

DISABLEDVETERANS ORG

redeeming the promise of a square deal

Eric K. Shinseki
Secretary
United States Department of Veterans Affairs
810 Vermont Avenue, NW, Room 500
Washington D.C. 20420

Dear Secretary Shinseki:

First and foremost, we would like to thank you for your hard work and dedicated service in helping our nation's veterans. The sacrifices our veterans, and their families, is the legacy on which our country is built and the reason we enjoy our freedoms today. We are grateful for their service every day, and feel it is of the utmost importance that veterans and their family members are fully cared for after military service.

Unfortunately, our legacy is in crisis as children born with birth defects connected to military service are unable to receive the care they were promised and desperately need from the Department of Veterans Affairs (VA). Throughout the country, Vietnam War veterans have reported staggering instances of children and grand children born with birth defects, including Spina Bifida. It is reported that five out of seven veterans' children suffer this fate, and the VA has designated 1,200 individuals eligible for care under the Spina Bifida Health Care Program. While the VA has agreed to provide Comprehensive Health Care under this program, it has continually failed to provide in-home care many of these beneficiaries need and are entitled to.

For these individuals, the VA has the authority to approve reimbursement for "home care," which includes "habilitative and rehabilitative care, preventive health services, and health-related services furnished to an individual in the individual's home or other place of residence." (38 USC §1803). Additionally, the regulations state that "habilitative and rehabilitative care," include services as are "necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person." This would include care required for the child to perform activities of daily living such as bathing, eating, dressing, and toileting.

Parents of these children are now too old to provide the same 24/7 care that many Spina Bifida children require. Now, they need the assistance of a professional who can help these individuals with daily living tasks. However, the VA's Purchased Care section in Denver, Colorado has refused to provide such care under the claim that 38 USC §1803 does not authorize these types of services.

We ask that you help these individuals receive the health care they need, and that it be delivered within the home in a manner in to which they are entitled under existing law within the Spina Bifida Program.

Sincerely,

Your Congressman