

Congress of the United States
Washington, DC 20515

October 1, 2020

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

Dear Mr. Secretary,

While we have eagerly awaited the expansion of the Program of Comprehensive Assistance for Family Caregivers (PCAFC) to veterans of all eras, as authorized by the VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (VA MISSION Act), we write to express considerable concern regarding the Department of Veterans Affairs' (VA) readiness for today's launch. Specifically, we worry VA's new Caregiver Record Management Application (CARMA)—the information technology (IT) system that was developed to help administer the expanded program—may not be ready to go live and fully serve veterans and their caregivers. In addition, we are disappointed that when VA finalized the regulations for the PCAFC expansion in July 2020, which go into effect today, the Department ignored input from key stakeholders and organizations that support veterans, caregivers, and their families and chose to tighten eligibility in a manner not intended by Congress. These new rules will remove current program participants and limit the enrollment of many disabled veterans and their caregivers.

The newly expanded program has the potential to vastly improve the lives of our nation's veterans and their caregivers, many of whom have waited too many years to receive the same stipends, training, and mental health services that have been available to post-9/11 veterans and their caregivers since 2010. However, if this programmatic expansion is not designed in a way that will ensure it reaches those who need it most, and if VA staff lack appropriate tools—such as a robust IT system—to effectively manage the workload of a larger, more complex patient population, then VA will have failed to meet Congress' intent. That would be unacceptable.

The VA MISSION Act required VA to certify a new IT system in October 2018, prior to expanding the program to pre-9/11 veterans. Since then, we have been disappointed by numerous delays, false starts, and failures as VA has worked to develop this IT system. Even before the MISSION Act, VA struggled to update systems used to support the existing Caregiver Program. After telling Congress in October 2018 that the Department would be unable to meet the MISSION Act's original deadline for certification, a series of ensuing setbacks and problems identified during user acceptance testing (UAT) led VA to suspend the original contractor's development of the new IT system in January 2019. VA later decided to restart development and awarded a new contract to a different developer in March 2019. At first, VA officials told Congress that all functionalities of the new IT system would be operational by October 2019, but the schedule was later adjusted so that the system would deploy in three phases. The final phase of that deployment began just a few weeks ago.

For the last year and a half, VA officials have been unwilling to commit to any specific date for CARMA certification. That CARMA was certified today—the very same day that the final regulations VA developed for the PCAFC expansion took effect—raises alarm that today’s certification may be a last-ditch effort to meet a self-imposed, statutorily late deadline that was set in motion when VA published the proposed regulations for the expansion in March 2020. We were informed for the first time yesterday that prior to certifying this new IT system, VA had already identified “30 system defects” that will need to be addressed in the near future. We worry that the rush to certify CARMA could ultimately jeopardize the integrity of the PCAFC expansion, which would be an inexcusable error on the part of the Department.

In an apparent last-minute attempt to allay our concerns, members of the Veterans Health Administration’s senior leadership team and key staff from the Caregivers Support program office provided the Committees a short time frame yesterday to ask critical questions related to CARMA. Yet, when these officials were asked to elaborate on the 30 defects that were found during initial UAT, scant details were provided. Therefore, we request the following information be provided by no later than close of business on October 15, 2020:

- A list of all 30 defects that were discovered during the initial UAT, including for each defect:
 - when the defect was identified;
 - the severity rating;
 - an explanation of alternative workflows or how VA otherwise intends to compensate for the loss of functionality within the platform until the defect is addressed; and
 - a description of applicable training VA employees have received on these workarounds, the percentage of employees that have completed applicable training, and the date such training was completed.
- A description of the testing plan for the patching of the 30 defects and dates for expected completion. Please address whether it will involve unit or functional testing and who will be responsible for signing off on the patches and approving the revised workflows.
- Information about whether the system will require down time to install patches and, if so, how much time the system is expected to be offline.

Furthermore, we have serious concerns about the implementing regulations for PCAFC expansion. Modifications that tighten eligibility for the current and expanded Program are not MISSION Act-driven and were undertaken solely by the Administration in an effort to limit eligibility for this Program. In particular:

- The Administration would limit eligibility for the Caregivers Program to veterans rated as 70 percent service-connected and above. Had Congress contemplated a minimum rating it would have included that requirement when PCAFC was originally created in 2010, or when it was expanded under the VA MISSION Act. We are also concerned that potential delays in disability rating decisions and appeals could hamper a veteran’s ability to fulfill the initial requirement for entry into the Caregivers Program. We believe that bureaucracy and red tape should never be a barrier to a veteran’s ability to receive needed care in-home rather than in an institution when there is a caregiver willing and able to address a veteran’s needs. Further, the COVID-19 pandemic has had a major impact on the disability claims backlog. With the

current pending claims backlog sitting at more than 460,000 claims with 205,000 of those claims pending more than 125 days, we are alarmed that veterans may face a claims-related obstacle for entry into the Program.

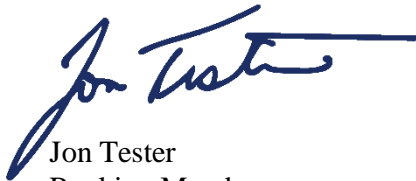
- The inability to perform one Activity of Daily Living (ADL) all of the time is too limiting as another floor for entry in the Program. Some veterans might require assistance with performing multiple ADLs *most* but not *all* of the time – able to accomplish tasks in some instances but not others due to muscle weakness or illness. These veterans may need even more assistance than those who cannot independently accomplish one ADL. We urge the Administration to re-evaluate this requirement to ensure that it is fair to all veterans needing assistance.

While we are disappointed that the Final Rule failed to address the concerns outlined above, we do, however, note our support for the Administration's inclusion of veterans suffering from service-connected illnesses in the new eligibility requirements. This rectifies a crushing inequity in the program and finally provides caregivers of all service-connected veterans the recognition and relief they deserve. The stipends, respite care, health care, and other wraparound benefits that are fundamental facets of PCAFC will help thousands of veterans and their families through the hardships that are associated with many debilitating illnesses, such as amyotrophic lateral sclerosis and multiple sclerosis.

Finally, we express our disappointment that VA has not taken reasonable steps to inform key Veterans Service Organizations (VSOs) about the Department's planned launch of the Caregiver Program expansion today. VSOs play a vital role in advising Congress on matters affecting veterans and their loved ones, and we encourage the Administration to better value their input and keep these important advocates for veterans and caregivers better informed moving forward.

We remain committed to working with VA to ensure that the expanded Caregivers Program is a success. Pre-9/11 veterans and their families have waited far too long for comprehensive, life-changing assistance.

Sincerely,



Jon Tester
Ranking Member
U.S. Senate Committee on Veterans' Affairs



Mark Takano
Chairman
U.S. House Committee on Veterans' Affairs