and-cleanliness-contract-facilities>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ “Noncompliance with Contractor Employee Vetting Requirements Exposes VA to Risk.” U.S. Department of Veterans Affairs Office of Inspector General, February 8, 2024.

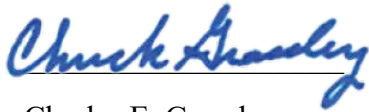
https://www.vaog.gov/sites/default/files/reports/2024-02/vaog-21-03255-02_1.pdf

⁹ Public Law 118-42, March 9, 2024. House Report 118-122 and Senate Report 118-43

2. When contracted vendors inaccurately report to the VA that a veteran has not reported for an exam, what actions does the VA take to verify that a veteran was provided ample options for the exam prior to sending a rating decision?
3. What steps is the VA taking to address the non-compliance of its contracted vendors with the ADA and standards from OSHA?
4. What is the VA's rationale for not including a requirement for contracted vendors to report active subcontractors that are conducting C&P exams?

Our veterans have earned their benefits and deserve the best service and treatment. We appreciate your prompt review and responses.

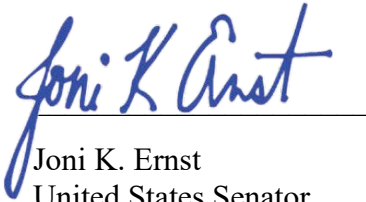
Sincerely,



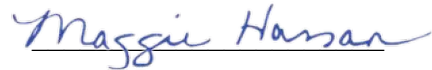
Charles E. Grassley
United States Senator



Jeanne Shaheen
United States Senator



Joni K. Ernst
United States Senator



Margaret Wood Hassan
United States Senator