

105TH CONGRESS
2D SESSION

H. R. 4758

To amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1998

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

A BILL

To amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities.

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’ Access to
5 Emergency Care Act of 1998”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS ENROLL-**
2 **MENT SYSTEM DECLARED TO BE A HEALTH**
3 **CARE PLAN.**

4 Section 1705 of title 38, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(d) The enrollment system under subsection (a) is
8 a health care plan, and the veterans enrolled in that sys-
9 tem are enrollees and participants in a health care plan.”.

10 **SEC. 3. EMERGENCY HEALTH CARE IN NON-DEPARTMENT**
11 **OF VETERANS AFFAIRS FACILITIES FOR EN-**
12 **ROLLED VETERANS.**

13 (a) **CONTRACT CARE.**—Section 1703(a)(3) of title
14 38, United States Code, is amended by inserting “who is
15 enrolled under section 1705 of this title or who is” after
16 “health of a veteran”.

17 (b) **DEFINITION OF MEDICAL SERVICES.**—Section
18 1701(6) of such title is amended—

19 (1) by striking out “and” at the end of sub-
20 paragraph (A);

21 (2) by striking out the period at the end of sub-
22 paragraph (B) and inserting in lieu thereof “; and”;
23 and

24 (3) by inserting after subparagraph (B) the fol-
25 lowing new subparagraph:

1 “(C) emergency care, or reimbursement for
2 such care, as described in sections 1703(a)(3) and
3 1728(a)(2)(E) of this title.”.

4 (c) REIMBURSEMENT OF EXPENSES FOR EMER-
5 GENCY CARE.—Section 1728(a)(2) of such title is amend-
6 ed—

7 (1) by striking out “or” before “(D)”; and

8 (2) by inserting before the semicolon at the end
9 the following: “, or (E) for any medical emergency
10 which poses a serious threat to the life or health of
11 a veteran enrolled under section 1705 of this title”.

12 (d) PAYMENT PRIORITY.—Section 1705 of such title
13 is amended by adding at the end the following new sub-
14 section:

15 “(d) The Secretary shall require in a contract under
16 section 1703(a)(3) of this title, and as a condition of pay-
17 ment under section 1728(a)(2) of this title, that payment
18 by the Secretary for treatment under such contract, or
19 under such section, of a veteran enrolled under this section
20 shall be made only after any payment that may be made
21 with respect to such treatment under part A or part B
22 of the Medicare program and after any payment that may
23 be made with respect to such treatment by a third-party
24 insurance provider.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to care or services
3 provided on or after the date of the enactment of this Act.

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