

114TH CONGRESS
1ST SESSION

S. 244

To require an independent comprehensive review of the process by which the Department of Veterans Affairs assesses cognitive impairments that result from traumatic brain injury for purposes of awarding disability compensation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2015

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

A BILL

To require an independent comprehensive review of the process by which the Department of Veterans Affairs assesses cognitive impairments that result from traumatic brain injury for purposes of awarding disability compensation, 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. INDEPENDENT REVIEW OF PROCESS BY WHICH**
2 **DEPARTMENT OF VETERANS AFFAIRS AS-**
3 **SESSES COGNITIVE IMPAIRMENTS THAT RE-**
4 **SULT FROM TRAUMATIC BRAIN INJURY FOR**
5 **PURPOSES OF AWARDING DISABILITY COM-**
6 **PENSATION.**

7 (a) AGREEMENT.—

8 (1) IN GENERAL.—The Secretary of Veterans
9 Affairs shall seek to enter into an agreement with
10 the Institute of Medicine of the National Academies
11 to perform the services covered by this section.

12 (2) TIMING.—The Secretary shall seek to enter
13 into the agreement described in paragraph (1) not
14 later than the latest date by which the Secretary
15 considers reasonable for the Institute of Medicine to
16 begin performing the services covered by this section
17 and complete them before the date described sub-
18 section (c)(1).

19 (b) COMPREHENSIVE REVIEW.—

20 (1) IN GENERAL.—Under an agreement be-
21 tween the Secretary and the Institute of Medicine
22 under this section, the Institute of Medicine shall
23 conduct a comprehensive review of examinations pro-
24 vided by the Department of Veterans Affairs to indi-
25 viduals who submit claims to the Secretary for com-
26 pensation under chapter 11 of title 38, United

1 States Code, for traumatic brain injury to assess the
2 cognitive impairments of such individuals.

3 (2) ELEMENTS.—The comprehensive review
4 carried out pursuant to paragraph (1) shall include
5 the following:

6 (A) A determination of the adequacy of the
7 tools and protocols used by the Department to
8 provide examinations described in paragraph
9 (1).

10 (B) A determination of which credentials
11 are necessary for health care specialists and
12 providers to perform such portions of such ex-
13 aminations that relate to assessment of cog-
14 nitive functions, such as a neuropsychological
15 evaluation.

16 (3) GROUP OF EXPERIENCED HEALTH CARE
17 PROVIDERS.—In carrying out the comprehensive re-
18 view pursuant to paragraph (1), the Institute of
19 Medicine shall convene a group of experts in clinical
20 neuropsychology and other related disciplines.

21 (c) REPORT.—

22 (1) IN GENERAL.—Not later than 540 days
23 after the date on which the Secretary enters into an
24 agreement under subsection (a)(1), the Secretary

1 shall submit to Congress a report on the comprehen-
2 sive review conducted under this section.

3 (2) ELEMENTS.—The report submitted under
4 paragraph (1) shall include the following:

5 (A) The findings of the Institute of Medi-
6 cine with respect to the comprehensive review
7 conducted under this section.

8 (B) Such recommendations for legislative
9 or administrative action as the Institute of
10 Medicine may have for the improvement of the
11 adjudication of claims described in subsection
12 (b)(1).

13 (d) ALTERNATE CONTRACT ORGANIZATION.—

14 (1) IN GENERAL.—If the Secretary is unable
15 within the period prescribed in subsection (a)(2) to
16 enter into an agreement described in subsection
17 (a)(1) with the Institute of Medicine on terms ac-
18 ceptable to the Secretary, the Secretary shall seek to
19 enter into such an agreement with another appro-
20 priate organization that—

21 (A) is not part of the Government;

22 (B) operates as a not-for-profit entity; and

23 (C) has expertise and objectivity com-
24 parable to that of the Institute of Medicine.

1 (2) TREATMENT.—If the Secretary enters into
2 an agreement with another organization as described
3 in paragraph (1), any reference in this section to the
4 Institute of Medicine shall be treated as a reference
5 to the other organization.

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