

106TH CONGRESS
1ST SESSION

S. 1146

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 SENATE OF THE UNITED STATES

MAY 27, 1999

Mr. DASCHLE (for himself and Mr. ROCKEFELLER) 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 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 1999”.

1 **SEC. 2. EMERGENCY HEALTH CARE IN NON-DEPARTMENT**
 2 **OF VETERANS AFFAIRS FACILITIES FOR EN-**
 3 **ROLLED VETERANS.**

4 (a) DEFINITIONS.—Section 1701 of title 38, United
 5 States Code, is amended—

6 (1) in paragraph (6)—

7 (A) by striking “and” at the end of sub-
 8 paragraph (A);

9 (B) by striking the period at the end of
 10 subparagraph (B) and inserting “; and”; and

11 (C) by inserting after subparagraph (B)
 12 the following new subparagraph:

13 “(C) emergency care, or reimbursement for
 14 such care, as described in sections 1703(a)(3) and
 15 1728(a)(2)(E) of this title.”; and

16 (2) by adding at the end the following new
 17 paragraph:

18 “(10) The term ‘emergency medical condition’
 19 means a medical condition manifesting itself by
 20 acute symptoms of sufficient severity (including se-
 21 vere pain) such that a prudent layperson, who pos-
 22 sesses an average knowledge of health and medicine,
 23 could reasonably expect the absence of immediate
 24 medical attention to result in—

25 “(A) placing the health of the individual
 26 (or, with respect to a pregnant woman, the

1 health of the woman or her unborn child) in se-
 2 rious jeopardy;

3 “(B) serious impairment to bodily func-
 4 tions; or

5 “(C) serious dysfunction of any bodily
 6 organ or part.”.

7 (b) CONTRACT CARE.—Section 1703(a)(3) of such
 8 title is amended by striking “medical emergencies” and
 9 all that follows through “health of a veteran” and insert-
 10 ing “an emergency medical condition of a veteran who is
 11 enrolled under section 1705 of this title or who is”.

12 (c) REIMBURSEMENT OF EXPENSES FOR EMER-
 13 GENCY CARE.—Section 1728(a)(2) of such title is
 14 amended—

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

16 (2) by inserting before the semicolon at the end
 17 the following: “, or (E) for any emergency medical
 18 condition of a veteran enrolled under section 1705 of
 19 this title”.

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

23 “(d) The Secretary shall require in a contract under
 24 section 1703(a)(3) of this title, and as a condition of pay-
 25 ment under section 1728(a)(2) of this title, that payment

1 by the Secretary for treatment under such contract, or
2 under such section, of a veteran enrolled under this section
3 shall be made only after any payment that may be made
4 with respect to such treatment under part A or part B
5 of the Medicare program and after any payment that may
6 be made with respect to such treatment by a third-party
7 insurance provider.”.

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

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