

**IN THE UNITED STATES
COURT OF APPEALS FOR VETERANS CLAIMS**

Veterans Legal Advocacy Group,)	
Petitioner,)	
)	
v.)	Docket No. 20-2346
)	
Robert Wilkie,)	
Secretary of Veterans Affairs,)	
Respondent.)	

Amended Motion to Resume Litigation

I moved the Court to dismiss this petition for being moot because the VA told me they had stopped ordering risky exams. But I was contacted yesterday by a veteran—with an autoimmune disease—that the VA scheduled him for an in-person exam during the coronavirus pandemic. I have attached the exam order and the email ordering the veteran to the exam.

I was mistaken. This petition is not moot. Even if the VA cancels this exam, the VA has surely ordered hundreds more like it. The Court should deny the motion to dismiss, resume proceedings, and order the parties to answer the Court’s April 9 order.

The Secretary is opposed to this motion.

April 16, 2020

Submitted,

/s/ Harold Hoffman
Harold H. Hoffman, III
haroldhoffman@vetlag.org
2776 S Arlington Mill Dr.
Suite 804
Arlington, VA 22206
202-677-0303

----- Forwarded message -----

From: **Maricela Rodriguez** <rodrigm@vesservices.com>

Date: Wed, Apr 15, 2020 at 1:05 PM

Subject: EXAM ORDERS 22620110627

To: **CLIENT EMAIL REDACTED**

DEAR VETERAN PLEASE PRINT OUT YOUR ORDERS AND TAKE THEM WITH YOU TO THE EXAM ALONG WITH YOUR PICTURE ID.

Thank you,

Maricela Rodriguez
Diagnostic Scheduler
Veterans Evaluation Services (VES)
Direct Line: 281-602-7083
Office local: 713-255-5656
Office: 877-637-8387
Confidential Fax 832-320-9752
Email: rodrigm@vesservices.com
<http://www.vesservices.com>



Veterans Evaluation Services

Ph: 1.877.637.8387 vesservices.com

DIAGNOSTIC APPOINTMENT

PO Box 924089, Houston, TX 77292



Date: 04/15/2020

VES #: 22620110627

****Please bring this paperwork, a list of current medications and allergies, and a photo ID to this appointment.****

Dear Veteran [REDACTED]

On behalf of the Department of Veteran Affairs, Veterans Evaluation Services is assisting with Veteran's testing and examinations. A diagnostic appointment has been made for you to have testing at:

**CHESAPEAKE REG- JENNINGS OUTPA'
844 NORTH BATTLEFIELD BLVD
N. CHESAPEAKE, VA 23320**

Date: 6/8/2020

Time: 08:30 am

The following will be performed:

1. DEXA; axial skeleton (eg hips pelvis spine)
2. Vitamin d 25 hydroxy
3. CBC

If you have any questions regarding this appointment, please call us: Veterans Evaluation Services at 1 (877) 637-8387. DO NOT CALL THE FACILITY DIRECTLY, as we handle all appointments.

Calling the facility directly may result in delays in processing your claim. If you are pregnant or suspect you are pregnant, please contact VES prior to attending your diagnostic appointment. Please bring your paperwork to the facility. You may be turned away if this information is missing. Be advised, there may be some wait time.

IMPORTANT NOTICE REGARDING PAYMENT AND BILLING: Please note that you are not responsible for any billing regarding your claim. As a V.A. contractor, all payments are handled by Veterans Evaluation Services (contract VA exams are paid by VES, not directly by the V.A.). Please note that for tracking and to verify your identity, you may be asked to provide your I.D. and/or Social Security Number. Please note this is standard practice; however, ****DO NOT give out any PRIVATE INSURANCE information****. When filling out your paperwork at the facility, list Veterans Evaluation Services (VES) as the responsible billing/insurance entity. You may reference your VES# 22620110627 as the policy number. Our billing address is PO Box 924089, Houston, TX 77292. Our telephone number is 877-637-8387. If you receive any kind of bill, please call us immediately so we can resolve the issue and prevent your credit being affected.

****Please call the VES Contact Center at 877-637-8387 to confirm that you will be able to attend this appointment.****

NOTICE OF PRIVACY PRACTICES AND FREQUENTLY ASKED QUESTIONS

The evaluation services provided by Veterans Evaluation Services (VES) are covered under the Privacy Rule of Health Insurance Portability and Accountability Act (HIPAA). Your claim-related medical information is received directly from the VA and is shared only with the C&P medical examiners. VES is merely the temporary custodian of this information, and therefore it can only be released back to the VA. Should you require any of your own medical information, or wish to obtain a copy of your exam report, please contact the VA at 1-800-827-1000.

1. Why do I need these tests when I'm already service connected for these conditions?

Diagnostic tests are scheduled as needed for your report per VA guidelines. As a current look at your condition is required, the diagnostics associated with the exam are needed to get a complete and updated assessment of your condition(s).

2. I just had these tests completed; can I submit those results or bring a copy to my exam?

Any diagnostic tests that are required for your evaluation and that you have undergone within the last 6 months can be submitted to VES with the exception of any blood tests or urine analysis. Test results that meet the requirements for submission may be faxed to 832-320-3910. However, they must be received and uploaded to your file before your scheduled diagnostic appointment takes place.

3. Why do I have to travel so far? Surely there is a facility closer to me that can perform these tests.

It is very important to remember that you are not being evaluated for the purpose of treatment. Under the rules and regulations of the Veterans Administration, providers must be approved through the VA before being allowed to perform diagnostic testing. Therefore, while the location of your diagnostic appointment is determined by your home address, the availability of recognized qualified providers in your immediate area may necessitate scheduling you outside of your city of residence. Travel reimbursement will be provided per VA guidelines. Please save receipts for any tolls required during your trip.

4. Why was I scheduled without being consulted first?

Per VA guidelines, multiple attempts are made to contact you before scheduling your appointment. Due to the necessity of expediting your exam process, if contact is not made within a reasonable amount of time, your appointments will be scheduled according to provider availability.

5. Why wasn't I scheduled on a day I said I was available? Can I reschedule my appointment?

Please note that while we do our very best to accommodate your schedule, VES cannot guarantee the availability of your preferred timeframes. In order to meet VA requirements, VES may have to assign an alternative examination time. While a reschedule is usually possible, please keep in mind that it is unlikely your preference is available if it was not given to you initially.



Veterans Evaluation Services

Ph: 1.877.637.8387 vesservices.com

DEAR CHESAPEAKE REG- JENNINGS OUTPATIENT CTR

PLEASE SEE ATTACHED ORDER FOR VETERAN

NAME:	DOB:	VES#:
[REDACTED]	[REDACTED]	22620110627

AFTER COMPLETION OF TEST(S), PLEASE FORWARD THIS TO THE PROPER FACILITY
IF THE PROFESSIONAL SERVICE(S) (26) ARE PERFORMED BY ANOTHER ENTITY.

HOW TO BILL VES FOR SERVICES:

- PLEASE BILL US AT US GOVERNMENT MEDICARE RATES.
- DO NOT BILL THE VETERAN, VETERAN'S INSURANCE, THE VA OR ANY OTHER ENTITY OTHER THAN VETERANS EVALUATION SERVICES.
- VES MUST BE THE SOLE AND PRIMARY GUARANTOR.

INVOICES TO INCLUDE:

- STATE
- VETERAN'S NAME
- DATE OF SERVICE
- DESCRIPTION OF TESTS
- VES#

MAIL INVOICES TO:

VETERANS EVALUATION SERVICES
P.O. BOX 924089
HOUSTON, TX 77292

IF YOU HAVE ANY QUESTIONS, PLEASE CALL 877-637-8387



Veterans Evaluation Services

Ph: 1.877.637.8387 vesservices.com

DIAGNOSTIC ORDER FORM

BILLING ADDRESS: P.O. BOX 924089, HOUSTON, TX 77292

BILLING : By performing the diagnostic services requested below, Diagnostic Facility agrees to bill VES directly and not the veteran, the veteran's insurance provider, the VA, or any entity other than VES for veterans who are referred to Diagnostic Facility through VES.

GENERAL QUESTIONS CALL: 877-637-8387 BILLING CONCERNS CALL: 713-255-5725 SUBMIT ALL TEST RESULTS VIA FAX: 832-320-3910 OR VIA E-MAIL: VESTestingResults@vesservices.com	>> TESTING NOT FOR TREATMENT. PERFORM ORDERED TESTS ONLY. << NOTIFY VES OF ANY LIFE-THREATENING RESULTS CONTACT VES IMMEDIATELY: 877-637-8387 ASK TO SPEAK TO ANY AVAILABLE QA OR E-MAIL: VESPHYSICIANHELP@vesservices.com
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VETERAN'S NAME	D.O.B.	FILE NUMBER	VES#	APPT DATE	APPT TIME
[REDACTED]	[REDACTED]	XXXXXXXXXX	22620110627	06/08/2020	8:30 AM
VETERAN'S ADDRESS					
[REDACTED]					
FACILITY NAME			FACILITY ADDRESS		
CHESAPEAKE REG- JENNINGS OUTPATIENT CTR			844 NORTH BATTLEFIELD BLVD N. CHESAPEAKE VA-VA		

Diagnostic Facility will hold harmless, indemnify and defend VES, its employees, agents, officers and directors, from and against any and all claims, demands, liabilities, costs or damages incurred as a result of the misconduct or general or professional negligence of Diagnostic Facility in the rendering of diagnostic services. **(Diagnostic order form is VOID after appointment date.)**

PLEASE PERFORM THE FOLLOWING TEST(S)

No	Test Description	CPT Code
1	DEXA; axial skeleton (eg hips pelvis spine)	77080
2	Vitamin d 25 hydroxy	82306
3	CBC	85025

Total number of Test(s) : 3

DIAGNOSIS	COMMENTS TO FACILITY
,OSTEOPOROSIS (M81.0) VITAMIN D DEFICIENCY (E55.9)	**PLEASE SEND RESULTS to FAX# 832-320-3910**

Date Signed

Initials

04/15/2020

RODRIGM

Signed by CHARLES XELLER; Company – Veterans Evaluation Services NPI 1316136724



Veterans Evaluation Services

Ph: 1.877.637.8387 www.vesservices.com

DIAGNOSTIC SERVICES BILLING PARTY ACKNOWLEDGEMENT

Facility agrees that it will **only** bill Veterans Evaluation Services ("VES") for diagnostic services rendered on cases referred from medical providers performing services in association with VES, and will **not bill the Veteran** under any circumstances for such services. Facility should immediately contact VES with any billing questions at 877-637-8387.

In order to ensure that all parties involved in diagnostic testing on Veterans are aware of the correct party to be billed, Facility also agrees to send a copy of the order or facesheet to any individual/entity to whom diagnostic testing may be sent for interpretation and final report.

Electronic submission of invoices is not supported at this time.

REMIT BILLING TO:

VETERANS EVALUATION SERVICES
ATTN: BILLING DEPARTMENT
PO BOX 924089
HOUSTON, TX 77292

(OR FAX TO)

832-320-3907

**Please provide a copy of this Acknowledgement to the Laboratory,
Radiology, Cardiology and/or Respiratory Departments**