

Congress of the United States

Washington, DC 20515

December 22, 2023

Erica M. Scavella, MD, FACP, FACHE
Assistant Under Secretary for Health for Clinical Services
Veterans Health Administration
Department of Veterans Affairs (VA)
801 Vermont Avenue
Washington, D.C., 20402

Dear Dr. Scavella:

We are writing to inquire about a November 6, 2023 memorandum to Veterans Integrated Service Network (VISN) directors titled "For Action: Data Call: Veterans Health Administration (VHA) Optometrist Currently Performing Certain Laser Eye Procedures (VIEWS 11025556)." The memo raises concerns that the safety of veterans may have been put at risk, as it suggests that some VA Medical Centers (VAMCs) may have not been abiding by current VA policy that only ophthalmologists perform laser eye surgeries.

As you know, we have been alarmed about the loosening of VA policy in the Community Care program that removed clear restrictions stating that "only ophthalmologists can perform invasive procedures, including injections, lasers and eye surgery," which was outlined in Chairwoman Miller-Meeks' June 6, 2023 letter to Secretary McDonough. The possibility that optometrists may already be performing certain surgeries in VAMCs and in contravention of VA policy leads us to question whether VA is adequately ensuring veteran safety within the system, and whether VA can fulfill its commitments you have made in testimony to our Committee.

While we appreciate VA's efforts to ensure that VAMCs are now following this requirement as of the date of the memo, we would like to know whether VAMCs were in fact allowing optometrists to perform laser surgery contrary to policy. Since the VA is in the process of drafting national scope of practice standards, including one for optometry, we request answers to the following questions in a timely manner, but no later than January 19, 2024:

- How was VHA made aware that some VAMCs may have been allowing optometrists to perform laser eye surgeries?
- What protocols did VHA have in place to ensure that optometrists were not acting in violation of VA policy before the memo was sent, and have any protocols been added to ensure that no optometrists are in fact performing laser eye surgery in VAMCs as of November 6, 2023?
- The memo calls on VAMCs to report specific information by November 17, 2023, including: if optometrists are privileged to perform laser eye procedures, the type of procedures, the fiscal year 2023 volume by procedure type, State of licensure, and State(s) of practice for each deidentified optometrist. The memo also states that if optometrists are privileged to perform laser eye procedures at a facility or community-

based outpatient clinic, the facility Chiefs of Staff must designate a point of contact for communications on this issue.

- We would like to see the full results of the data call, including information from each VAMC.
- During the “VA’s Federal Supremacy Initiative: Putting Veterans First?” hearing on September 19, 2023, you stated that VA is considering allowing optometrists who have a license to perform laser eye surgery to be able to provide these services in all VA facilities. Should VA finalize this policy, it would be up to an individual VA facility to ensure that optometrists had the proper license in place to perform laser surgery at that specific VA facility. Since VAMCs may not have been abiding by the current requirement that only ophthalmologists can perform laser eye surgery, how will you ensure that they are following any national scope of practice standard once finalized? Can you assure us that you will establish the enforcement and oversight protocols that are necessary to make sure that the VA’s clinicians always act within the scope of whatever final policy is adopted?

We appreciate your attention to this manner and your prompt response to these questions.

Sincerely,



Mariannette Miller-Meeks,
M.D.
Member of Congress



Julia Brownley
Member of Congress