

Calendar No. 586

110TH CONGRESS
2^D SESSION

S. 2160

[Report No. 110-267]

To amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2007

Mr. AKAKA (for himself, Mr. BROWN, Ms. MIKULSKI, Mr. CARDIN, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

FEBRUARY 28, 2008

Reported by Mr. AKAKA, without amendment

A BILL

To amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, 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 Pain Care
5 Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Acute and chronic pain are prevalent condi-
4 tions within the population of veterans.

5 (2) Methods of modern warfare, including the
6 use of improvised explosive devices, produce substan-
7 tial numbers of battlefield casualties with significant
8 damage to both the central and peripheral nervous
9 systems.

10 (3) The successes of military health care, both
11 on and off the battlefield, result in high survival
12 rates of severely injured military personnel who will
13 be afflicted with significant pain disorders on either
14 an acute or chronic basis.

15 (4) Failure to treat pain appropriately at the
16 time of transition from receipt of care from the De-
17 partment of Defense to receipt of care from the De-
18 partment of Veterans Affairs contributes to the de-
19 velopment of long-term chronic pain syndromes, in
20 some cases accompanied by long-term mental health
21 and substance use disorders.

22 (5) Pain is a leading cause of short-term and
23 long-term disability among veterans.

24 (6) The Department of Veterans Affairs has
25 implemented important pain care programs at some
26 facilities and in some areas, but comprehensive pain

1 care is not consistently provided on a uniform basis
2 throughout the health care system of the Depart-
3 ment to all patients in need of such care.

4 (7) Inconsistent and ineffective pain care pro-
5 vided by the Department of Veterans Affairs leads
6 to pain-related impairments, occupational disability,
7 and medical and mental complications for veterans
8 with acute and chronic pain, with long-term costs for
9 the health care and disability systems of the Depart-
10 ment and for society at large.

11 (8) Research, diagnosis, treatment, and man-
12 agement of acute and chronic pain for veterans con-
13 stitute health care priorities of the United States.

14 **SEC. 3. PAIN CARE INITIATIVE IN DEPARTMENT OF VET-**
15 **ERANS AFFAIRS HEALTH CARE FACILITIES.**

16 (a) REQUIREMENT.—Subchapter II of chapter 17 of
17 title 38, United States Code, is amended by adding at the
18 end the following new section:

19 **“§ 1720F. Pain care**

20 “(a) IN GENERAL.—The Secretary shall carry out at
21 each health care facility of the Department an initiative
22 on pain care.

23 “(b) ELEMENTS.—The initiative at each health care
24 facility of the Department shall ensure that each indi-

1 vidual receiving treatment in such health care facility re-
2 ceives the following:

3 “(1) An assessment for pain at the time of ad-
4 mission or initial treatment, and periodically there-
5 after, using a professionally recognized pain assess-
6 ment tool or process.

7 “(2) Appropriate pain care consistent with rec-
8 ognized means for assessment, diagnosis, treatment,
9 and management of acute and chronic pain, includ-
10 ing when appropriate, access to specialty pain man-
11 agement services.”.

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

“1720F. Pain care.”.

16 (c) IMPLEMENTATION.—The Secretary of Veterans
17 Affairs shall ensure that the pain care initiatives required
18 by section 1720F of title 38, United States Code, as added
19 by subsection (a), are implemented at all health care facili-
20 ties of the Department of Veterans affairs by not later
21 than—

22 (1) January 1, 2008, in the case of inpatient
23 care; and

24 (2) January 1, 2009, in the case of outpatient
25 care.

1 **SEC. 4. PROGRAM ON RESEARCH AND TRAINING ON PAIN**
2 **IN DEPARTMENT OF VETERANS AFFAIRS.**

3 (a) IN GENERAL.—Subchapter II of chapter 73 of
4 title 38, United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 7330A. Program of research and training on acute**
7 **and chronic pain**

8 “(a) IN GENERAL.—The Secretary shall carry out
9 within the Medical and Prosthetic Research Service of the
10 Veterans Health Administration a program of research
11 and training on acute and chronic pain.

12 “(b) PURPOSES.—The purposes of the program shall
13 include the following:

14 “(1) To identify research priorities most rel-
15 evant to the treatment of the types of acute and
16 chronic pain suffered by veterans.

17 “(2) To promote, conduct, and coordinate re-
18 search in accordance with such research priorities—

19 “(A) through the facilities and programs of
20 the Department; and

21 “(B) in cooperation with other agencies,
22 institutions, and organizations, including the
23 Department of Defense.

24 “(3) To educate and train health care personnel
25 of the Department with respect to the assessment,

1 diagnosis, treatment, and management of acute and
2 chronic pain.

3 “(c) DESIGNATION OF CENTERS.—(1) The Secretary
4 shall designate an appropriate number of facilities of the
5 Department as cooperative centers for research and edu-
6 cation on pain. Each such center shall be designated with
7 a focus on research and training on one or more of the
8 following:

9 “(A) Acute pain.

10 “(B) Chronic pain.

11 “(C) A research priority identified under sub-
12 section (b)(1).

13 “(2) The Secretary shall designate at least one of the
14 centers designated under paragraph (1) as a lead center
15 for research on pain attributable to central and peripheral
16 nervous system damage commonly associated with the bat-
17 tlefield injuries characteristic of modern warfare.

18 “(3) The Secretary shall designate one of the centers
19 designated under paragraph (1) as the lead center for co-
20 ordinating the pain care research activities of the centers
21 designated under this subsection. The functions of such
22 center shall be the following:

23 “(A) To review and evaluate periodically the re-
24 search of the centers designated under this sub-
25 section and to ensure that such research is con-

1 ducted in accordance with the research priorities
2 identified pursuant to subsection (b)(1).

3 “(B) To collect and disseminate the results of
4 the research of the centers designated under this
5 subsection.

6 “(C) To develop and disseminate educational
7 materials and products—

8 “(i) to enhance the assessment, diagnosis,
9 treatment, and management of acute and
10 chronic pain by the health care professionals
11 and facilities of the Veterans Health Adminis-
12 tration; and

13 “(ii) for veterans suffering from acute or
14 chronic pain and their families.

15 “(d) AWARD OF FUNDING.—Centers designated
16 under subsection (c) may compete for the award of fund-
17 ing from amounts appropriated to the Department each
18 fiscal year for medical and prosthetics research.

19 “(e) NATIONAL OVERSIGHT.—The Under Secretary
20 of Health shall designate an appropriate officer—

21 “(1) to oversee the operation of the centers des-
22 igned under subsection (c); and

23 “(2) to review and evaluate periodically the per-
24 formance of such centers.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by inserting
3 after the item relating to section 7330 the following new
4 item:

“7330A. Program of research and training on acute and chronic pain.”.

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