

In the Senate of the United States,

November 17, 2016.

Resolved, That the bill from the House of Representatives (H.R. 3471) entitled “An Act to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Veterans Mobility Safety*
3 *Act of 2016”.*

4 ***SEC. 2. PERSONAL SELECTIONS OF AUTOMOBILES AND***
5 ***ADAPTIVE EQUIPMENT.***

6 *Section 3903(b) of title 38, United States Code, is*
7 *amended—*

8 *(1) by striking “Except” and inserting “(1) Ex-*
9 *cept”; and*

1 (2) *by adding at the end the following new para-*
2 *graph:*

3 “(2) *The Secretary shall ensure that to the extent prac-*
4 *ticable an eligible person who is provided an automobile*
5 *or other conveyance under this chapter is given the oppor-*
6 *tunity to make personal selections relating to such auto-*
7 *mobile or other conveyance.”.*

8 **SEC. 3. COMPREHENSIVE POLICY FOR THE AUTOMOBILES**
9 **ADAPTIVE EQUIPMENT PROGRAM.**

10 (a) *COMPREHENSIVE POLICY.—The Secretary of Vet-*
11 *erans Affairs shall develop a comprehensive policy regard-*
12 *ing quality standards for providers who provide modifica-*
13 *tion services to veterans under the automobile adaptive*
14 *equipment program.*

15 (b) *SCOPE.—The policy developed under subsection (a)*
16 *shall cover each of the following:*

17 (1) *The Department of Veterans Affairs-wide*
18 *management of the automobile adaptive equipment*
19 *program.*

20 (2) *The development of standards for safety and*
21 *quality of equipment and installation of equipment*
22 *through the automobile adaptive equipment program,*
23 *including with respect to the defined differentiations*
24 *in levels of modification complexity.*

1 (3) *The consistent application of standards for*
2 *safety and quality of both equipment and installation*
3 *throughout the Department.*

4 (4) *In accordance with subsection (c)(1), the cer-*
5 *tification of a provider by a manufacturer if the Sec-*
6 *retary designates the quality standards of such manu-*
7 *facturer as meeting or exceeding the standards devel-*
8 *oped under this section.*

9 (5) *In accordance with subsection (c)(2), the cer-*
10 *tification of a provider by a third party, nonprofit*
11 *organization if the Secretary designates the quality*
12 *standards of such organization as meeting or exceed-*
13 *ing the standards developed under this section.*

14 (6) *The education and training of personnel of*
15 *the Department who administer the automobile*
16 *adaptive equipment program.*

17 (7) *The compliance of the provider with the*
18 *Americans with Disabilities Act of 1990 (42 U.S.C.*
19 *12101 et seq.) when furnishing automobile adaptive*
20 *equipment at the facility of the provider.*

21 (8) *The allowance, where technically appro-*
22 *priate, for veterans to receive modifications at their*
23 *residence or location of choice, including standards*
24 *that ensure such receipt and notification to veterans*
25 *of the availability of such receipt.*

1 (c) *CERTIFICATION OF MANUFACTURERS AND THIRD*
2 *PARTY, NONPROFIT ORGANIZATIONS.*—

3 (1) *CERTIFICATION OF MANUFACTURERS.*—*The*
4 *Secretary shall approve a manufacturer as a certi-*
5 *fying manufacturer for purposes of subsection (b)(4),*
6 *if the manufacturer demonstrates that its certification*
7 *standards meet or exceed the quality standards devel-*
8 *oped under this section.*

9 (2) *CERTIFICATION OF THIRD PARTY, NONPROFIT*
10 *ORGANIZATIONS.*—

11 (A) *IN GENERAL.*—*The Secretary may ap-*
12 *prove two or more private, nonprofit organiza-*
13 *tions as third party, nonprofit certifying organi-*
14 *zations for purposes of subsection (b)(5).*

15 (B) *LIMITATION.*—*If at any time there is*
16 *only one third party, nonprofit certifying orga-*
17 *nization approved by the Secretary for purposes*
18 *of subsection (b)(5), such organization shall not*
19 *be permitted to provide certifications under such*
20 *subsection until such time as the Secretary ap-*
21 *proves a second third party, nonprofit certifying*
22 *organization for purposes of such subsection.*

23 (d) *UPDATES.*—

24 (1) *INITIAL UPDATES.*—*Not later than 1 year*
25 *after the date of the enactment of this Act, the Sec-*

1 *retary shall update Veterans Health Administration*
2 *Handbook 1173.4, or any successor handbook or direc-*
3 *tive, in accordance with the policy developed under*
4 *subsection (a).*

5 (2) *SUBSEQUENT UPDATES.*—*Not less frequently*
6 *than once every 6 years thereafter, the Secretary shall*
7 *update such handbook, or any successor handbook or*
8 *directive.*

9 (e) *CONSULTATION.*—*The Secretary shall develop the*
10 *policy under subsection (a), and revise such policy under*
11 *subsection (d), in consultation with veterans service organi-*
12 *zations, the National Highway Transportation Administra-*
13 *tion, industry representatives, manufacturers of automobile*
14 *adaptive equipment, and other entities with expertise in in-*
15 *stalling, repairing, replacing, or manufacturing mobility*
16 *equipment or developing mobility accreditation standards*
17 *for automobile adaptive equipment.*

18 (f) *CONFLICTS.*—*In developing and implementing the*
19 *policy under subsection (a), the Secretary shall—*

20 (1) *minimize the possibility of conflicts of inter-*
21 *est, to the extent practicable; and*

22 (2) *establish procedures that ensure against the*
23 *use of a certifying organization referred to in sub-*
24 *section (b)(5) that has a financial conflict of interest*
25 *regarding the certification of an eligible provider.*

1 (g) *BIENNIAL REPORT.*—

2 (1) *IN GENERAL.*—Not later than 1 year after
3 the date on which the Secretary updates Veterans
4 Health Administration Handbook 1173.4, or any suc-
5 cessor handbook or directive, under subsection (d),
6 and not less frequently than once every other year
7 thereafter through 2022, the Secretary shall submit to
8 the Committee on Veterans' Affairs of the Senate and
9 the Committee on Veterans' Affairs of the House of
10 Representatives a report on the implementation and
11 facility compliance with the policy developed under
12 subsection (a).

13 (2) *CONTENTS.*—The report required by para-
14 graph (1) shall include the following:

15 (A) A description of the implementation
16 plan for the policy developed under subsection
17 (a) and any revisions to such policy under sub-
18 section (d).

19 (B) A description of the performance meas-
20 ures used to determine the effectiveness of such
21 policy in ensuring the safety of veterans enrolled
22 in the automobile adaptive equipment program.

23 (C) An assessment of safety issues due to
24 improper installations based on a survey of re-

1 *recipients of adaptive equipment from the Depart-*
2 *ment.*

3 *(D) An assessment of the adequacy of the*
4 *adaptive equipment services of the Department*
5 *based on a survey of recipients of adaptive*
6 *equipment from the Department.*

7 *(E) An assessment of the training provided*
8 *to the personnel of the Department with respect*
9 *to administering the program.*

10 *(F) An assessment of the certified providers*
11 *of the Department of adaptive equipment with*
12 *respect to meeting the minimum standards devel-*
13 *oped under subsection (b)(2).*

14 *(h) DEFINITIONS.—In this section:*

15 *(1) AUTOMOBILE ADAPTIVE EQUIPMENT PRO-*
16 *GRAM.—The term “automobile adaptive equipment*
17 *program” means the program administered by the*
18 *Secretary of Veterans Affairs pursuant to chapter 39*
19 *of title 38, United States Code.*

20 *(2) VETERANS SERVICE ORGANIZATION.—The*
21 *term “veterans service organization” means any orga-*
22 *nization recognized by the Secretary for the represen-*
23 *tation of veterans under section 5902 of title 38,*
24 *United States Code.*

1 **SEC. 4. APPOINTMENT OF LICENSED HEARING AID SPE-**
2 **CIALISTS IN VETERANS HEALTH ADMINIS-**
3 **TRATION.**

4 (a) *LICENSED HEARING AID SPECIALISTS.*—

5 (1) *APPOINTMENT.*—Section 7401(3) of title 38,
6 *United States Code*, is amended by inserting “licensed
7 *hearing aid specialists*,” after “*Audiologists*,”.

8 (2) *QUALIFICATIONS.*—Section 7402(b)(14) of
9 *such title* is amended by inserting “, *hearing aid spe-*
10 *cialist*” after “*dental technologist*”.

11 (b) *REQUIREMENTS.*—With respect to appointing
12 *hearing aid specialists* under sections 7401 and 7402 of title
13 38, *United States Code*, as amended by subsection (a), and
14 *providing services furnished by such specialists*, the Sec-
15 *retary shall ensure that—*

16 (1) *a hearing aid specialist may only perform*
17 *hearing services consistent with the hearing aid spe-*
18 *cialist’s State license related to the practice of fitting*
19 *and dispensing hearing aids without excluding other*
20 *qualified professionals, including audiologists, from*
21 *rendering services in overlapping practice areas;*

22 (2) *services provided to veterans by hearing aid*
23 *specialists shall be provided as part of the non-med-*
24 *ical treatment plan developed by an audiologist; and*

25 (3) *the medical facilities of the Department of*
26 *Veterans Affairs provide to veterans access to the full*

1 *range of professional services provided by an audiologist.*
2

3 *(c) CONSULTATION.—In determining the qualifications*
4 *required for hearing aid specialists and in carrying out*
5 *subsection (b), the Secretary shall consult with veterans*
6 *service organizations, audiologists, otolaryngologists, hear-*
7 *ing aid specialists, and other stakeholder and industry*
8 *groups as the Secretary determines appropriate.*

9 *(d) ANNUAL REPORT.—*

10 *(1) IN GENERAL.—Not later than 1 year after*
11 *the date of the enactment of this Act, and annually*
12 *thereafter during the 5-year period beginning on the*
13 *date of the enactment of this Act, the Secretary of Vet-*
14 *erans Affairs shall submit to Congress a report on the*
15 *following:*

16 *(A) Timely access of veterans to hearing*
17 *health services through the Department of Vet-*
18 *erans Affairs.*

19 *(B) Contracting policies of the Department*
20 *with respect to providing hearing health services*
21 *to veterans in facilities that are not facilities of*
22 *the Department.*

23 *(2) TIMELY ACCESS TO SERVICES.—Each report*
24 *shall, with respect to the matter specified in para-*

1 *graph (1)(A) for the 1-year period preceding the sub-*
2 *mittal of such report, include the following:*

3 *(A) The staffing levels of audiologists, hear-*
4 *ing aid specialists, and health technicians in*
5 *audiology in the Veterans Health Administra-*
6 *tion.*

7 *(B) A description of the metrics used by the*
8 *Secretary in measuring performance with respect*
9 *to appointments and care relating to hearing*
10 *health.*

11 *(C) The average time that a veteran waits*
12 *to receive an appointment, beginning on the date*
13 *on which the veteran makes the request, for the*
14 *following:*

15 *(i) A disability rating evaluation for a*
16 *hearing-related disability.*

17 *(ii) A hearing aid evaluation.*

18 *(iii) Dispensing of hearing aids.*

19 *(iv) Any follow-up hearing health ap-*
20 *pointment.*

21 *(D) The percentage of veterans whose total*
22 *wait time for appointments described in sub-*
23 *paragraph (C), including an initial and follow-*
24 *up appointment, if applicable, is more than 30*
25 *days.*

1 (3) *CONTRACTING POLICIES.*—*Each report shall,*
2 *with respect to the matter specified in paragraph*
3 *(1)(B) for the 1-year period preceding the submittal*
4 *of such report, include the following:*

5 (A) *The number of veterans that the Sec-*
6 *retary refers to non-Department audiologists for*
7 *hearing health care appointments.*

8 (B) *The number of veterans that the Sec-*
9 *retary refers to non-Department hearing aid spe-*
10 *cialists for follow-up appointments for a hearing*
11 *aid evaluation, the dispensing of hearing aids, or*
12 *any other purpose relating to hearing health.*

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

H.R. 3471

AMENDMENT