

113TH CONGRESS
2D SESSION

S. 2182

To expand and improve care provided to veterans and members of the Armed Forces with mental health disorders or at risk of suicide, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2014

Mr. WALSH (for himself and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To expand and improve care provided to veterans and members of the Armed Forces with mental health disorders or at risk of suicide, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Suicide Prevention for
3 American Veterans Act”.

4 **SEC. 2. EXTENSION OF ELIGIBILITY FOR DOMICILIARY**
5 **CARE FOR CERTAIN VETERANS WHO SERVED**
6 **IN A THEATER OF COMBAT OPERATIONS.**

7 Section 1710(e)(3)(A) of title 38, United States
8 Code, is amended by striking “period of five years” and
9 inserting “period of 15 years”.

10 **SEC. 3. REVIEW OF CHARACTERIZATION OR TERMS OF DIS-**
11 **CHARGE FROM THE ARMED FORCES OF INDI-**
12 **VIDUALS WITH MENTAL HEALTH DISORDERS**
13 **ALLEGED TO AFFECT TERMS OF DISCHARGE.**

14 (a) IN GENERAL.—The Secretaries of the military
15 departments shall each provide for a process by which a
16 covered individual may challenge the terms or character-
17 ization of the individual’s discharge or separation from the
18 Armed Forces.

19 (b) COVERED INDIVIDUALS.—For purposes of this
20 section, a covered individual is any individual as follows:

21 (1) An individual who was discharged or sepa-
22 rated from the Armed Forces for a personality dis-
23 order.

24 (2) An individual who—

1 (A) was discharged or separated from the
2 Armed Forces on a punitive basis, or under
3 other than honorable conditions; and

4 (B) who alleges that the basis for such dis-
5 charge or separation was a mental health injury
6 or disorder incurred or aggravated by the indi-
7 vidual during service in the Armed Forces.

8 (c) DISCHARGE OF PROCESS THROUGH BOARDS OF
9 CORRECTIONS OF RECORDS.—The Secretary of a military
10 department shall carry out the process required by sub-
11 section (a) through boards for the correction of military
12 records of the military department concerned.

13 (d) CONSIDERATIONS ON MODIFICATION OF TERMS
14 OF DISCHARGE OR SEPARATION.—In deciding whether to
15 modify the terms or characterization of an individual's dis-
16 charge or separation pursuant to the process required by
17 subsection (a), the Secretary of the military department
18 concerned shall instruct boards to give due consideration
19 to any mental health injury or disorder determined to have
20 been incurred or aggravated by the individual during serv-
21 ice in the Armed Forces and to what bearing such injury
22 or disorder may have had on the circumstances sur-
23 rounding the individual's discharge or separation from the
24 Armed Forces.

1 **SEC. 4. IMPROVEMENT OF MENTAL HEALTH CARE PRO-**
2 **VIDED BY DEPARTMENT OF VETERANS AF-**
3 **FAIRS AND DEPARTMENT OF DEFENSE.**

4 (a) EVALUATIONS OF MENTAL HEALTH CARE AND
5 SUICIDE PREVENTION PROGRAMS.—

6 (1) IN GENERAL.—Not less frequently than
7 once each year, the Secretary concerned shall pro-
8 vide for the conduct of an evaluation of the mental
9 health care and suicide prevention programs carried
10 out under the laws administered by such Secretary.

11 (2) ELEMENTS.—Each evaluation conducted
12 under paragraph (1) shall—

13 (A) use metrics that are common among
14 and useful for practitioners in the field of men-
15 tal health care and suicide prevention;

16 (B) identify the most effective mental
17 health care and suicide prevention programs
18 conducted by the Secretary concerned; and

19 (C) propose best practices for caring for
20 individuals who suffer from mental health dis-
21 orders or are at risk of suicide.

22 (3) THIRD PARTY.—Each evaluation conducted
23 under paragraph (1) shall be conducted by an inde-
24 pendent third party unaffiliated with the Depart-
25 ment of Veterans Affairs and the Department of De-
26 fense.

1 (b) TRAINING OF PROVIDERS.—

2 (1) IN GENERAL.—The Secretary concerned
3 shall train all providers of health care under the
4 laws administered by such Secretary on the fol-
5 lowing:

6 (A) Recognizing if an individual is at risk
7 of suicide.

8 (B) Treating or referring for treatment an
9 individual who is at risk of suicide.

10 (C) Recognizing the symptoms of
11 posttraumatic stress disorder.

12 (2) DISSEMINATION OF BEST PRACTICES.—The
13 Secretary concerned shall ensure that best practices
14 for identifying individuals at risk of suicide and pro-
15 viding quality mental health care are disseminated to
16 providers of health care under the laws administered
17 by such Secretary.

18 (c) SECRETARY CONCERNED DEFINED.—In this sec-
19 tion, the term “Secretary concerned” means—

20 (1) the Secretary of Veterans Affairs with re-
21 spect to matters concerning the Department of Vet-
22 erans Affairs; and

23 (2) the Secretary of Defense with respect to
24 matters concerning the Department of Defense.

1 **SEC. 5. COLLABORATION BETWEEN DEPARTMENT OF VET-**
2 **ERANS AFFAIRS AND DEPARTMENT OF DE-**
3 **FENSE ON HEALTH CARE MATTERS.**

4 (a) **TIMELINE FOR IMPLEMENTING INTEROPERABLE**
5 **ELECTRONIC HEALTH RECORDS.—**

6 (1) **IN GENERAL.**—Section 1635 of the Wound-
7 ed Warrior Act (10 U.S.C. 1071 note) is amended
8 by adding at the end the following new subsection:

9 “(k) **TIMELINE.**—In carrying out this section, the
10 Secretary of Defense and the Secretary of Veterans Af-
11 fairs shall ensure that—

12 “(1) the creation of a health data authoritative
13 source by the Department of Defense and the De-
14 partment of Veterans Affairs that can be accessed
15 by multiple providers and standardizes the input of
16 new medical information is achieved not later than
17 180 days after the date of the enactment of this
18 subsection;

19 “(2) the ability of patients of both the Depart-
20 ment of Defense and the Department of Veterans
21 Affairs to download the medical records of the pa-
22 tient (commonly referred to as the ‘Blue Button Ini-
23 tiative’) is achieved not later than 180 days after the
24 date of the enactment of this subsection;

25 “(3) the full interoperability of personal health
26 care information between the Departments is

1 achieved not later than one year after the date of
2 the enactment of this subsection;

3 “(4) the acceleration of the exchange of real-
4 time data between the Departments is achieved not
5 later than one year after the date of the enactment
6 of this subsection;

7 “(5) the upgrade of the graphical user interface
8 to display a joint common graphical user interface is
9 achieved not later than one year after the date of
10 the enactment of this subsection; and

11 “(6) each current member of the Armed Forces
12 and the dependent of such a member may elect to
13 receive an electronic copy of the health care record
14 of the individual beginning not later than June 30,
15 2015.”.

16 (2) CONFORMING AMENDMENTS.—Section 1635
17 of such Act is further amended—

18 (A) in subsection (a), by striking “The
19 Secretary” and inserting “In accordance with
20 the timeline described in subsection (k), the
21 Secretary”; and

22 (B) in the matter preceding paragraph (1)
23 of subsection (e), by inserting “in accordance
24 with subsection (k)” after “under this section”.

1 (b) ESTABLISHMENT OF UNIFORM PRESCRIPTION
 2 FORMULARY.—The Secretary of Veterans Affairs and the
 3 Secretary of Defense shall jointly establish a uniform pre-
 4 scription formulary for use in prescribing medication
 5 under the laws administered by the Secretary of Veterans
 6 Affairs and the laws administered by the Secretary of De-
 7 fense.

8 **SEC. 6. PILOT PROGRAM FOR REPAYMENT OF EDU-**
 9 **CATIONAL LOANS FOR CERTAIN PSYCHIA-**
 10 **TRISTS OF VETERANS HEALTH ADMINISTRA-**
 11 **TION.**

12 (a) ESTABLISHMENT.—The Secretary of Veterans
 13 Affairs shall carry out a pilot program to repay loans of
 14 individuals described in subsection (b) that—

15 (1) were used by such individuals to finance
 16 education relating to psychiatric medicine, including
 17 education leading to—

18 (A) an undergraduate degree;

19 (B) a degree of doctor of medicine; or

20 (C) a degree of doctor of osteopathy; and

21 (2) were obtained from any of the following:

22 (A) A governmental entity.

23 (B) A private financial institution.

24 (C) A school.

1 (D) Any other authorized entity as deter-
2 mined by the Secretary.

3 (b) ELIGIBLE INDIVIDUALS.—

4 (1) IN GENERAL.—Subject to paragraph (2), an
5 individual eligible for participation in the pilot pro-
6 gram is an individual who—

7 (A) either—

8 (i) is licensed or eligible for licensure
9 to practice psychiatric medicine in the Vet-
10 erans Health Administration of the De-
11 partment of Veterans Affairs; or

12 (ii) is enrolled in the final year of a
13 residency program leading to a specialty
14 qualification in psychiatric medicine that is
15 approved by the Accreditation Council for
16 Graduate Medical Education; and

17 (B) demonstrates a commitment to a long-
18 term career as a psychiatrist in the Veterans
19 Health Administration, as determined by the
20 Secretary.

21 (2) PROHIBITION ON SIMULTANEOUS ELIGI-
22 BILITY.—An individual who is participating in any
23 other program of the Federal Government that re-
24 pays the educational loans of the individual is not el-
25 igible to participate in the pilot program.

1 (c) SELECTION.—The Secretary shall select not less
2 than 10 individuals described in subsection (b) to partici-
3 pate in the pilot program for each year in which the Sec-
4 retary carries out the pilot program.

5 (d) PERIOD OF OBLIGATED SERVICE.—The Sec-
6 retary shall enter into an agreement with each individual
7 selected under subsection (c) in which such individual
8 agrees to serve a period of obligated service for the Vet-
9 erans Health Administration in the field of psychiatric
10 medicine, as determined by the Secretary.

11 (e) LOAN REPAYMENTS.—

12 (1) AMOUNTS.—Subject to paragraph (2), a
13 loan repayment under this section may consist of
14 payment of the principal, interest, and related ex-
15 penses of a loan obtained by an individual who is
16 participating in the pilot program for all educational
17 expenses (including tuition, fees, books, and labora-
18 tory expenses) of such individual relating to edu-
19 cation described in subsection (a)(1).

20 (2) LIMIT.—For each year of obligated service
21 that an individual who is participating in the pilot
22 program agrees to serve under subsection (d), the
23 Secretary may pay not more than \$60,000 in loan
24 repayment on behalf of such individual.

25 (f) BREACH.—

1 (1) LIABILITY.—An individual who participates
2 in the pilot program and fails to satisfy the period
3 of obligated service under subsection (d) shall be lia-
4 ble to the United States, in lieu of such obligated
5 service, for the amount that has been paid or is pay-
6 able to or on behalf of the individual under the pilot
7 program, reduced by the proportion that the number
8 of days served for completion of the period of obli-
9 gated service bears to the total number of days in
10 the period of obligated service of such individual.

11 (2) REPAYMENT PERIOD.—Any amount of dam-
12 ages that the United States is entitled to recover
13 under this subsection shall be paid to the United
14 States not later than one year after the date of the
15 breach of the agreement.

16 (g) REPORT.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date on which the pilot program terminates
19 under subsection (i), the Secretary shall submit to
20 the Committee on Veterans' Affairs of the Senate
21 and the Committee on Veterans' Affairs of the
22 House of Representatives a report on the pilot pro-
23 gram.

24 (2) ELEMENTS.—The report required by para-
25 graph (1) shall include the following:

1 (A) The overall effect of the pilot program
 2 on the psychiatric workforce shortage of the
 3 Veterans Health Administration.

4 (B) The long-term stability of the psy-
 5 chiatric workforce of the Veterans Health Ad-
 6 ministration.

7 (C) Strategies of the Veterans Health Ad-
 8 ministration to improve and increase the ability
 9 of the Administration to promote the physical
 10 and mental resiliency of all veterans.

11 (h) REGULATIONS.—The Secretary shall prescribe
 12 regulations to carry out this section, including standards
 13 for qualified loans and authorized payees and other terms
 14 and conditions for the making of loan repayments.

15 (i) TERMINATION.—The authority to carry out the
 16 pilot program shall expire on the date that is three years
 17 after the date on which the Secretary commences the pilot
 18 program.

19 **SEC. 7. COMPTROLLER GENERAL STUDY ON PAY DISPARI-**
 20 **TIES OF PSYCHIATRISTS OF VETERANS**
 21 **HEALTH ADMINISTRATION.**

22 (a) STUDY.—

23 (1) IN GENERAL.—Not later than one year
 24 after the date of the enactment of this Act, the
 25 Comptroller General of the United States shall con-

1 duct a study of pay disparities among psychiatrists
2 of the Veterans Health Administration of the De-
3 partment of Veterans Affairs.

4 (2) ELEMENTS.—The study required by para-
5 graph (1) shall include the following:

6 (A) An examination of laws, regulations,
7 practices, and policies, including salary flexibili-
8 ties, that contribute to such disparities.

9 (B) Recommendations for legislative or
10 regulatory action to improve equity in pay
11 among such psychiatrists.

12 (b) REPORT.—Not later than one year after the date
13 on which the Comptroller General completes the study
14 under subsection (a), the Comptroller General shall sub-
15 mit to the Committee on Veterans' Affairs of the Senate
16 and the Committee on Veterans' Affairs of the House of
17 Representatives a report containing the results of the
18 study.

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