

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICANS FOR PROSPERITY FOUNDATION)
1310 North Courthouse Road, Suite 700)
Arlington, VA 22201,)

Plaintiff,)

v.)

U.S. DEPARTMENT OF VETERANS AFFAIRS)
810 Vermont Avenue, N.W.)
Washington, D.C. 20420,)

Defendant.)

COMPLAINT EXHIBIT 19



Southern Arizona VA Health Care System
3601 S. 6th Avenue Tucson, Arizona 85723

RE: 21-06346-F

06/08/2021

Ryan Mulvey
Americans For Prosperity Foundation
1310 N. Courthouse Rd
Arlington, VA 22201
rmulvey@afphq.org

Dear Ryan Mulvey:

This letter acknowledges receipt of your 05/28/2021 request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the VHA 678 - Southern Arizona VA Health Care System requesting the following records:

“Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), AFPF hereby requests access to the following categories of records concerning operation of the Southern Arizona VA Health Care System.³ The time period for all items of this request is January 1, 2020 to the present.⁴ Please note: to the extent an item of this request seeks data (*i.e.*, Items 1–7 and 9), please provide records reflecting that data on a *monthly basis* (*e.g.*, total number of scheduled appointments for each month of the requested time period). If month-by-month data is unavailable, please provide the requested data in the aggregate or in the form otherwise maintained by the agency. If responsive records are kept in a CSV or Excel format, please produce the records in their native format.

1. Records reflecting the total number of appointments scheduled.⁵
2. Records reflecting the total number of appointments completed.
3. Records reflecting the total number of appointments cancelled:
 - a. By a VA health care provider; and
 - b. By a patient.
4. Records reflecting the total number and percentage of appointments for primary care, mental health care, or non-institutional extended care services scheduled:
 - a. Within 20 days of a patient’s date of request; and
 - b. Over 20 days of a patient’s date of request.
5. Records reflecting the total number and percentage of appointments for specialty care

scheduled:

- a. Within 28 days of a patient's date of request; and
 - b. Over 28 days of a patient's date of request.
6. Records reflecting the total number of patients who, in consultation with a VA health care provider, agreed to schedule an appointment outside the 20-/28-day period established by the VCCP designated access standards.
 7. Records reflecting the total number of patients who refused to schedule an appointment outside the 20-/28-day period established by the VCCP designated access standards.
 8. All records reflecting the policies and practices for documenting whether a patient agrees or refuses to schedule an appointment outside the 20-/28-day period established by the VCCP designated access standards. This item would include, for example, any blank, standardized form(s) for memorializing such patient consent.
 9. Records reflecting the total number and percentage of patients:
 - a. Eligible for community care under the VCCP;
 - b. Who have elected to receive community care under the VCCP; and
 - c. Who have declined to receive community care under the VCCP.
 10. All guidance documents, legal opinions, administrative orders, directives, policy statements, or communications exchanged between the Southern Arizona VA Health Care System and the Veterans Health Administration, VA Office of General Counsel, VA Office of the Secretary, White House Office of Management and Budget, or White House Domestic Policy Council concerning:
 - a. Interpretation of the VCCP regulations and designated access standards, including the agency's method for calculating wait times (*e.g.*, discussion of the difference between "date of request," "patient preferred date," and "clinically indicated date");
 - b. The process by which the VA obtains patient consent to schedule an appointment outside the 20-/28-period established by the VCCP designated access standards;
 - c. Limiting or dissuading veterans from using community care; and
 - d. The impact of the COVID-19 pandemic on administration of the VCCP."

Your FOIA request was received by the VHA 678 - Southern Arizona VA Health Care System FOIA Office on 06/01/2021. Your FOIA request was assigned the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request. As expressly authorized under the FOIA, the VA processes requests using the multitrack processing which allows us to process requests on a first-in, first-out basis in either a simple or complex processing track. This allows us to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records.

I have placed your request in complex processing category. The complex processing track is the slower of the two tracks. If you wish to discuss modifying the scope of your request in order to qualify for the faster processing track, please feel free to contact me. My contact information is listed below.

To VHA exists to provide health care to our nations Veterans. Our mission is to: "Honor America's Veterans by providing exceptional health care that improves their health and well-being." To accomplish this, VHA is the largest integrated health care system in the United States, providing care at 1,255 health care facilities, including 170 VA Medical Centers and 1,074 outpatient sites of care of varying complexity (VHA outpatient clinics) to over 9 million Veterans enrolled in the VA health care program. Today, the VHA is leading the fight against the Novel Coronavirus (COVID 19) at these centers and at research sites nationwide.

While we will work to process your request in accordance with 5 U.S.C. 552, delivery delays can be expected due to the VHA's mission related to the global pandemic of COVID-19. During this time, we will work with you to scope your request so that we can get you exactly what you need as quickly as possible. You can also track updates related to COVID 19 and the VHA at: <https://www.publichealth.va.gov/n-coronavirus/index.asp>.

We will search for records responsive to your FOIA request that were gathered or created by the VHA 678 - Southern Arizona VA Health Care System on and before the date your request is sent out for record search.

If you have any questions about your request, you may contact me at (520) 792-1450 Ext.14347 or via email at TucsonVAMCFOIA@va.gov. We ask for your patience as we sail through uncharted waters and look forward to working with you on your request.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Stephens".

Michelle Stephens
Privacy/FOIA Officer
Southern Arizona VA
Health Care System