To amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse eligible veterans who are entitled to Medicare benefits for Medicare deductibles and other expenses that are owed by the veterans for emergency medical treatment provided in non-Department of Veterans Affairs facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Co-Pay Fairness Act”.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2012

Mr. DeFazio introduced the following bill; which was referred to the Committee on Veterans’ Affairs
SEC. 2. REIMBURSEMENT BY THE SECRETARY OF VETERANS AFFAIRS OF MEDICARE DEDUCTIBLES AND OTHER EXPENSES OWED BY ELIGIBLE VETERANS FOR EMERGENCY MEDICAL TREATMENT PROVIDED IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) In general.—Section 1725(c)(4)(D) is amended—

(1) by striking “The Secretary” and inserting “(i) Except as provided in clause (ii), the Secretary”; and

(2) by adding at the end the following new clause:

“(ii) In the case of a veteran who is entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title, the Secretary shall reimburse such veteran under this section, with respect to items and services furnished to such veteran as part of emergency treatment, for—

“(I) the amount by which—

“(aa) the amount otherwise payable under such part A for such items and services, is reduced by

“(bb) the deductible under section 1813 of such Act or by any copayment or coinsurance
applied under such part with respect to such
items and services; and
“(II) the amount by which—
“(aa) the total amount of expenses in-
curred by the veteran during the year involved
which would constitute expenses for which bene-
fits payable under section 1833(a) of such Act
are determinable, is reduced by
“(bb) the deductible under section 1833(b)
of such Act or by any copayment or coinsurance
applied under part B of such title with respect
to such items and services.”.

(b) EFFECTIVE DATE.—The amendments made by
subsection (a) shall apply with respect to emergency med-
ical treatment furnished on or after the date of the enact-
ment of this Act.