

Congress of the United States
Washington, DC 20515

September 22, 2022

The Denis McDonough
U.S. Department of Veterans Affairs
1722 I St. NW
Washington, D.C. 20421

Dear Secretary McDonough:

On behalf of our constituents and the over nine million veterans enrolled in the Veterans Health Administration (VHA) across the nation, we respectfully urge you to use your existing authorities to amend regulation 38(CFR) 17.4020 (c) to ensure veterans are receiving fair coverage for medical transportation.

In the event of a medical emergency, defined as an injury, illness, or symptom so severe that a delay in seeking medical attention would be reasonably expected to be hazardous to life or health, the VHA states that a veteran should seek immediate care at the nearest emergency department. Should such cases come forward, the VHA has two statutory authorities under which to cover the costs: U.S.C. 1728 for service-connected emergencies and U.S.C. 1725 for emergencies that are not service-connected. Both sections of the federal code provide coverage for land or air ambulance transportation during an emergency episode.

As you know, the VA MISSION Act of 2018 (U.S.C. 1703) established a Veteran Community Care program which includes coverage of emergency treatment at in-network, non-VHA facilities. However, under VA's current regulation 38 (CFR) 17.4020(c), emergency care authorizations will cover the emergency treatment but do not allow for reimbursement of emergency transportation, except in situations where the veteran patient is 30% service-connected or greater. In such cases, the VA processes the emergency transportation claim under the beneficiary travel office.

There is no need for the VA to process 1703 emergency transportation claims this way. Instead, the Department should simply amend 38 (CFR) 17.4020(c) by adding language that includes emergency transportation in the 1703 authorization for the episode of emergency treatment. Doing so would provide emergency transportation coverage to all veterans who receive an emergency care authorization under 1703 and not just those eligible for beneficiary travel benefits. If the emergency care is approved, then the emergency transportation should be approved as well.

By processing emergency transportation services as beneficiary travel, the VA leaves a large group of veterans with unpaid emergency transportation bills. This places an unjust burden on a population already facing rising medical costs across the board. From 2017 to 2020 alone, the cost to cover charges for emergency transportation services has risen at a rate of almost 18

percent.¹ In addition to these costs, the VA Office of the Inspector General conducted an audit of non-VA emergency care claims and found 31 percent of denied or rejected non-VA emergency care claims were inappropriately processed.²

In light of the sacrifices our veterans have made, we must fulfill our obligation to provide those who have served this country with a high standard of care. While the VHA has played a critical role in providing necessary benefits for veterans, we call on the Administration to amend regulation 38(CFR) 17.4020 (c) to provide the coverage of emergency transportation services that was intended under the VA MISSION Act.

Thank you for your consideration of this request, and please know that our offices are willing to assist your efforts in any way possible.

Sincerely,



Tom Emmer
Member of Congress



Tina Smith
Member of Congress



Betty McCollum
Member of Congress



Ilhan Omar
Member of Congress



Dean Phillips
Member of Congress



Amy Klobuchar
Member of Congress



Pete Stauber
Member of Congress



Michelle Fischbach
Member of Congress



Brad Finstad
Member of Congress



Angie Craig
Member of Congress

¹ "Fast Facts on U.S. Hospitals, 2022." *American Hospital Association*, no. 2 (January 2022). <https://www.aha.org/system/files/media/file/2022/01/fast-facts-on-US-hospitals-2022.pdf>

² Veterans Health Administration, "Non-VA Emergency Care Claims Inappropriately Denied and Rejected," Office of Audits and Evaluations, VA OIG 18-00469-150, Page I, 2017. <https://www.va.gov/oig/publications/report-summary.asp?id=4671>