

111TH CONGRESS
1ST SESSION

H. R. 1075

To amend title 38, United States Code, to expand access to hospital care for veterans in major disaster areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Mr. SCALISE (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CASSIDY, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. OLSON, Mr. DUNCAN, and Mr. RODRIGUEZ) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to expand access to hospital care for veterans in major disaster areas, 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 “RECOVER Act (Re-
5 storing Essential Care for Our Veterans for Effective Re-
6 covery)”.

1 **SEC. 2. PROVISION OF IN-PATIENT CARE TO VETERANS IN**
2 **MAJOR DISASTER AREAS.**

3 Section 1703 of title 38, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “When De-
6 partment facilities” and inserting “Subject to sub-
7 section (e), when Department facilities”; and

8 (2) by adding at the end the following:

9 “(e)(1) If the Department medical facility that would
10 otherwise provide covered medical services to veterans re-
11 siding in an area for which a major disaster is declared
12 is unable to provide such services for a period of at least
13 180 days by reason of the major disaster, the Secretary
14 shall seek to enter into a contract with one or more non-
15 Department facilities located in the area to provide such
16 services to veterans who reside within 150 miles of the
17 medical facility that is unable to provide such services.

18 “(2) Under a contract entered into under paragraph
19 (1), the non-Department facility shall provide covered
20 medical services—

21 “(A) that would normally be provided by the
22 Department medical facility that is unable to provide
23 such services by reason of the major disaster; and

24 “(B) for which the veteran seeking such serv-
25 ices is eligible under section 1710 of this title.

1 “(3) Paragraph (1) shall not apply in the case of a
2 Department medical facility that is closed or that the Sec-
3 retary intends to close as part of the Capital Asset Re-
4 alignment for Enhanced Services (CARES) process.

5 “(4) The Secretary shall ensure that a contract under
6 paragraph (1) provides for payment by the Secretary to
7 the non-Department facility. Such payment shall be—

8 “(A) for covered medical services provided to a
9 veteran by the non-Department facility before the
10 date on which the Department medical facility re-
11 ferred to in paragraph (1) is able to provide such
12 services; and

13 “(B) limited to payment for such services for
14 which the veteran is eligible under section 1710 of
15 this title.

16 “(5) Nothing in this subsection shall affect the eligi-
17 bility of any veteran to receive hospital care or medical
18 services at any Department medical facility.

19 “(6) This subsection shall apply with respect to any
20 Department medical facility that is unable to provide cov-
21 ered medical services on or after August 29, 2005, by rea-
22 son of a major disaster.

23 “(7) For the purposes of this subsection—

24 “(A) the term ‘covered medical services’
25 means—

1 “(i) non-emergency hospital care services;

2 and

3 “(ii) inpatient medical services;

4 “(B) the term ‘inpatient medical services’

5 means medical services provided to an inpatient of

6 a hospital; and

7 “(C) the term ‘major disaster’ means a major

8 disaster declared by the President under section 401

9 of the Robert T. Stafford Disaster Relief and Emer-

10 gency Assistance Act (42 U.S.C. 5170).”.

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