

## Union Calendar No. 22

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1377

[Report No. 111-55]

To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2009

Mr. FILNER introduced the following bill; which was referred to the Committee on Veterans' Affairs

MARCH 26, 2009

Additional sponsors: Mr. MICHAUD and Ms. CORRINE BROWN of Florida

MARCH 26, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

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## A BILL

To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, 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,*

1 **SECTION 1. EXPANSION OF VETERAN ELIGIBILITY FOR RE-**  
2 **IMBURSEMENT BY SECRETARY OF VETERANS**  
3 **AFFAIRS FOR EMERGENCY TREATMENT FUR-**  
4 **NISHED IN A NON-DEPARTMENT FACILITY.**

5 (a) **EXPANSION OF ELIGIBILITY.**—Section 1725 of  
6 title 38, United States Code, is amended—

7 (1) in subsection (b)(3)(C), by striking “or in  
8 part”; and

9 (2) in subsection (f)(2), by striking subpara-  
10 graph (E).

11 (b) **LIMITATIONS ON REIMBURSEMENT.**—Subsection  
12 (e) of such section is amended by adding at the end the  
13 following new paragraph:

14 “(4)(A) If the veteran has contractual or legal re-  
15 course against a third party that would only, in part, ex-  
16 tinguish the veteran’s liability to the provider of the emer-  
17 gency treatment, and payment for the treatment may be  
18 made both under subsection (a) and by the third party,  
19 the amount payable for such treatment under such sub-  
20 section shall be the amount by which the costs for the  
21 emergency treatment exceed the amount payable or paid  
22 by the third party, except that the amount payable may  
23 not exceed the maximum amount payable established  
24 under paragraph (1)(A).”

1       “(B) In any case in which a third party is financially  
2 responsible for part of the veteran’s emergency treatment  
3 expenses, the Secretary shall be the secondary payer.

4       “(C) A payment in the amount payable under sub-  
5 paragraph (A) shall be considered payment in full and  
6 shall extinguish the veteran’s liability to the provider.

7       “(D) The Secretary may not reimburse a veteran  
8 under this section for any copayment or similar payment  
9 that the veteran owes the third party or for which the vet-  
10 eran is responsible under a health-plan contract.”.

11       (e) EFFECTIVE DATE.—The amendments made by  
12 subsections (a) and (b) shall apply with respect to emer-  
13 gency treatment furnished on or after October 8, 2007.

14       **SECTION 1. EXPANSION OF VETERAN ELIGIBILITY FOR RE-**  
15                               **IMBURSEMENT BY SECRETARY OF VETERANS**  
16                               **AFFAIRS FOR EMERGENCY TREATMENT FUR-**  
17                               **NISHED IN A NON-DEPARTMENT FACILITY.**

18       (a) EXPANSION OF ELIGIBILITY.—Section 1725 of title  
19 38, *United States Code*, is amended—

20               (1) in subsection (b)(3)(C), by striking “or in  
21 part”; and

22               (2) in subsection (f)(2), by striking subpara-  
23 graph (E).

1       (b) *LIMITATIONS ON REIMBURSEMENT.*—Subsection  
2 (c) of such section is amended by adding at the end the  
3 following new paragraph:

4       “(4)(A) If the veteran has contractual or legal recourse  
5 against a third party that would only, in part, extinguish  
6 the veteran’s liability to the provider of the emergency treat-  
7 ment, and payment for the treatment may be made both  
8 under subsection (a) and by the third party, the amount  
9 payable for such treatment under such subsection shall be  
10 the amount by which the costs for the emergency treatment  
11 exceed the amount payable or paid by the third party, ex-  
12 cept that the amount payable may not exceed the maximum  
13 amount payable established under paragraph (1)(A).

14       “(B) In any case in which a third party is financially  
15 responsible for part of the veteran’s emergency treatment  
16 expenses, the Secretary shall be the secondary payer.

17       “(C) A payment in the amount payable under sub-  
18 paragraph (A) shall be considered payment in full and shall  
19 extinguish the veteran’s liability to the provider.

20       “(D) The Secretary may not reimburse a veteran  
21 under this section for any copayment or similar payment  
22 that the veteran owes the third party or for which the vet-  
23 eran is responsible under a health-plan contract.”.

24       (c) *EFFECTIVE DATE.*—

1           (1) *IN GENERAL.*—*The amendments made by*  
2           *subsections (a) and (b) shall take effect on the date of*  
3           *the enactment of this Act, and shall apply with re-*  
4           *spect to emergency treatment furnished on or after the*  
5           *date of the enactment of this Act.*

6           (2) *REIMBURSEMENT FOR TREATMENT PROVIDED*  
7           *BEFORE EFFECTIVE DATE.*—*The Secretary may pro-*  
8           *vide reimbursement under section 1725 of title 38,*  
9           *United States Code, as amended by subsections (a)*  
10          *and (b), for emergency treatment furnished to a vet-*  
11          *eran before the date of the enactment of this Act, if*  
12          *the Secretary determines that, under the cir-*  
13          *cumstances applicable with respect to the veteran, it*  
14          *is appropriate to do so.*

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1<sup>ST</sup> Session

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