

113TH CONGRESS
2D SESSION

H. R. 4191

To amend title 38, United States Code, to improve the treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of claims for disability compensation under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2014

Mr. WALZ (for himself, Mr. BARBER, Mr. DENHAM, Ms. ESTY, Ms. FRANKEL of Florida, Ms. KUSTER, and Mr. O'ROURKE) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of claims for disability compensation under the laws administered by the Secretary 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 “Quicker Veterans Ben-
5 efits Delivery Act”.

1 **SEC. 2. TREATMENT OF MEDICAL EVIDENCE PROVIDED BY**
2 **NON-DEPARTMENT OF VETERANS AFFAIRS**
3 **MEDICAL PROFESSIONALS IN SUPPORT OF**
4 **CLAIMS FOR DISABILITY COMPENSATION.**

5 (a) ACCEPTANCE OF REPORTS OF PRIVATE PHYSI-
6 CIAN EXAMINATIONS.—Section 5125 of such title is
7 amended—

8 (1) by striking “For purposes” and inserting
9 “(a) IN GENERAL.—”;

10 (2) by striking “may” and inserting “shall”;
11 and

12 (3) by adding at the end the following new sub-
13 section:

14 “(b) SUFFICIENTLY COMPLETE DEFINED.—For pur-
15 poses of a report described in subsection (a), the term ‘suf-
16 ficiently complete’ means competent, credible, probative,
17 and containing such information as may be required to
18 make a decision on the claim for which the report is pro-
19 vided.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to medical evidence
22 submitted after the date that is 90 days after the date
23 of the enactment of this Act.

1 **SEC. 3. REPORT ON PROGRESS OF ACCEPTABLE CLINICAL**
2 **EVIDENCE INITIATIVE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary shall sub-
5 mit to the Committee on Veterans' Affairs of the Senate
6 and the Committee on Veterans' Affairs of the House of
7 Representatives a report on the progress of the Acceptable
8 Clinical Evidence initiative of the Department of Veterans
9 Affairs in reducing the necessity for in-person disability
10 examinations and other efforts to comply with the provi-
11 sions of section 5125 of title 38, United States Code, as
12 amended by section 2.

13 (b) CONTENTS OF REPORT.—The report required by
14 subsection (a) shall include the following:

15 (1) The number of claims eligible for the Ac-
16 ceptable Clinical Evidence initiative during the pe-
17 riod beginning on the date of the enactment of this
18 Act, disaggregated by fiscal year.

19 (2) The total number of claims eligible for the
20 Acceptable Clinical Evidence initiative that required
21 a medical examiner of the Department to supple-
22 ment the evidence with information obtained during
23 a telephone interview with a claimant.

24 (3) Information on any other initiatives or ef-
25 forts of the Department to further encourage the
26 use of private medical evidence and reliance upon re-

ports of a medical examination administered by a private physician if the report is sufficiently complete to be adequate for the purposes of adjudicating a claim.

(4) The anticipated impact on the timeline and accuracy of a decision on a claim for benefits under chapter 11 or 15 of title 38, United States Code, if the Secretary were prohibited from requesting a medical examination in the case of a claim in support of which a claimant submits medical evidence and a medical opinion provided by a private physician that is competent, credible, probative, and otherwise adequate for the purpose of making a decision on that claim.

(5) Recommendations on how the Department can measure, track, and prevent the ordering of unnecessary medical examinations when the provision by a claimant of a medical examination administered by a private physician in support of a claim for benefits under chapter 11 or 15 of title 38, United States Code, is adequate for the purpose of making a decision on that claim.

SEC. 4. ANNUAL REPORT.

Not later than March 1 of each year, the Secretary of Veterans Affairs shall submit to Congress a report that

1 includes, for the calendar year preceding the year in which
2 the report is submitted, the following for each regional of-
3 fice of the Department of Veterans Affairs:

4 (1) The number of times a veteran who sub-
5 mitted private medical evidence in support of a claim
6 for compensation or pension under the laws adminis-
7 tered by the Secretary was scheduled for an exam-
8 ination performed by Department personnel because
9 the private medical evidence submitted was deter-
10 mined to be unacceptable.

11 (2) The most common reasons why private
12 medical evidence submitted in support of claims for
13 benefits under the laws administered by the Sec-
14 retary was determined to be unacceptable.

15 (3) The types of disabilities for which claims for
16 benefits under the laws administered by the Sec-
17 retary were mostly commonly denied when private
18 medical evidence was submitted.

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