

109TH CONGRESS
1ST SESSION

H. R. 90

To amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

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

A BILL

To amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus.

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 Comprehen-
5 sive Hepatitis C Health Care Act”.

1 **SEC. 2. COMPREHENSIVE HEPATITIS C HEALTH CARE TEST-**
2 **ING AND TREATMENT PROGRAM FOR VET-**
3 **ERANS.**

4 (a) IN GENERAL.—Chapter 17 of title 38, United
5 States Code, is amended by inserting after section 1720E
6 the following new section:

7 **“§ 1720F. Hepatitis C testing and treatment**

8 “(a) INITIAL TESTING.—(1) During the one-year pe-
9 riod beginning on the date of the enactment of the Vet-
10 erans Comprehensive Hepatitis C Health Care Act, the
11 Secretary shall provide a blood test for the Hepatitis C
12 virus to—

13 “(A) each veteran who served in the active mili-
14 tary, naval, or air service during the Vietnam era or
15 who is considered to be ‘at risk,’ and is enrolled to
16 receive care under section 1710 of this title who re-
17 quests the test or is otherwise receiving a physical
18 examination or any care or treatment from the Sec-
19 retary; and

20 “(B) to any other veteran who requests the
21 test.

22 “(2) After the end of the period referred to in para-
23 graph (1), the Secretary shall provide a blood test for the
24 Hepatitis C virus to any veteran who requests the test.

1 “(b) FOLLOWUP TESTING AND TREATMENT.—In the
2 case of any veteran who tests positive for the Hepatitis
3 C virus, the Secretary—

4 “(1) shall provide such followup tests as are
5 considered medically appropriate; and

6 “(2) shall provide appropriate treatment for
7 that veteran in accordance with the national protocol
8 for the treatment of Hepatitis C.

9 “(c) STATUS OF CARE.—(1) Treatment shall be pro-
10 vided under subsection (b) without regard to whether the
11 Hepatitis C virus is determined to be service-connected
12 and without regard to priority group categorization of the
13 veteran. No copayment may be charged for treatment
14 under subsection (b), and no third-party reimbursement
15 may be sought or accepted, under section 1729 of this title
16 or any other provision of law, for testing or treatment
17 under subsection (a) or (b).

18 “(2) Paragraph (1) shall cease to be in effect upon
19 the effective date of a determination by the Secretary or
20 by Congress that the occurrence of the Hepatitis C virus
21 in specified veterans shall be presumed to be service-con-
22 nected.

23 “(d) STAFFING.—(1) The Secretary shall require
24 that each Department medical center employ at least one
25 full-time gastroenterologist, hepatologist, or other quali-

1 fied physician to provide tests and treatment for the Hepa-
2 titis C virus under this section.

3 “(2) The Secretary shall, to the extent practicable,
4 ensure that each Department medical center has at least
5 one staff member assigned to work, in coordination with
6 Hepatitis C medical personnel, to coordinate treatment op-
7 tions for Hepatitis C patients and provide information and
8 counseling for those patients and their families. Such a
9 staff member should preferably be trained in psychology
10 or psychiatry or be a social worker.

11 “(3) In order to improve treatment provided to vet-
12 erans with the Hepatitis C virus, the Secretary shall pro-
13 vide increased training options to Department health care
14 personnel.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 1720E the following new
18 item:

“1720F. Hepatitis C testing and treatment.”.

19 **SEC. 3. FUNDING FOR HEPATITIS C PROGRAMS OF THE DE-**
20 **PARTMENT OF VETERANS AFFAIRS.**

21 (a) PROGRAM ACCOUNT.—Beginning with fiscal year
22 2006, amounts appropriated for the Department of Vet-
23 erans Affairs for Hepatitis C detection and treatment
24 shall be provided, within the “Medical Care” account,

1 through the “Specific Purpose” subaccount, rather than
2 the “VERA” subaccount.

3 (b) ALLOCATION OF FUNDS TO VISNS.—In allo-
4 cating funds appropriated for the Department of Veterans
5 Affairs for the “Medical Care” account to the Veterans
6 Integrated Service Networks, the Secretary of Veterans
7 Affairs shall allocate funds for detection and treatment of
8 the Hepatitis C virus based upon incidence rates of that
9 virus among veterans (rather than based upon the overall
10 population of veterans) in each such network.

11 (c) LIMITATION ON USE OF FUNDS.—Amounts ap-
12 propriated for the Department of Veterans Affairs for
13 Hepatitis C detection and treatment through the “Specific
14 Purpose” subaccount may not be used for any other pur-
15 pose.

16 **SEC. 4. NATIONAL POLICY.**

17 (a) STANDARDIZED NATIONWIDE POLICY.—The Sec-
18 retary of Veterans Affairs shall develop and implement a
19 standardized policy to be applied throughout the Depart-
20 ment of Veterans Affairs health care system with respect
21 to the Hepatitis C virus. The policy shall include the test-
22 ing protocol for the Hepatitis C virus, treatment options,
23 education and notification efforts, and establishment of a
24 specific Hepatitis C diagnosis code for measurement and
25 treatment purposes.

1 (b) **OUTREACH.**—The Secretary shall, on an annual
2 basis, take appropriate actions to notify veterans who have
3 not been tested for the Hepatitis C virus of the need for
4 such testing and the availability of such testing from the
5 Department of Veterans Affairs.

6 **SEC. 5. HEPATITIS C CENTERS OF EXCELLENCE.**

7 (a) **ESTABLISHMENT.**—The Secretary of Veterans
8 Affairs shall establish at least one, and not more than
9 three, additional Hepatitis C centers of excellence or addi-
10 tional sites at which activities of Hepatitis C centers of
11 excellence are carried out. Each such additional center or
12 site shall be established at a Department of Veterans Af-
13 fairs medical center in one of the five geographic service
14 areas (known as a Veterans Integrated Service Network)
15 with the highest case rate of Hepatitis C in fiscal year
16 1999.

17 (b) **FUNDING.**—Funding for the centers or sites es-
18 tablished under subsection (a) shall be provided from
19 amounts available to the Central Office of the Department
20 of Veterans Affairs and shall be in addition to amounts
21 allocated for Hepatitis C pursuant to section 3.

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