

Testimony of Marv Simcakoski
Senate Committee on Appropriations
Subcommittee on Military Construction, Veterans Affairs, and
Related Agencies

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My name is Marv Simcakoski, and I am Jason Simcakoski's Dad. My wife Linda is here with me today and I speak for our entire family, from Jason's daughter Anaya to his widow, Heather. We all are grateful for the bipartisan focus on the opioid epidemic facing our country, and especially our veterans. I'm grateful that you are holding this hearing today to hear from the VA on implementation of Jason's Law and some areas where the VA still needs improvement.

I'd like to tell you a little about my son, Jason. He was proud to be a Marine and to serve his country. He always wanted to be number one at what he did and he was very successful in the Marine Corps. Jason loved his fellow Marines. While he was on base Jason got his skull cracked opened and when he got out of the Marine Corps, he got help at the VA. I never expected that this help would ultimately lead to Jason's death. Quite simply, the VA gave Jason too many drugs.

Over the last couple of years of Jason's life, I really got to know and understand how Jason struggled with his addiction problem only to have it fueled time and time again by doctors at the VA. I argued with my son's doctors for years about how I could see they were over-medicating him. I was always told that I wasn't their patient, even though I was his Dad who truly cared about him a lot more than they did!

They had him on uppers like Adderall in the morning and then downers like clonazepam and lorazepam. I watched Jason go up and down because he worked with us in the family construction business. He would be all hyper in the morning and then out of it in the late afternoon from all these meds that were killing him. When my son came home from one of his inpatient stays, the doctor had him on so many meds both Jason and I were confused by all the different meds he had to take. At one point, they had him on over 15 different medications, including opioids and benzodiazepines.

The VA helped create and fuel my son's addiction problems. I have seen the devastating consequences of addiction. It changes people. It changed my son.

Four days before my son died, he sent me a text while he was receiving inpatient treatment at the Tomah VA. He told me he couldn't take it anymore he was going crazy and he reached out to me to help him. I called various offices above his doctor and my son called me back and said within two hours someone was helping him. I met with his doctor the next day with my son and a patient advocate. When we all sat down in the room, his doctor turned and pointed to me and said that I caused her a lot of trouble. She said she spent 2 1/2 hours in meetings because I went over her head and said she could have been taking care of my son. She also said I may know how to build houses and pound nails but I don't know anything about taking care of my son. This really hit me hard to have his doctor tell me I don't know how to take care of my son and I

caused her a lot of trouble for trying to help my son who needed my help. The reason I called over her head is that my son wasn't receiving the care from her he needed.

August 30th 2014, was the hardest and most painful day of my life. There isn't a day that goes by when I don't relive that morning. I regret leaving my son in his room alone that morning only to get a call hours later that he had stopped breathing. I still can't get that thought out of my head; I wish I would have been there for him. I loved my son and still do with all my heart and I miss him badly.

As a family, we had a choice after Jason's death. We could either retreat into ourselves and just be angry or we could channel our anger and our desire to fix this wrong so that no other family has to go through what we did. The last time I testified before Congress, it was March 30th 2015. At that time, I said,

“If after today's hearing, nothing major gets changed, then I think people will lose faith in our Government. Let's not let all of this fade away, let's make some historic changes that we can all be proud to be a part of. Give these veteran men and women a fighting chance for a bright future instead of a cloudy one from being over medded so they know what it feels like to be normal. I think this is going to be a great chance to have all government parties' work together to show the veterans they all really do care. After all, these people should be the most important priority to all of us because they are the real life heroes of this country! I am proud my son was veteran and he will always be my HERO!”

Well, we did do something big and we couldn't have done it without two Senators sitting here today. Senator Tammy Baldwin and Senator Shelly Moore Capito worked together, along with Congressmen Ron Kind and Gus Bilirakis to pass the Jason Simcakoski Memorial and Promise Act. Everyone put politics aside and actually focused on what was best for our veterans. I wish more things around here could be like that.

Jason's Law strengthens the VA's opioid prescribing guidelines and puts in place stronger oversight and accountability for the care they are providing our veterans. For me, one of the most important parts of the law was having an independent patient advocate at all the VA Medical Centers, someone who is actually independent and is looking out for the veteran, not their employer.

I'm grateful that this committee is helping to make sure that Jason's Law is fully funded, so I want to thank you all here today. We need to make sure that the VA stays track on and that the money spent to implement Jason's Law is actually getting to where it needs to go.

Now that Jason's Law is on the books, we are moving forward with the reforms that needed to happen at the VA. However, while we are helping veterans who come to the VA, what about all the veterans who are using the Choice Program? Our family is supporting the bipartisan bill that Senator Baldwin is putting forward to address the Inspector General's report from July that shows veterans receiving care outside the VA don't have the same opioid prescribing and

monitoring guidelines that Jason's Law requires inside the VA. We need to stay vigilant and I am going to work my hardest to see that this legislation also gets across the finish line.

My wife and I are also staying active at the Tomah VA, where we have monthly meetings as part of the Veterans Experience Council. The Council takes feedback from Veterans and their families to help improve services at the VA. From once being told I didn't know what I was talking about to now having constructive meetings with people like Director Victoria Brahm to staff people who lead the pain management university – there is a world of difference at the Tomah VA. From an outsider's prospective, they are listening to people now and I'm never afraid to raise concerns to question what they are doing. The Tomah VA isn't perfect and they still have work to do, but I have a lot of faith in Director Brahm. I've emailed her at 8pm at night with a veteran who needs help and she'll email me back within the hour telling me she's on it.

This is one way that my wife and I are staying involved in the VA, but we want to do more. As a family, we know in a very real and tragic way the devastating consequences of opioid addiction. I lost a son and others lost a brother, a husband, a father, and a friend when Jason lost his life. Nothing can replace this loss in our hearts, but as a family, we are determined to make a difference. We are committed to making sure that no other veteran or family has to experience this type of tragedy. I want veterans to have normal lives, not a life dependent on any drug.

In the near future, we are going to be setting up a foundation in Jason's name to help veterans like Jason lead normal and fulfilling lives, free from addiction. I want to thank you all again for your work on behalf of our nations veterans and my family. I know Jason is proud of the work we have done and he is smiling down on all of us. I can also hear his voice telling us to keep going and that is what we are going to do.

Thank you.

Marv Simcakoski