

U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED FIFTEENTH CONGRESS

335 CANNON HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

March 5, 2018

The Honorable David J. Shulkin, M.D.
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Dear Secretary Shulkin,

We continue to support your goal of reducing the rate of veteran suicides and increasing access to mental health care for veterans. As you are aware, preventing veteran suicide has been a top priority for our Committees and we stand ready to support your continued efforts with your top clinical priority. However, the February 27, 2018 announcement that the Department of Veterans Affairs (VA) and Cohen Veterans Network (CVN) were entering into a partnership raises some concerns and questions you must address.

We seek to understand the nature and extent of this partnership and whether CVN will be provided compensation for this partnership with VA. We wish to know why CVN was selected for a partnership versus other provider organizations and veterans' charities. Furthermore, we request a briefing on the VA programs and offices responsible for implementing the goals of the partnership, and, as necessary, an explanation of VA's legal authority to enter into a sole-source contract or agreement with CVN. Funding sources and the estimated cost of this partnership should also be included in the brief.

Organizations contracting with VA must follow all federal contracting requirements including compliance with the Office of Federal Contracting Compliance Programs, Title VII of the Civil Rights Act of 1964, and federal labor laws including the Equal Pay Act, and must disclose any employment and labor law violations. Simply put, CVN must be transparent about its organization and compliance with federal law in order to ensure VA's effort to rebuild veterans' and family members' trust continues unimpeded.

So that we can better understand this partnership, please provide documents establishing the partnership as well as answers to the following questions:

1. What is the nature and extent of VA's partnership with CVN beyond the goals outlined in the announcement?

2. Does CVN seek remuneration under this partnership, or request remuneration during the partnership's negotiation, and has VA contemplated entering into a contractual relationship with CVN at any time in the future?
3. If this relationship with CVN is contractual or quasi-contractual, what is the scope of the relationship and what services would CVN provide VA?
4. What statutory and regulatory authorities permit VA to enter into a sole-source contract or agreement with CVN under the partnership, and has a sole-source justification been identified? Please provide this justification.
5. The announcement states that CVN and VA would "discuss potential locations for Cohen Clinics in regions believed to have underserved veterans in need." As part of this initiative, would CVN be provided information not available to the public or information not available to other health care providers or other organizations? Please provide any and all documents and information shared with CVN as part of this discussion, and in the same format in which it was provided to CVN.
6. If CVN will be a provider of mental health care to veterans, will CVN provide care under the Choice Program or under a different program or authority for the provision of community care? Please describe how VA will serve as the coordinator of care for veterans considering CVN states they do "not share any confidential patient information with the VA." Please describe how VA guarantees the quality of care CVN provides.
7. This partnership was not provided in VA's FY19 budget request. What is this partnership's projected cost to VA over 10 years?
8. What is the VA funding source for this partnership?
9. Two members of CVN's Board of Directors, Steven Cohen and Douglas Haynes, are defendants named in a February 2018 gender discrimination lawsuit at Point72 Asset Management. The complaint alleges offensive behavior towards women was encouraged and perpetrated by senior firm leadership, including Mr. Cohen and Mr. Haynes. Their presence on the CVN Board could lead to the conclusion that discrimination in CVN's organization and against veterans and family members may also be tolerated. As the fastest growing subset of veterans, women veterans need mental health providers they can trust. How do you vet the individuals in leadership positions at organizations with which VA partners?
10. Does the announcement of the VA-CVN partnership allow for the October 2017 Memorandum of Agreement (MOA) between CVN and VA to be construed as the agreement outlining the partnership, or would subsequent partnership documents supersede the MOA? If the MOA outlines the framework of the partnership, why did VA wait four months to announce this partnership? What actions have been taken under the agreement to date?

11. Were other health care organizations considered for this partnership? Why was CVN chosen as a VA partner? Please provide documents containing the criteria and justification for this decision, including the consideration of other health care organizations for the partnership.

Please provide a response by Friday, March 16, 2018. If you have any questions, please contact Grace Rodden, Minority Staff Director of the Subcommittee on Oversight and Investigation, at grace.rodgen@mail.house.gov or at (202) 225-9756 or Jon Coen, Counsel, at jon_coen@vetaff.senate.gov or at (202) 224-2074. We look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Walz", written in a cursive style.

TIM WALZ
Ranking Member
Committee on Veterans' Affairs
U.S. House of Representatives

A handwritten signature in blue ink, appearing to read "Jon Tester", written in a cursive style.

JON TESTER
Ranking Member
Committee on Veterans' Affairs
U.S. Senate