To amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish organ transplant care to veterans at non-Department of Veterans Affairs facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2018

Mr. CASSIDY 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 require the Secretary of Veterans Affairs to furnish organ transplant care to veterans at non-Department of Veterans Affairs facilities, 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.

4 This Act may be cited as the “Veterans Increased Choice for Transplanted Organs and Recovery Act of

5 2018” or the “VICTOR Act of 2018”.

6
SEC. 2. ORGAN TRANSPLANT CARE FOR VETERANS AT NON-
DEPARTMENT OF VETERANS AFFAIRS FACILI-
ties.

(a) ORGAN TRANSPLANT CARE.—

(1) IN GENERAL.—Subchapter I of chapter 17
of title 38, United States Code, is amended by in-
serting after section 1703 the following new section:

“§ 1703A. Organ transplant care at non-Department
facilities

“(a) IN GENERAL.—The Secretary shall furnish
organ transplant care to eligible veterans, at the election
of the eligible veteran, at non-Department facilities that
are in compliance with regulations prescribed by the Cen-
ters for Medicare & Medicaid Services with respect to
transplant centers.

“(b) ELIGIBLE VETERANS.—A veteran is an eligible
veteran for purposes of this section if the veteran—

“(1) is enrolled in the system of annual patient
enrollment established and operated under section
1705(a) of this title; and

“(2) received care under this chapter within the
24-month period preceding the furnishing of organ
transplant care under this section.

“(c) PROVIDER AGREEMENTS.—(1) The Secretary
shall enter into provider agreements with non-Department
facilities to carry out this section in each Veterans Integrated Service Network region of the Department.

“(2) Under provider agreements entered into under paragraph (1), the Secretary shall pay non-Department facilities for care furnished under this section an amount equal to the amount that would otherwise be paid for such care under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

“(3) A provider agreement entered into under paragraph (1) shall include payment of procurement fees, as well as payment for the cost of providing the organ transplant care.

“(d) PAYMENT FOR TRAVEL AND LODGING.—Notwithstanding any other provision of law, the Secretary shall not pay for travel and lodging costs for a veteran seeking organ transplant care under this section outside the region of the Organ Procurement and Transplantation Network (as established under section 372 of the National Organ Transplantation Act (42 U.S.C. 274)) in which the veteran resides unless the Secretary authorizes such care outside such region.

“(e) ORGAN TRANSPLANT CARE DEFINED.—In this section, the term ‘organ transplant’ includes bone marrow transplants.”.
(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1703 the following new item:

“1703A. Organ transplant care at non-Department facilities.”

(b) INITIAL PROVIDER AGREEMENTS.—The Secretary of Veterans Affairs shall—

(1) not later than 30 days after the date of the enactment of this Act, seek to enter into provider agreements under section 1703A(c) of title 38, United States Code, as added by subsection (a); and

(2) not later than January 1, 2019, finalize such provider agreements.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on—

(A) the status of provider agreements entered into under section 1703A(c) of title 38, United States Code, as added by subsection (a); and

(B) the number of non-Department of Veterans Affairs facilities with which the Secretary has entered into a provider agreement under
such section within each Veterans Integrated Service Network region of the Department.

(2) REPORT ON USAGE OF FACILITIES.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on, for the one-year period preceding the report—

(A) the number of veterans that have sought organ transplant care at transplant facilities under section 1703A of title 38, United States Code, as added by subsection (a); and

(B) the number of veterans that have sought organ transplant care at a facility of the Department.