

**NATIONAL ASSOCIATION OF
COUNTY VETERANS SERVICE OFFICERS**



Senate Committee on Veterans' Affairs

Hearing on Pending Legislation

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Presented by

Mr. Michael McLaughlin

Legislative Chairman, National Association of County Veterans Service Officers

CVSO Blue Earth County, Minnesota

Chairman Tester, Ranking Member Moran, and distinguished members of the committee, my name is Michael McLaughlin. I currently serve as a County Veterans Service Officer in Blue Earth County, Minnesota, and I am the Legislative Chairman for the National Association of County Veterans Service Officers, or NACVSO. It is my honor to testify before this committee about the pending legislation, and in particular the draft bill known as *No Bonuses for Bad Exams*.

For those who are unfamiliar, NACVSO has over 1,700 accredited veteran service officer members and represents the interests of over 5,000 county, city, tribal and state government employees who work tirelessly to ensure veterans in their local communities receive the benefits they have earned through their service and sacrifice to our nation. State and local government-employed veteran service officers account for over two-thirds of all veteran service officers accredited by VA, and often are the first point of contact veterans have with VA. We assist veterans by guiding them through the long and sometimes stressful benefits claim process.

Through our work, we understand veterans' needs and the daily challenges they encounter. We also see the frustration and confusion veterans and their family members sometimes feel when dealing with the VA claims process. Our policy platform is largely based on these experiences. In short, I hope my testimony will give the committee a "front line" perspective so that the pending legislation you are considering today can move forward.

"No Bonuses for Bad Exams Act of 2022"

NACVSO fully supports the "No Bonuses for Bad Exams" legislation. CVSOs work hard with our VSO partners and VA staff to catch some of the issues that stem from unnecessary or inadequate exams performed by examiners who are not up to date on the latest standards, but in many cases these issues are not identified until a claim is denied, and a Supplemental or Higher-Level Review (HLR) is submitted. In one example identified by an NACVSO member, a veteran's disability claim was denied based on an inadequate exam performed by an experienced contracted medical examiner. A Higher-Level Review was submitted for the denied claim. A VA Decision Review Officer (DRO) found multiple errors and that the exam was so inadequate, the DRO felt it necessary to define what an adequate medical opinion was in their instructions to the examiner. NACVSO is grateful for the efforts that this individual DRO took to educate the examiner, but this sort of education should happen before any medical disability examiner performs an exam. This is just one example, but if a seasoned examiner like this can be so far from the standard, we know that it is more commonplace than we would hope.

NACVSO has long advocated for improving transparency of medical disability examinations for veterans and their representatives. Requiring VA to provide the examiner's credentials to the veteran and their representative as part of this proposed

legislation is a step towards greater transparency. In many instances, the veteran is under the incorrect impression that an assigned examiner is a specialist in the relevant medical field. For example, a veteran may think their heart condition will be examined by a cardiologist, but they'll actually be evaluated by a general practitioner. Knowing this information in advance prepares the veteran to articulate their symptoms in specific detail to better document their full health picture.

Additionally, NACVSO fully supports the requirement to remove inadequate or unnecessary medical examinations from veterans' VA records. Our CVSOs have seen instances where inadequate exams are cited by future examiners when the bad exams are not purged.

I'm here today because NACVSO sees this legislation as a good start toward addressing some of the shortcomings of the medical disability examination process. We also encourage VA to consider implementing policy that gives veterans greater flexibility when scheduling contracted medical exams. Currently, the VA gives veterans no expectation about when a contracted company will reach out to schedule an exam. When that crucial call finally comes, the veteran is offered a short window in which they can schedule their exam, and many miss that call, and subsequently, the deadline. One recent example of this challenge is in the case of a young National Guard Soldier returning home to his family and full-time job as an EMT after completing an Active-Duty deployment abroad. He submitted a claim and was contacted by a VA contracted company to set up his medical disability exams with an eight-day window to do so, however the veteran was leaving the next day on a family vacation. The veteran provided dates when he would be available, but was told by the contractor that he would have to contact the VA. That very same day, the veteran's entire exam scheduling request was canceled, and the veteran was deemed "unavailable". A month later the veteran received a letter from VA that said he "expressed a desire to withdraw his claim". What should have been a simple accommodation for scheduling conflicts, has now turned in to a lengthy and unnecessary clarification process for the veteran.

Chairman Tester, Ranking Member Moran, and distinguished Members of the committee, on behalf of NACVSO and its members we deeply appreciate the important work you are doing to ensure America's veterans receive the respect and benefits they have earned. Working together, with VA and all its stakeholders, we can make this process better.

Thank you.