

109TH CONGRESS
1ST SESSION

S. 1182

To amend title 38, United States Code, to improve health care for veterans,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2005

Mr. CRAIG introduced the following bill; which was read twice and referred
to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve health
care for veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**

4 **UNITED STATES CODE.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Veterans Health Care Act of 2005”.

7 (b) REFERENCES.—Except as otherwise expressly
8 provided, whenever in this Act an amendment or repeal
9 is expressed in terms of an amendment or repeal to a sec-
10 tion or other provision, the reference shall be considered

1 to be made to a section or other provision of title 38,
2 United States Code.

3 **SEC. 2. COPAYMENT EXEMPTION FOR HOSPICE CARE.**

4 Section 1710 is amended—

5 (1) in subsection (f)(1), by inserting “(other
6 than hospice care)” after “nursing home care”; and

7 (2) in subsection (g)(1), by inserting “(other
8 than hospice care)” after “medical services”.

9 **SEC. 3. NURSING HOME BED LEVELS; EXEMPTION FROM**
10 **EXTENDED CARE SERVICES COPAYMENTS**
11 **FOR FORMER POWS.**

12 Section 1710B is amended—

13 (1) by striking subsection (b);

14 (2) by redesignating subsections (e) through (e)
15 as subsections (b) through (d), respectively; and

16 (3) in subsection (b)(2), as redesignated—

17 (A) by redesignating subparagraphs (B)
18 and (C) as subparagraphs (C) and (D), respec-
19 tively; and

20 (B) by inserting after subparagraph (A)
21 the following:

22 “(B) to a veteran who is a former prisoner
23 of war;”.

1 **SEC. 4. REIMBURSEMENT FOR CERTAIN VETERANS' OUT-**
2 **STANDING EMERGENCY TREATMENT EX-**
3 **PENSES. .**

4 (a) IN GENERAL.—Subchapter III of chapter 17 is
5 amended by inserting after section 1725 the following:

6 **“§ 1725A. Reimbursement for emergency treatment**
7 **expenses for which certain veterans re-**
8 **main personally liable**

9 “(a)(1) Subject to subsection (c), the Secretary may
10 reimburse a veteran described in subsection (b) for ex-
11 penses resulting from emergency treatment furnished to
12 the veteran in a non-Department facility for which the vet-
13 eran remains personally liable.

14 “(2) In any case in which reimbursement is author-
15 ized under subsection (a)(1), the Secretary, in the Sec-
16 retary’s discretion, may, in lieu of reimbursing the vet-
17 eran, make payment—

18 “(A) to a hospital or other health care provider
19 that furnished the treatment; or

20 “(B) to the person or organization that paid for
21 such treatment on behalf of the veteran.

22 “(b) A veteran referred to in subsection (a) is an indi-
23 vidual who—

24 “(1) is enrolled in the health care system estab-
25 lished under section 1705(a) of this title;

1 “(2) received care under this chapter during the
2 24-month period preceding the furnishing of such
3 emergency treatment;

4 “(3) is entitled to care or services under a
5 health-plan contract that partially reimburses the
6 cost of the veteran’s emergency treatment;

7 “(4) is financially liable to the provider of emer-
8 gency care treatment for costs not covered by the
9 veteran’s health-plan contract, including copayments
10 and deductibles; and

11 “(5) is not eligible for reimbursement for med-
12 ical care or services under section 1725 or 1728 of
13 this title.

14 “(c)(1) Any amount paid by the Secretary under sub-
15 section (a) shall exclude the amount of any payment the
16 veteran would have been required to make to the United
17 States under this chapter if the veteran had received the
18 emergency treatment from the Department.

19 “(2) The Secretary may not provide reimbursement
20 under this section with respect to any item or service—

21 “(A) provided or for which payment has been
22 made, or can reasonably be expected to be made,
23 under the veteran’s health-plan contract; or

24 “(B) for which payment has been made or can
25 reasonably be expected to be made by a third party.

1 “(3)(A) Payment by the Secretary under this section
2 on behalf of a veteran to a provider of emergency treat-
3 ment shall, unless rejected and refunded by the provider
4 within 30 days of receipt, extinguish any liability on the
5 part of the veteran for that treatment.

6 “(B) The absence of a contract or agreement between
7 the Secretary and the provider, any provision of a contract
8 or agreement, or an assignment to the contrary shall not
9 operate to modify, limit, or negate the requirement under
10 subparagraph (A).

11 “(4) In accordance with regulations prescribed by the
12 Secretary, the Secretary shall—

13 “(A) establish criteria for determining the
14 amount of reimbursement (which may include a
15 maximum amount) payable under this section; and

16 “(B) delineate the circumstances under which
17 such payment may be made, including requirements
18 for requesting reimbursement.

19 “(d)(1) In accordance with regulations prescribed by
20 the Secretary, the United States shall have the inde-
21 pendent right to recover any amount paid under this sec-
22 tion if, and to the extent that, a third party subsequently
23 makes a payment for the same emergency treatment.

24 “(2) Any amount paid by the United States to the
25 veteran, the veteran’s personal representative, successor,

1 dependents, or survivors, or to any other person or organi-
2 zation paying for such treatment shall constitute a lien
3 in favor of the United States against any recovery the
4 payee subsequently receives from a third party for the
5 same treatment.

6 “(3) Any amount paid by the United States to the
7 provider that furnished the veteran’s emergency treatment
8 shall constitute a lien against any subsequent amount the
9 provider receives from a third party for the same emer-
10 gency treatment for which the United States made pay-
11 ment.

12 “(4) The veteran or the veteran’s personal represent-
13 ative, successor, dependents, or survivors shall—

14 “(A) ensure that the Secretary is promptly noti-
15 fied of any payment received from any third party
16 for emergency treatment furnished to the veteran;

17 “(B) immediately forward all documents relat-
18 ing to a payment described in subparagraph (A);

19 “(C) cooperate with the Secretary in an inves-
20 tigation of a payment described in subparagraph
21 (A); and

22 “(D) assist the Secretary in enforcing the
23 United States right to recover any payment made
24 under subsection (c)(3).

1 “(e) The Secretary may waive recovery of a payment
2 made to a veteran under this section that is otherwise re-
3 quired under subsection (d)(1) if the Secretary determines
4 that such waiver would be in the best interest of the
5 United States, as defined by regulations prescribed by the
6 Secretary.

7 “(f) For purposes of this section—

8 “(1) the term ‘health-plan contract’ includes—

9 “(A) an insurance policy or contract, med-
10 ical or hospital service agreement, membership
11 or subscription contract, or similar arrange-
12 ment, under which health services for individ-
13 uals are provided or the expenses of such serv-
14 ices are paid;

15 “(B) an insurance program described in
16 section 1811 of the Social Security Act (42
17 U.S.C. 1395e) or established by section 1831 of
18 that Act (42 U.S.C. 1395j);

19 “(C) a State plan for medical assistance
20 approved under title XIX of such Act (42
21 U.S.C. 1396 et seq.); and

22 “(D) a workers’ compensation law or plan
23 described in section 1729(A)(2)(B) of this title;

24 “(2) the term ‘third party’ means—

25 “(A) a Federal entity;

1 “(B) a State or political subdivision of a
2 State;

3 “(C) an employer or an employer’s insur-
4 ance carrier; and

5 “(D) a person or entity obligated to pro-
6 vide, or pay the expenses of, such emergency
7 treatment; and

8 “(3) the term ‘emergency treatment’ has the
9 meaning given such term in section 1725 of this
10 title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 17 is amended by inserting
13 after the item relating to section 1725 the following:

“Sec. 1725A. Reimbursement for emergency treatment expenses for which cer-
tain veterans remain personally liable.”.

14 **SEC. 5. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**
15 **ERANS RECEIVING MATERNITY CARE .**

16 (a) IN GENERAL.—Subchapter VIII of chapter 17 is
17 amended by adding at the end the following:

18 **“§ 1786. Care for newborn children of women vet-**
19 **erans receiving maternity care**

20 “The Secretary may furnish care to a newborn child
21 of a woman veteran, who is receiving maternity care fur-
22 nished by the Department, for not more than 14 days
23 after the birth of the child if the veteran delivered the child

1 in a Department facility or in another facility pursuant
2 to a Department contract for the delivery services.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 17 is amended by inserting
5 after the item relating to section 1785 the following:

“Sec. 1786. Care for newborn children of women veterans receiving maternity
care.”.

6 **SEC. 6. ENHANCEMENT OF PAYER PROVISIONS FOR**
7 **HEALTH CARE FURNISHED TO CERTAIN**
8 **CHILDREN OF VIETNAM VETERANS.**

9 (a) HEALTH CARE FOR SPINA BIFIDA AND ASSOCI-
10 ATED DISABILITIES.—Section 1803 is amended—

11 (1) by redesignating subsection (c) as sub-
12 section (d); and

13 (2) by inserting after subsection (b) the fol-
14 lowing:

15 “(c)(1) If a payment made by the Secretary for
16 health care under this section is less than the amount
17 billed for such health care, the health care provider or
18 agent of the health care provider may, in accordance with
19 paragraphs (2) through (4), seek payment for the dif-
20 ference between the amount billed and the amount paid
21 by the Secretary from a responsible third party to the ex-
22 tent that the provider or agent would be eligible to receive
23 payment for such health care from such third party.

1 “(2) The health care provider or agent may not im-
2 pose any additional charge on the beneficiary who received
3 the health care, or the family of such beneficiary, for any
4 service or item for which the Secretary has made payment
5 under this section;

6 “(3) The total amount of payment a health care pro-
7 vider or agent may receive for health care furnished under
8 this section may not exceed the amount billed to the Sec-
9 retary.

10 “(4) The Secretary, upon request, shall disclose to
11 such third party information received for the purposes of
12 carrying out this section.”.

13 (b) HEALTH CARE FOR BIRTH DEFECTS AND ASSO-
14 CIATED DISABILITIES.—Section 1813 is amended—

15 (1) by redesignating subsection (c) as sub-
16 section (d); and

17 (2) by inserting after subsection (b) the fol-
18 lowing:

19 “(c)(1) If payment made by the Secretary for health
20 care under this section is less than the amount billed for
21 such health care, the health care provider or agent of the
22 health care provider may, in accordance with paragraphs
23 (2) through (4), seek payment for the difference between
24 the amount billed and the amount paid by the Secretary
25 from a responsible third party to the extent that the pro-

1 vider or agent would be eligible to receive payment for
2 such health care from such third party.

3 “(2) The health care provider or agent may not im-
4 pose any additional charge on the beneficiary who received
5 health care, or the family of such beneficiary, for any serv-
6 ice or item for which the Secretary has made payment
7 under this section;

8 “(3) The total amount of payment a health care pro-
9 vider or agent may receive for health care furnished under
10 this section may not exceed the amount billed to the Sec-
11 retary; and

12 “(4) The Secretary, upon request, shall disclose to
13 such third party information received for the purposes of
14 carrying out this section.”.

15 **SEC. 7. IMPROVEMENTS TO HOMELESS PROVIDERS GRANT**
16 **AND PER DIEM PROGRAM.**

17 (a) **PERMANENT AUTHORITY.**—Section 2011 (a) is
18 amended—

19 (1) in paragraph (1), by striking “(1)”; and

20 (2) by striking paragraph (2).

21 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
22 2013 is amended to read as follows:

1 **“§ 2013. Authorization of appropriations**

2 “There are authorized to be appropriated
3 \$130,000,000 for fiscal year 2006 and each subsequent
4 fiscal year to carry out this subchapter.”.

5 **SEC. 8. MARRIAGE AND FAMILY THERAPISTS.**

6 (a) **QUALIFICATIONS.**—Section 7402(b) is amend-
7 ed—

8 (1) by redesignating paragraph (10) as para-
9 graph (11); and

10 (2) by inserting after paragraph (9) the fol-
11 lowing:

12 “(10) **MARRIAGE AND FAMILY THERAPIST.**—To be
13 eligible to be appointed to a marriage and family therapist
14 position, a person must—

15 “(A) hold a master’s degree in marriage and
16 family therapy, or a comparable degree in mental
17 health, from a college or university approved by the
18 Secretary; and

19 “(B) be licensed or certified to independently
20 practice marriage and family therapy in a State, ex-
21 cept that the Secretary may waive the requirement
22 of licensure or certification for an individual mar-
23 riage and family therapist for a reasonable period of
24 time recommended by the Under Secretary for
25 Health.”.

1 (b) REPORT ON MARRIAGE AND FAMILY THERAPY
2 WORKLOAD.—

3 (1) IN GENERAL.—Not later than 90 days after
4 the date of enactment of this Act, the Under Sec-
5 retary for Health, Department of Veterans Affairs,
6 shall submit to the Committee on Veterans' Affairs
7 of the Senate and the Committee on Veterans' Af-
8 fairs of the House of Representatives a report on the
9 provisions of post-traumatic stress disorder treat-
10 ment by marriage and family therapists.

11 (2) CONTENTS.—The report submitted under
12 paragraph (1) shall include—

13 (A) the actual and projected workloads in
14 facilities of the Veterans Readjustment Coun-
15 seling Service and the Veterans Health Admin-
16 istration for the provision of marriage and fam-
17 ily counseling for veterans diagnosed with, or
18 otherwise in need of treatment for, post-trau-
19 matic stress disorder;

20 (B) the resources available and needed to
21 support the workload projections described in
22 subparagraph (A);

23 (C) an assessment by the Under Secretary
24 for Health of the effectiveness of treatment by
25 marriage and family therapists; and

1 (D) recommendations, if any, for improve-
2 ments in the provision of such counseling treat-
3 ment.

4 **SEC. 9. PAY COMPARABILITY FOR CHIEF NURSING OFFI-
5 CER, OFFICE OF NURSING SERVICES.**

6 Section 7404 is amended—

7 (1) in subsection (d), by striking “subchapter
8 III” and inserting “paragraph (e), subchapter III,”;
9 and

10 (2) by adding at the end the following:

11 “(e) The position of Chief Nursing Officer, Office of
12 Nursing Services, shall be exempt from the provisions of
13 section 7451 of this title and shall be paid at a rate not
14 to exceed the maximum rate established for the Senior Ex-
15 ecutive Service under section 5382 of title 5 United States
16 Code, as determined by the Secretary.”.

17 **SEC. 10. REPEAL OF COST COMPARISON STUDIES PROHIBI-
18 TION.**

19 Section 8110(a) is amended—

20 (1) by striking paragraph (5); and

21 (2) by redesignating paragraph (6) as para-
22 graph (5).

1 **SEC. 11. IMPROVEMENTS AND EXPANSION OF MENTAL**
2 **HEALTH SERVICES.**

3 (a) IN GENERAL.—The Secretary of Veterans affairs
4 shall—

5 (1) expand the number of clinical treatment
6 teams principally dedicated to the treatment of post-
7 traumatic stress disorder in medical facilities of the
8 Department of Veterans Affairs;

9 (2) expand and improve the services available to
10 diagnose and treat substance abuse;

11 (3) expand and improve tele-health initiatives to
12 provide better access to mental health services in
13 areas of the country in which the Secretary deter-
14 mines that a need for such services exist due to the
15 distance of such locations from an appropriate facil-
16 ity of the Department of Veterans Affairs;

17 (4) improve education programs available to
18 primary care delivery professionals and dedicate
19 such programs to recognize, treat, and clinically
20 manage veterans with mental health care needs;

21 (5) expand the delivery of mental health serv-
22 ices in community-based outpatient clinics of the De-
23 partment of Veterans Affairs in which such services
24 are not available as of the date of enactment of this
25 Act; and

1 (6) expand and improve the Mental Health In-
2 tensive Case Management Teams for the treatment
3 and clinical case management of veterans with seri-
4 ous or chronic mental illness.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated in each of fiscal years
7 2006 and 2007, \$95,000,000 to improve and expand the
8 treatment services and options available to veterans in
9 need of mental health treatment from the Department of
10 Veterans Affairs, of which—

11 (1) \$5,000,000 shall be allocated to carry out
12 subsection (a)(1);

13 (2) \$50,000,000 shall be allocated to carry out
14 subsection (a)(2);

15 (3) \$10,000,000 shall be allocated to carry out
16 subsection (a)(3);

17 (4) \$1,000,000 shall be allocated to carry out
18 subsection (a)(4);

19 (5) \$20,000,000 shall be allocated to carry out
20 subsection (a)(5); and

21 (6) \$5,000,000 shall be allocated to carry out
22 subsection (a)(6).

1 **SEC. 12. DATA SHARING IMPROVEMENTS.**

2 Notwithstanding any other provision of law, the De-
3 partment of Veterans Affairs and the Department of De-
4 fense may exchange protected health information for—

5 (1) patients receiving treatment from the De-
6 partment of Veterans Affairs; or

7 (2) individuals who may receive treatment from
8 the Department of Veterans Affairs in the future,
9 including all current and former members of the
10 Armed Services.

11 **SEC. 13. EXPANSION OF NATIONAL GUARD OUTREACH PRO-**
12 **GRAM.**

13 (a) REQUIREMENT.—The Secretary of Veterans Af-
14 fairs shall expand the total number of personal employed
15 by the Department of Veterans Affairs as part of the Re-
16 adjustment Counseling Service’s Global War on Terrorism
17 Outreach Program (referred to in this section as the “Pro-
18 gram”).

19 (b) COORDINATION.—In carrying out subsection (a),
20 the Secretary shall coordinate participation in the Pro-
21 gram by appropriate employees of the Veterans Benefits
22 Administration and the Veterans Health Administration.

23 (c) INFORMATION AND ASSESSMENTS.—The Sec-
24 retary shall ensure that—

1 (1) all appropriate health, education, and bene-
2 fits information is available to returning members of
3 the National Guard; and

4 (2) proper assessments of the needs in each of
5 these areas is made by the Department of Veterans
6 Affairs.

7 (d) **COLLABORATION.**—The Secretary of Veterans
8 Affairs shall collaborate with appropriate State National
9 Guard officials and provide such officials with any assets
10 or services of the Department of Veterans Affairs that the
11 Secretary determines to be necessary to carry out the
12 Global War on Terrorism Outreach Program.

13 **SEC. 14. EXPANSION OF TELE-HEALTH SERVICES.**

14 (a) **IN GENERAL.**—The Secretary shall increase the
15 number of Veterans Readjustment Counseling Service fa-
16 cilities capable of providing health services and counseling
17 through tele-health linkages with facilities of the Veterans
18 Health Administration.

19 (b) **PLAN.**—The Secretary shall submit to the Com-
20 mittee on Veterans' Affairs of the Senate and the Com-
21 mittee on Veterans' Affairs of the House of Representa-
22 tives a plan to implement the requirement under sub-
23 section (a), which shall describe the facilities that will have
24 such capabilities at the end of each of fiscal years 2005,
25 2006, and 2007.

1 **SEC. 15. MENTAL HEALTH DATA SOURCES REPORT.**

2 (a) IN GENERAL.—Not less than 180 days after the
3 date of enactment of this Act, the Secretary of Veterans
4 Affairs shall submit a report to the Committee on Vet-
5 erans' Affairs of the Senate and the Committee on Vet-
6 erans' Affairs of the House of Representatives describing
7 the mental health data maintained by the Department of
8 Veterans Affairs.

9 (b) CONTENTS.—The report submitted under sub-
10 section (a) shall include—

11 (1) a comprehensive list of the sources of all
12 such data, including the geographic locations of fa-
13 cilities of the Department of Veterans Affairs main-
14 taining such data;

15 (2) an assessment of the limitations or advan-
16 tages to maintaining the current data configuration
17 and locations; and

18 (3) any recommendations, if any, for improving
19 the collection, use, and location of mental health
20 data maintained by the Department of Veterans Af-
21 fairs.

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