

Fighting for Veterans

Taking Action on the VA Claims Backlog

This legislative package seeks to bolster VA's current efforts to modernize and foster further innovation in order to get veterans' claims and compensation settled faster. Some bills would have an immediate impact, some over the next two years, and others are designed to be long-term approaches to prevent future backlogs.

VA Claims, Operations and Records Efficiency Act (Rep. Kirkpatrick) – requires DoD to provide certified, complete, and electronic records to VA within 21 days.

IMPACT: Would substantially reduce the amount of time spent waiting for DoD to provide information in a timely manner.

Claims adjudication Centers of Excellence (Rep. Michaud) – requires VBA to establish a pilot for Conditions Adjudication Centers of Excellence that would focus on the 10 most complex and time consuming medical conditions.

IMPACT: The pilot would utilize the highest performing offices to adjudicate the most difficult medical conditions, such as PTSD and TBI, encouraging the VA to specialize claims processing by condition, reduce the time it takes to adjudicate these conditions, and decrease the error rates on difficult claims.

Pay veterans as medical conditions are adjudicated (Rep. Titus) – requires VA to pay for medical conditions as they are adjudicated in an electronic system.

IMPACT: Currently, veterans receive payment when all medical conditions within a claim are fully adjudicated. This legislation will require VA to pay veterans as individual medical conditions are adjudicated, which will pay veterans at a faster rate.

Expedite claims processing by educating veterans on the quickest route to receive their decision (Rep. O'Rourke) – provides veterans with information regarding VA's timeliness for adjudicating claims in different formats such as paper application or online utilizing the Fully Developed Claims program.

IMPACT: Would encourage and educate veterans to utilize methods that may increase the timeliness of their claims.

Encouraging the automation of certain VA claims (Rep. Kuster) – requires VA to provide an annual report to list those medical conditions that are processed in an electronic automated fashion, the feasibility/consideration for adding additional medical conditions, and any barriers barring VA from adding those medical conditions that are not automated.

IMPACT: The reporting would require VA to consider how and if any of the medical conditions that they adjudicate could be automated or simplified. Any work that can be automated or simplified will allow VA to focus limited resources on the more challenging workload.

H.R. 1521 (Rep. Sean Patrick Maloney) – extends VA’s authority to contract for medical disability examinations by five years.

IMPACT: VA's ability to have contractors provide medical exams increases the availability and timeliness of those exams. VA needs the support of the contract exams to reach the goal of processing all claims within 125 days by 2015. Without this reauthorization, VA medical examinations would overwhelm the VA health-care system.

H.R. 1623 (Rep. Negrete-McLeod) – requires VA to provide numerous data points in an online setting that would better detail the backlog, the timeliness and accuracy of VA regional offices, and timeliness and accuracy of adjudicating specific medical conditions.

IMPACT: The reporting would provide both the VA, the public, and policy-makers with better clarity on the backlog and the specific claims that are proving to be a challenge. This additional level of detail was not available in the legacy paper system. VA indicates that this level of clarity should be available in VBMS. This would insure that VBA builds in the capability of understanding the workload at this level of granularity and ultimately may lead to gains in efficiency by better understanding the backlog and ways to address it.

Require VA to maximize the use of private medical evidence (Rep. Walz) – amends title 38, United States Code, section 5103A(d)(1) to provide that, when a claimant submits private medical evidence, including a private medical opinion, that is competent, credible, probative, and otherwise adequate for rating purposes, the Secretary shall not request a VA medical examination.

IMPACT: Would conserve resources and enable quicker, more accurate rating decisions for veterans.

Require annual reports on VA regional offices that fail to meet backlog reduction goals (Rep. Meng) – requires annual reports on VA regional offices that are not meeting their administrative goal of no claim taking longer than 125 days with 98% accuracy. Details would be required explaining why the office did not meet the goal, what they need to meet it, and how failure to meet the goal was considered in regards to the VARO Director's performance appraisal.

IMPACT: The reporting requirement would serve as a motivator for leadership to meet their administrative goal. It would also provide additional information in regards to the backlog at the individual VARO level and the information could assist policy-makers in considering additional solutions to reduce the backlog and provide better services to veterans.

Require Detailed Reporting on VA Information Requests to Federal Agencies (Rep. Ruiz) –requires VA to track all information requests to other federal entities.

IMPACT: Would require VA to provide quarterly updates to Congress in regards to the timeliness of other agencies in fulfilling their information requests. Veteran’s claims are often untimely because VA is waiting for other agencies to provide information. By having more definitive data, VA and Congress can work to reduce these bottlenecks.