

Roby bill would add oversight to VA mental health and substance abuse treatment



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Inspired by a federal Alabama lawsuit and the scandal that ensnared the Veterans Health Administration, U.S. Rep. Martha Roby, R-Montgomery, introduced a bill late last month that would add an extra layer of oversight of the VA's mental health and substance abuse treatment services.

The bill, dubbed the Protection and Advocacy Act, would create a pilot program authorizing state protection and advocacy agencies to investigate the quality of such services. Protection and advocacy agencies currently have the power to inspect medical records, make recommendations to healthcare providers and take legal action on behalf of patients at state hospitals and clinics. The program would be expanded to include the whole country if successful.

Alabama was not immune to the nationwide VA scandal – marked by long delays in wait times for veterans to see a physician and the covering up of appointment records -- that led to the resignation of Veterans Affairs Secretary Eric Shinseki in 2014. The Central Alabama Veterans Health Care System in Montgomery was found to have an employee who **falsified time records and took a veteran and recovering drug addict to a crack house**, according to the Montgomery Advertiser.

And the long wait times weren't just for those with physical ailments – 52 percent of mental health patients at the Central Alabama VA facilities waited more than two weeks until they saw a doctor, according to Roby's office.

"That alarming stat was emblematic of how the Department of Veterans Affairs has struggled in the recent years to keep up with the rising need for mental health and substance abuse treatment for veterans," Roby said, suggesting that an increasing amount of veterans returning from war, the opioid epidemic and a shortage of mental health care workers contributed to the crisis. While the average wait time for mental health services at the Central Alabama VA is down to five days, "I think we can do better," Roby said.

Curt Decker, executive director of the National Disability Rights Network, which includes protection and advocacy agencies that investigate treatment of the disabled, said the VA would benefit from the bill.

"There's going to be just this inherent conflict," Decker said of the VA not having a watchdog besides its internal ombudsman. "If you're in that facility and you're pretty sick ... wouldn't you like to have an external group coming through on a regular basis checking?"

A landmark Alabama federal case that exposed **deplorable conditions at Bryce Hospital**, Wyatt vs. Stickney, gave mental health patients who were involuntarily committed the right to care.

"The Wyatt case guaranteed mental health care rights for people in Alabama and throughout the country. For 40 years, Protection and Advocacy agencies have safeguarded those rights in state-operated facilities," Roby said in a statement. "I believe bringing this high degree of patient advocacy expertise to the VA can greatly benefit veterans, particularly those needing mental health care or substance abuse treatment."

James Tucker, director of the Tuscaloosa-based Alabama Disabilities Advocacy Program and one of the lead attorneys in the Wyatt case, said the program received complaints about VA facilities in Alabama but doesn't have the authority to investigate them. He said ADAP would seek to be part of the pilot program if Roby's bill passes.

"There are a lot of veterans who have maybe experienced something like a traumatic brain injury or PTSD and their only viable health care provider is the VA," Tucker said. "Because of the peculiarities of the law, I am precluded from conducting abuse and neglect investigation in VA facilities."

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