

**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 21



DEPARTMENT OF VETERANS AFFAIRS
Bay Pines VA Healthcare System
Post Office Box 5005
Bay Pines, Florida 33744

June 1, 2021

Mr. Ryan Mulvey
Americans For Prosperity Foundation
rmulvey@afphq.org

In Reply Refer To:
516/001PV
FOIA 21-06280-F

Dear Mr. Mulvey:

Thank you for your inquiry to the Bay Pines VA Healthcare System (BPVAHCS). This letter acknowledges receipt of your May 28, 2021 request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to BPVAHCS FOIA Office for the following Community Care Program records concerning operations of C.W. Bill Young VA Medical Center (CWYVAMC) for the time period of January 1, 2020 to present:

1. Records reflecting the total number appointments scheduled from January 1, 2020 to May 28, 2021.
2. Records reflecting the total number appointments completed from January 1, 2020 to May 28, 2021.
3. Records reflecting the total number appointments cancelled from January 1, 2020 to May 28, 2021.
 - a. By a VA Healthcare provider
 - b. By a patient
4. Records reflecting the total number and percentage of appointments scheduled from January 1, 2020 to May 28, 2021.
 - a. Primary Care
 - i. Within 20 days of a patient's date of request
 - ii. Over 20 days of a patient's date of request
 - b. Mental Health care
 - i. Within 20 days of a patient's date of request
 - ii. Over 20 days of a patient's date of request
 - c. Non-institutional extended care services
 - i. Within 20 days of a patient's date of request
 - ii. Over 20 days of a patient's date of request

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5. Records reflecting the total number and percentage of appointments for specialty care scheduled from January 1, 2020 to May 28, 2021.
 - a. Within 28 days of a patient's date of request
 - 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 Healthcare provider, agree 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 days 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
 - 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 CWBYVAMC 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 VA obtains 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.
 - d. The impact of the COVID-19 pandemic on admiration of the VCCP.

Your request was received in my office on May 28, 2021. Your FOIA request was assigned the tracking number at the top of this letter. Please include this tracking number in all future communications concerning this FOIA request. As expressly authorized under the FOIA, VA processes requests using multi-track processing which

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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 the 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.

We will search for records responsive to your FOIA request that were gathered or created by the BPVAHCS on or before the date your request is sent out for record search.

If you have any further questions about your request, you may contact me at (727) 398-6661, extension 21216 or via email at VHABAYFOIAOffice@va.gov.

Sincerely,

Wendy Hillman
Privacy/FOIA Officer