



Federal Health Matters

Veterans Groups and Officials Debate Health Care Reform's Impact on Veterans

In July and August, several veterans groups, Rep. Steve Buyer (R-IN), the House Energy and Commerce Committee (HECC), and President Obama all weighed in on how H.R. 3200, the proposed America's Affordable Health Care Choices Act of 2009, could—or could not—affect veterans and their health care.

In a July 30 letter to House Speaker Nancy Pelosi (D-CA), the veterans groups AMVETS, Blinded Veterans Association (BVA), Disabled American Veterans (DAV), Jewish War Veterans of the USA (JWV), Military Order of the Purple Heart (MOPH), and Vietnam Veterans of America (VVA) voiced opposition to H.R. 3200 as it was then drafted. They called for health reform efforts to ensure that all veterans and their dependents are eligible for the proposed Health Insurance Exchange, the VA Secretary retains authority over the VHA, and enrollment in the VA protects veterans from the bill's proposed 2.5% tax penalty on individuals with inadequate health coverage.

On the same day that the groups sent their letter, the HECC adopted two amendments to H.R. 3200 introduced by Rep. Buyer, ranking member of the House VA Committee. These amendments emphasized that veterans and members of the military would be eligible for the Health Insurance Exchange and that the bill would not affect the VA's or DoD's authority over their provision of health care. In addition, the HECC said in a July 31 statement that family members of veterans who do not have coverage would be eligible for the exchange and that "veterans will not

be subject to the 2.5% penalty if they are enrolled in TRICARE or VA care." (With regard to the tax penalty, the bill defines VA health coverage as "acceptable" but adds that such coverage must not be "less than the level specified by the Secretary of the Treasury, in coordination with the Secretary of Veterans Affairs and the Health Choices Commissioner, based on the individual's priority for services.") Similarly, President Obama assured veterans at the Veterans of Foreign Wars convention in Phoenix, AZ on August 17 that veterans' health care is "one thing that reform won't change."

An August 14 article on the web site polifact.com quoted representatives from DAV, BVA, and VVA as saying that they were satisfied with H.R. 3200's protections for veterans' health care coverage. The web site CNSNews.com, however, reported on August 27 that representatives of DAV, JWV, and MOPH continued to have concerns about the bill.

On August 28, Rep. Buyer insisted that the bill still would not exempt VA-enrolled veterans from the 2.5% penalty tax. He called for the HECC to adopt his four remaining amendment proposals, which emphasize that individuals who are enrolled in the VHA or who have served more than 30 days in the armed forces would be exempt from the tax, that the VA would be able to seek reimbursement from the public health insurance system proposed by the bill, and that employers of National Guard and Reserve members who are called to active duty would not be penalized for failing to provide continuous coverage. Buyer added that Rep. Henry A. Waxman (D-CA), chair of the HECC, had assured him that the committee would consider these issues in the fall.

VA End-of-Life Educational Guide Criticized

A VA educational guide to end-of-life decisions came under fire in the media and Congress following publication of an editorial denouncing the guide by Jim Towey in the August 19 issue of *The Wall Street Journal*.

The 52-page guide, titled *Your Life, Your Choices: Planning for Future Medical Decisions*, was developed at the VA Puget Sound Health Care System, Seattle, WA and published in 1997. The VA says the guide is intended to help veterans "think about their future medical decisions" and, if they choose, to complete an advance directive. Although the department says the guide was officially suspended in November 2007, a July 2, 2009 update on VHA regulations concerning advance care planning and advance directives repeatedly cites the guide as a potential educational resource for patients. As of September 1, the guide remained on the VA's web site with a disclaimer noting its current suspension and the fact that it has been criticized.

Towey, a former director of the White House Office of Faith Based Initiatives and the author of a guide to advance planning, wrote that *Your Life, Your Choices* "presents end-of-life-choices in a way aimed at steering users toward predetermined conclusions, much like a political 'push-poll.'" He criticized a worksheet in the guide that asks readers to describe their lives under various hypothetical conditions as being "difficult, but acceptable," "worth living, but just barely," or "not worth living." Towey described three of the worksheet's hypothetical conditions—"I can no longer contribute to my family's well-being," "I am a

severe financial burden to my family,” and “My situation causes severe emotional burden for my family”—as “guilt-inducing scenarios.”

On August 24, Sen. Arlen Specter (D-PA) wrote a letter asking Senate VA Committee Chair Daniel K. Akaka (D-HI) to hold a hearing about the guide. On the same day, Rep. Steve Buyer (R-IN) called for the House VA Committee, of which he is the ranking member, to do the same. He also called for the VA to remove the guide from its web site and to rescind its directions to primary care practitioners on using the guide.

Following the criticisms of *Your Life, Your Choices*, the VA posted a fact sheet about the guide on its web site. The department said that it suspended the guide in 2007 pending a review by a panel of “experts and representatives from the faith-based and medical communities” who were convened to help turn the guide into an online computer program. The panel found that the guide: was created and tested appropriately; is consistent with ethical, legal, and professional norms and standards; is flexible enough “to accommodate a wide variety of patient beliefs and values”; and is presented clearly, the VA said. It added, however, that some members of the panel found the guide to be “too negative in tone and not sufficiently sensitive to the perspectives of veterans with pro-life perspectives and veterans living with lifelong disabling conditions.”

The VA said that panel members suggested a variety of revisions to the guide, that the guide is “currently undergoing final content revision” before its translation into a computer program, and that this process will be completed in spring 2010. Referring to the unrevised guide’s continued availability on the VA web site, the department noted that “it is the official policy of the Obama Administration

not to suppress or alter information or products resulting from federal research grants.”

VA Cancels Gulf War Research Contract

On August 26, the VA announced that it would cancel its \$75 million, five-year contract with University of Texas Southwestern Medical Center (UTSWMC) in Dallas to research Gulf War illness (GWI).

The cancellation was recommended by the department’s Office of the Inspector General (OIG) in a July 15 report, which found that the UTSWMC violated the contract’s terms and conditions with regard to the ownership of data and information security. The medical center “unilaterally changed the informed consent form that human subjects in the studies are required to sign” so that the VA could not access certain information obtained in the research, according to the report. The report further stated that, while the VA discovered this change in January 2009 and repeatedly asked UTSWMC to comply with the contract, the medical center still refused, as of June 2009, to do so completely. The OIG also found that the contract, which was signed in November 2006, did not comply with the November 2005 legislation by which it was mandated.

The UTSWMC’s GWI research efforts were headed by epidemiologist Robert Haley, MD, a leading proponent of the view that GWI is a syndrome caused by exposure to pesticides, radioactive material, nerve gas, and nerve-gas antidotes. Sen. Kay Bailey Hutchinson (R-TX), who helped to establish the VA’s contract with UTSWMC, told the *Dallas Morning News* on August 26 that the cancellation was a setback for Haley’s “groundbreaking research.”

The VA’s cancellation announcement emphasized that the contract funds would be redirected to support other GWI research. The department said that in 2010, its GWI research projects will include investigations of new diagnostic tests, ill subpopulations, potential treatments, and susceptibility factors and markers, as well as comparisons of GWI with chronic fatigue syndrome and fibromyalgia.

VA and DoD Begin Online Counseling Programs

Both the VA and the DoD began new online mental health counseling efforts this summer, with the VA launching its Veterans Chat pilot program on July 3 and the DoD launching its TRICARE Assistance Program (TRIAP) demonstration project on August 1.

The Veterans Chat program is a suicide prevention initiative that, according to the VA, enables veterans, their families, and their friends “to go online where they can anonymously chat with a trained VA counselor.” The chat line is available 24 hours a day and seven days a week at <http://www.suicidepreventionlifeline.org>. Like the VA’s toll-free suicide prevention hotline (1-800-273-TALK), the chat line is staffed by mental health counselors in Canandaigua, NY. The VA also announced in August that it would open 28 new Vet Centers by 2010.

The DoD said that TRIAP allows service members and their families “to speak virtually face-to-face with a licensed counselor at any time” using computers and web cams. The counselors, who contract with TRICARE, can provide participants with behavioral health assessments, short-term counseling, and referrals to more comprehensive care. ●