

110TH CONGRESS
2D SESSION

H. R. 5554

IN THE SENATE OF THE UNITED STATES

MAY 21, 2008

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, 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,*

1 **SECTION 1 SHORT TITLE.**

2 This Act may be cited as the “Justin Bailey Veterans
3 Substance Use Disorders Prevention and Treatment Act
4 of 2008”.

5 **SEC. 2. EXPANSION OF VETERANS SUBSTANCE USE DIS-**
6 **ORDER PROGRAMS.**

7 Subsection (d) of section 1720A of title 38, United
8 States Code, is amended by adding at the end the fol-
9 lowing new paragraph:

10 “(3)(A) Each plan under paragraph (1) shall ensure
11 that the medical center provides ready access to a full con-
12 tinuum of care for substance use disorders for veterans
13 in need of such care.

14 “(B) In this paragraph, the term ‘full continuum of
15 care’ includes all of the following care, treatment, and
16 services:

17 “(i) Screening for substance use disorder in all
18 settings, including primary care settings.

19 “(ii) Detoxification and stabilization services.

20 “(iii) Intensive outpatient care services.

21 “(iv) Relapse prevention services.

22 “(v) Outpatient counseling services.

23 “(vi) Residential substance use disorder treat-
24 ment.

1 “(vii) Pharmacological treatment to reduce
2 cravings, and opioid substitution therapy referred to
3 in paragraph (2).

4 “(viii) Coordination with groups providing peer
5 to peer counseling.

6 “(ix) Short-term, early interventions for sub-
7 stance use disorders, such as motivational coun-
8 seling, that are readily available and provided in a
9 manner to overcome stigma associated with the pro-
10 vision of such interventions and related care.

11 “(x) Marital and family counseling.

12 “(C) The Secretary shall provide for outreach to vet-
13 erans who served in Operation Enduring Freedom or Op-
14 eration Iraqi Freedom to increase awareness of the avail-
15 ability of care, treatment, and services from the Depart-
16 ment for substance use disorders.”.

17 **SEC. 3. REQUIREMENT FOR ALLOCATION OF DEPARTMENT**
18 **RESOURCES TO ENSURE AVAILABILITY FOR**
19 **ALL VETERANS REQUIRING TREATMENT FOR**
20 **SUBSTANCE USE DISORDERS.**

21 (a) EQUITABLE ALLOCATION OF FUNDING; ANNUAL
22 REPORT.—Section 1720A of title 38, United States Code,
23 as amended by section 2, is further amended by adding
24 at the end the following new subsection:

1 “(e)(1) The Secretary shall ensure that amounts
2 made available for care, treatment, and services provided
3 under this section are allocated in such a manner that a
4 full continuum of care (as defined in subsection (d)(3)(B))
5 is available to veterans seeking such care, treatment, or
6 services, without regard to the location of the residence
7 of any such veterans.

8 “(2)(A) In addition to the report required under sec-
9 tion 1703(c)(1) of this title (relating to furnishing of con-
10 tract care and services under this section), the Secretary
11 shall include in the budget documents which the Secretary
12 submits to Congress for any fiscal year a detailed report
13 on the care, treatment, and services furnished by the De-
14 partment under this section during the most recently com-
15 pleted fiscal year.

16 “(B) Each report under subparagraph (A) shall in-
17 clude data on the following for each medical facility of the
18 Department:

19 “(i) The number of veterans who have been
20 provided care, treatment, or services under this sec-
21 tion at the facility for each 1,000 veterans who have
22 received hospital care (if applicable) or medical serv-
23 ices at the facility.

1 “(ii) The number of veterans for whom sub-
2 stance use disorder screening was carried out under
3 subsection (d)(3)(B)(i) at the facility.

4 “(iii) The number of veterans for whom a sub-
5 stance use disorder was identified after a screening
6 was carried out under subsection (d)(3)(B)(i) at the
7 facility.

8 “(iv) The number of veterans who were referred
9 by the facility for care, treatment, or services for
10 substance use disorders under this section.

11 “(v) The number of veterans who received care,
12 treatment or services at the facility for substance
13 use disorders under this section.

14 “(vi) Availability of the full continuum of care
15 (as defined in subsection (d)(3)(B)) at the facility.

16 “(C) Each report prepared under subparagraph (A)
17 shall be reviewed by the Committee on Care of Severely
18 Chronically Mentally Ill Veterans authorized by section
19 7321 of this title. The Committee shall provide an inde-
20 pendent assessment of the care, treatment, and services
21 furnished directly by the Department under this section
22 to veterans. Such assessment shall include a detailed anal-
23 ysis of the availability, the barriers to access (if any), and
24 the quality of such care, treatment, and services.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply to fiscal years beginning on or
3 after October 1, 2009.

4 **SEC. 4. PILOT PROGRAM FOR INTERNET-BASED SUB-**
5 **STANCE USE DISORDER TREATMENT FOR**
6 **VETERANS OF OPERATION IRAQI FREEDOM**
7 **AND OPERATION ENDURING FREEDOM.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) Stigma associated with seeking treatment
11 for mental health disorders has been demonstrated
12 to prevent some veterans from seeking such treat-
13 ment at a medical facility operated by the Depart-
14 ment of Defense or the Department of Veterans Af-
15 fairs.

16 (2) There is a significant incidence among vet-
17 erans of post-deployment mental health problems,
18 especially among members of a reserve component
19 who return as veterans to civilian life.

20 (3) Computer-based self-guided training has
21 been demonstrated to be an effective strategy for
22 supplementing the care of psychological conditions.

23 (4) Younger veterans, especially those who
24 served in Operation Enduring Freedom or Operation

1 Iraqi Freedom, are comfortable with and proficient
2 at computer-based technology.

3 (5) Veterans living in rural areas find access to
4 treatment for substance use disorder limited.

5 (6) Self-assessment and treatment options for
6 substance use disorders through an Internet website
7 may reduce stigma and provides additional access
8 for individuals seeking care and treatment for such
9 disorders.

10 (b) IN GENERAL.—Not later than October 1, 2009,
11 the Secretary of Veterans Affairs shall initiate a pilot pro-
12 gram to test the feasibility and advisability of providing
13 veterans who seek treatment for substance use disorders
14 access to a computer-based self-assessment, education,
15 and specified treatment program through a secure Inter-
16 net website operated by the Secretary. Participation in the
17 pilot program is available on a voluntary basis for those
18 veterans who have served in Operation Enduring Freedom
19 or Operation Iraqi Freedom.

20 (c) ELEMENTS OF PILOT PROGRAM.—

21 (1) IN GENERAL.—In designing and carrying
22 out the pilot program under this section, the Sec-
23 retary of Veterans Affairs shall ensure that—

24 (A) access to the Internet website and the
25 programs available on the website by a veteran

(or family member) does not involuntarily generate an identifiable medical record of that access by that veteran in any medical database maintained by the Department;

(B) the Internet website is accessible from remote locations, especially rural areas; and

(C) the Internet website includes a self-assessment tool for substance use disorders, self-guided treatment and educational materials for such disorders, and appropriate information and materials for family members of veterans.

(2) CONSIDERATION OF SIMILAR PROJECTS.—

In designing the pilot program under this section, the Secretary of Veterans Affairs shall consider similar pilot projects of the Department of Defense for the early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions established under section 741 of the John Warner National Defense Authorization Act of Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2304).

(3) LOCATION OF PILOT PROGRAM.—The Sec-

retary shall carry out the pilot program through those medical centers of the Department of Veterans Affairs that have established Centers for Excellence for Substance Abuse Treatment and Education or

1 that have established a Substance Abuse Program
2 Evaluation and Research Center.

3 (4) CONTRACT AUTHORITY.—The Secretary of
4 Veterans Affairs may enter into contracts with
5 qualified entities or organizations to carry out the
6 pilot program required under this section.

7 (d) DURATION OF PILOT PROGRAM.—The pilot pro-
8 gram required by subsection (a) shall be carried out dur-
9 ing the two-year period beginning on the date of the com-
10 mencement of the pilot program.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary of Vet-
13 erans Affairs \$1,500,000 for each of fiscal years 2010 and
14 2011 to carry out the pilot program under this section.

15 (f) REPORT.—Not later than six months after the
16 completion of the pilot program, the Secretary shall sub-
17 mit to Congress a report on the pilot program, and shall
18 include in that report an assessment of the feasibility and
19 advisability of the pilot program, of any cost savings or
20 other benefits associated with the pilot program, and rec-
21 ommendations for the continuation or expansion of the
22 pilot program.

1 **SEC. 5. REPORT ON RESIDENTIAL MENTAL HEALTH CARE**
2 **FACILITIES OF THE VETERANS HEALTH AD-**
3 **MINISTRATION.**

4 (a) REVIEW AND REPORT.—Not later than six
5 months after the date of the enactment of this Act, the
6 Secretary of Veterans Affairs, acting through the Office
7 of the Medical Inspector of the Department of Veterans
8 Affairs, shall—

9 (1) conduct a review of all residential mental
10 health care facilities, including domiciliary facilities,
11 of the Veterans Health Administration; and

12 (2) submit to the Committee on Veterans' Af-
13 fairs of the Senate and the Committee on Veterans'
14 Affairs of the House of Representatives a report on
15 the review conducted under paragraph (1).

16 (b) ELEMENTS OF REPORT.—The report required by
17 subsection (a)(2) shall include the following:

18 (1) A description of the availability of care in
19 residential mental health care facilities in each Vet-
20 erans Integrated Service Network (VISN).

21 (2) An assessment of the supervision and sup-
22 port provided in the residential mental health care
23 facilities of the Veterans Health Administration.

24 (3) The ratio of staff members at each residen-
25 tial mental health care facility to patients at such fa-
26 cility.

8 (6) Any recommendations the Secretary con-
9 sider appropriate for improvements to such residen-
10 tial mental health care facilities and the care pro-
11 vided in such facilities.

13 This Act is enacted in tribute to Justin Bailey, who,
14 after returning to the United States from service as a
15 member of the Armed Forces in Operation Iraqi Freedom,
16 died in a domiciliary facility of the Department of Vet-
17 erans Affairs while receiving care for post-traumatic stress
18 disorder and a substance use disorder.

Attest: LORRAINE C. MILLER,
Clerk.