

May 13, 2020

The Honorable Robert Wilkie
Secretary of Veterans Affairs
810 Vermont Ave, NW
Washington, DC 20420

Dear Secretary Wilkie,

We are pleased to see the Department of Veterans Affairs' (VA) leadership is providing vital health care services across the country to veterans and non-veterans in this time of national crisis. As the VA continues to accept Fourth Mission assignments from the Federal Emergency Management Agency (FEMA) during the COVID-19 public health crisis, we want to make certain that individuals will not be unexpectedly billed for services provided by your Department. As such, we would appreciate additional information with regard to how the VA will be reimbursed by FEMA, the Department of Health and Human Services (HHS), or other agencies, as well as any costs that non-enrolled veterans or non-veterans may incur for care received at the VA during this crisis.

On March 13, 2020, President Trump declared a state of emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the COVID-19 pandemic, which permits the VA to care for non-veterans during this crisis. The Department has undertaken many assignments from FEMA under its Fourth Mission authority to care for non-veterans, to include providing hospital beds to sick patients in New York, New Jersey, and Michigan as well as providing outreach to veterans living in nursing homes or State Veteran Homes across the country. It is our understanding that the VA has cared for more than 250 non-veterans through FEMA missions and we encourage the Department to continue to provide support whenever and wherever needed. These ongoing missions are crucial to the nation's COVID-19 pandemic response and we support the VA in providing necessary assistance nationwide.

Public Law 116-136, the Coronavirus Aid, Relief, and Economic Security Act (CARES) allows funds appropriated to HHS for the Public Health and Social Services Emergency Fund to be used to reimburse the VA for "expenses incurred by the Veterans Health Administration to prevent, prepare for, and respond to coronavirus, and to provide medical care for such purposes to individuals not otherwise eligible for care." We understand the VA can only be reimbursed under CARES if insufficient funds are available to reimburse VA under Public Law 93-288, the Disaster Relief Act, as amended. We want to make certain the reimbursement process is effectively working for the VA and individuals under the VA's care during this crisis, and would appreciate information regarding the following questions:

- 1) Has FEMA or HHS indicated they intend to reimburse the VA through the CARES authority, and if so, have any reimbursements been received by the VA to-date? Please provide an itemization of funds reimbursed from the Disaster Relief Act, the Public Health and Social Services Emergency Fund, or any other funding sources and when reimbursements are anticipated if they have not been transmitted yet.
- 2) Please provide information regarding the cost of each FEMA mission assigned to the VA to-date and the cost of any pending assignments to the VA as of the date of this letter.
- 3) For non-enrolled veterans or non-veterans, will FEMA or HHS reimburse the VA for incurred medical expenses? Will these individuals receive bills from the VA, other

agencies, or third parties for the care they received at the VA? Please provide the VA's policies relating to billing these individuals.

In addition, on April 7, 2020, the VA released a statement opening its doors to all veterans during the COVID-19 crisis. In the message, Veterans Health Administration Executive-in-Charge Dr. Richard Stone stated, "for those Veterans that haven't enrolled in care yet: if you are in need of care, come in and see us. Call us first, but come in and see us and we'll work on your enrollment after we take care of your acute health care need." We would like to understand the VA's process to address eligibility of non-enrolled veterans who seek care from the VA following this announcement and would appreciate information to the following questions:

- 1) If a non-enrolled veteran seeks and receives care at the VA during this public health crisis, and is later found to be ineligible for VA health care, will they receive a bill for services? If yes, does the VA have the authority to waive such charges?
- 2) How is the VA working with non-enrolled and ineligible veterans to make sure they receive the care they need during COVID-19, while minimizing financial burden for these individuals? Please provide the VA's guidance to the field on treating non-enrolled veterans during the crisis and any related policies.
- 3) Will this policy change remain open-ended to non-enrolled veterans or will the VA establish an end date? Please provide the VA's plans on the use of this policy in the future.

We are pleased the VA is providing high-quality, compassionate care for veterans and non-veterans during these unprecedented times. We look forward to working with you to ensure that our nation emerges from this crisis stronger and that the VA will continue to have the resources to provide high-quality, timely care for our nation's veterans.

Sincerely,



Jon Tester
United States Senator



Jerry Moran
United States Senator



Brian Schatz
United States Senator



John Boozman
United States Senator