

Congress of the United States  
House of Representatives  
Washington, DC 20515-1317

October 18, 2019

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

Dr. Paul R. Lawrence  
Under Secretary for Benefits, Veterans Benefits Administration  
1800 G Street NW  
Washington, D.C. 20006

Dr. Richard A. Stone  
Executive-in-Charge, Office of the Under Secretary for Health  
Veterans Health Administration  
1722 I Street NW  
Washington, D.C. 20421

Dear Secretary Wilkie, Under Secretary Lawrence and Dr. Stone:

I write to raise a concern about processes within the Veterans Health Administration (VHA) and Veterans Benefits Administration (VBA) that have impeded the ability of my office to serve as an effective advocate for veteran constituents of Illinois' 17<sup>th</sup> Congressional District.

When assisting a constituent with casework, pursuant to the Privacy Act of 1974 (Pub.L. 93-579), all congressional offices must obtain a Privacy Act Release (PAR) form from the affected individual before receiving personally identifiable information from a federal agency. The Privacy Act of 1974 does not address the expiration of PAR forms. However, my office has been notified by both VHA and VBA on numerous occasions that a veteran's PAR form has expired and must be re-signed by the veteran and then resubmitted before information could be shared with the office. This practice has caused significant delays in assisting veterans.

In some cases, a veteran has contacted my office for assistance with an issue that the office has helped them with previously, but the VA will state that a new PAR needs to be signed because it is over 60 days old or over a year old. The guidelines VHA/VBA reference are inconsistent. As you can imagine, the veterans who contact my office and other congressional offices around the country are dealing with life-long medical issues related to their service to our country. These service-connected issues can result in difficulties with the VA that need to be addressed repeatedly and can cause them to need to request assistance from my office on multiple occasions.

Additionally, these service-connected issues can make it difficult for veterans to travel to my office to complete a PAR or even sign a form that my office has mailed to them. When these veterans hear that the PAR form my office has on file cannot be used to address their concerns—even for an issue we have helped with previously—they are often frustrated or concerned about how they will sign a new one. In some cases, the veterans do not complete the additional form for these reasons.

Upon submitting an inquiry about this practice to a local VA health center, we were referred to VHA Directive 1605.01, page 44, which states under 14b(f) that an authorization of information release is required to include “an expiration date or event that relates to the individual or the purpose of the use or disclosure.” In particular, the responding VA health center’s policy included a clarification that, “If no expiration is given, [Release of Information] ROI has determined that 60 days from the date of signature would be within a reasonable time to allow for processing of specific requests.”

This VHA Directive also notes that “Department of Veterans Affairs (VA) Form 10-5345, Request for and Authorization to Release Medical Records, supplies three possible expiration options: 1) upon satisfaction of the need for the disclosure; 2) on a specified date provided by the patient; or 3) under conditions specified by the individual. ‘Upon satisfaction of the need for the disclosure’ is only sufficient if the ‘purpose’ section of the authorization is clearly articulated, such as insurance claim or payment of claim, to allow the facility to determine when the need has been satisfied.”

- What statutory and/or regulatory authority is the Department of Veterans Affairs (VA), and specifically VHA and VBA, using to justify the policy on the expiration of PAR forms?
- Does the Department of Veterans Affairs (VA) provide department-wide guidance for how the VA should address PAR forms?
- Why does the VA have a policy that appears to treat congressional PAR forms and VA Form 10-5345, which applies to all other entities, differently?
- Does the VA track response times to congressional inquiries and PAR form submissions?
- Does the VA track how often PAR forms expire and a resubmission is required?
- Does the VA believe that 60 days is a sufficient timeframe to meet the expiration options described in Directive 1605.01?

Our nation’s veterans have bravely served our nation, and they deserve for us to uphold our commitment to providing them the best possible care. I hope that this issue can be swiftly addressed and look forward to your prompt response.

Sincerely,



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Cheri Bustos  
Member of Congress