

114TH CONGRESS  
2D SESSION

# S. 2896

To eliminate the sunset date for the Veterans Choice Program of the Department of Veterans Affairs, to expand eligibility for such program, and to extend certain operating hours for pharmacies and medical facilities of the Department, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2016

Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. FLAKE, Mr. TILLIS, Mr. CORYN, Ms. AYOTTE, Mrs. ERNST, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To eliminate the sunset date for the Veterans Choice Program of the Department of Veterans Affairs, to expand eligibility for such program, and to extend certain operating hours for pharmacies and medical facilities of the Department, 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 “Care Veterans Deserve  
5       Act of 2016”.

1 **SEC. 2. EXPANSION OF VETERANS CHOICE PROGRAM.**

2 (a) **ELIMINATION OF SUNSET.**—

3 (1) **IN GENERAL.**—Section 101 of the Veterans  
4 Access, Choice, and Accountability Act of 2014  
5 (Public Law 113–146; 38 U.S.C. 1701 note) is  
6 amended—

7 (A) by striking subsection (p); and

8 (B) by redesignating subsections (q), (r),  
9 (s), and (t) as subsections (p), (q), (r), and (s),  
10 respectively.

11 (2) **CONFORMING AMENDMENTS.**—Such section  
12 is amended—

13 (A) in subsection (i)(2), by striking “dur-  
14 ing the period in which the Secretary is author-  
15 ized to carry out this section pursuant to sub-  
16 section (p)”;

17 (B) in subsection (p)(2), as redesignated  
18 by paragraph (1)(B), by striking subparagraph  
19 (F).

20 (b) **EXPANSION OF ELIGIBILITY FOR PROGRAM.**—

21 (1) **IN GENERAL.**—Subsection (b) of such sec-  
22 tion is amended to read as follows:

23 “(b) **ELIGIBLE VETERANS.**—A veteran is an eligible  
24 veteran for purposes of this section if the veteran is en-  
25 rolled in the system of annual patient enrollment estab-

lished and operated under section 1705 of title 38, United States Code.”.

(2) CONFORMING AMENDMENTS.—Such section is amended—

(A) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by striking “In the case of an eligible veteran described in subsection (b)(2)(A), the Secretary shall, at the election of the eligible veteran” and inserting “The Secretary shall, at the election of an eligible veteran”; and

(ii) in subparagraph (A), by striking “described in such subsection” and inserting “of the Veterans Health Administration”;

(B) in subsection (f)(1), by striking “subsection (b)(1)” and inserting “subsection (b)”;

(C) by amending subsection (g) to read as follows:

“(g) INFORMATION ON AVAILABILITY OF CARE.—

“(1) IN GENERAL.—The Secretary shall provide information to a veteran about the availability of care and services under this section when the veteran enrolls in the system of annual patient enroll-

1       ment established and operated under section 1705 of  
2       title 38, United States Code.

3               “(2) INDIVIDUALS ALREADY ENROLLED.—With  
4       respect to veterans enrolled in such system of annual  
5       patient enrollment as of the date of the enactment  
6       of the Care Veterans Deserve Act of 2016 who have  
7       not received information about the availability of  
8       care and services under this section, the Secretary  
9       shall provide such information to such veterans not  
10      later than 120 days after such date of enactment.”;  
11      and

12              (D) in subsection (p)(2)(A), as redesign-  
13              nated by subsection (a)(1)(B), by striking “,  
14              disaggregated by—” and all that follows  
15              through “subsection (b)(2)(D)”.

16   **SEC. 3. ACCESS OF VETERANS TO WALK-IN CLINICS.**

17       (a) IN GENERAL.—Subchapter I of chapter 17 of title  
18   38, United States Code, is amended by inserting after sec-  
19   tion 1703 the following new section:

20   **“§ 1703A. Hospital care and medical services at walk-**  
21       **in clinics**

22       “(a) IN GENERAL.—The Secretary shall enter into  
23   a contract with a national chain of walk-in clinics to pro-  
24   vide the hospital care and medical services offered in such  
25   clinics to veterans enrolled in the system of annual patient

1 enrollment established and operated under section 1705  
2 of this title.

3 “(b) NO AUTHORIZATION OR COPAYMENT RE-  
4 QUIRED.—In receiving hospital care or medical services at  
5 a walk-in clinic under subsection (a), a veteran is not re-  
6 quired—

7 “(1) to obtain authorization before receiving  
8 such care or services at the clinic; or

9 “(2) to pay a copayment to the clinic or the De-  
10 partment in connection with the receipt of such care  
11 or services.

12 “(c) LOCATIONS.—The Secretary may not require a  
13 national chain of walk-in clinics to expand their locations  
14 as a condition of a contract entered into under subsection  
15 (a).

16 “(d) TRANSMITTAL OF INFORMATION.—(1) The na-  
17 tional chain of walk-in clinics with which the Secretary  
18 has entered into a contract under subsection (a) shall es-  
19 tablish an automated system that transmits to the Sec-  
20 retary on a weekly basis information regarding the hos-  
21 pital care or medical services provided to veterans under  
22 this section during such week.

23 “(2) The automated system under paragraph (1)  
24 shall be established in a manner that allows the system  
25 to securely transmit information to the electronic health

1 record of a veteran regarding the hospital care and med-  
 2 ical services provided to the veteran under this section.

3 “(3) Transmittal of information under paragraph (1)  
 4 may not be required as a condition of payment for hospital  
 5 care or medical services provided under this section.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
 7 at the beginning of chapter 17 of such title is amended  
 8 by inserting after the item relating to section 1703 the  
 9 following new item:

“1703A. Hospital care and medical services at walk-in clinics.”.

10 **SEC. 4. LICENSURE OF HEALTH CARE PROFESSIONALS OF**  
 11 **THE DEPARTMENT OF VETERANS AFFAIRS**  
 12 **PROVIDING TREATMENT VIA TELEMEDICINE.**

13 (a) IN GENERAL.—Subchapter III of chapter 17 of  
 14 title 38, United States Code, is amended by inserting after  
 15 section 1730A the following new section:

16 **“§ 1730B. Licensure of health care professionals pro-**  
 17 **viding treatment via telemedicine**

18 “(a) IN GENERAL.—Notwithstanding any provision  
 19 of law regarding the licensure of health care professionals,  
 20 a covered health care professional may practice the health  
 21 care profession of the health care professional at any loca-  
 22 tion in any State, regardless of where such health care  
 23 professional or the patient is located, if the health care  
 24 professional is using telemedicine to provide treatment to  
 25 an individual under this chapter.

1       “(b) LOCATION OF CARE.—Subsection (a) shall apply  
 2 to a covered health care professional providing treatment  
 3 to a patient regardless of whether such health care profes-  
 4 sional or patient is located in a facility owned by the Fed-  
 5 eral Government during such treatment.

6       “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
 7 tion may be construed to remove, limit, or otherwise affect  
 8 any obligation of a covered health care professional under  
 9 the Controlled Substances Act (21 U.S.C. 801 et seq.).

10       “(d) DEFINITIONS.—In this section:

11               “(1) The term ‘covered health care professional’  
 12 means a health care professional who is—

13                       “(A) authorized by the Secretary to pro-  
 14 vide health care under this chapter, including a  
 15 private health care professional who provides  
 16 such care under a contract or agreement en-  
 17 tered into with the Secretary, including a con-  
 18 tract entered into under section 1703 of this  
 19 title; and

20                       “(B) licensed, registered, or certified in a  
 21 State to practice the health care profession of  
 22 the health care professional.

23               “(2) The term ‘telemedicine’ means the use of  
 24 telecommunication technology and information tech-  
 25 nology to provide health care or support the provi-

1       sion of health care in situations in which the patient  
 2       and health care professional are separated by geo-  
 3       graphic distance.”.

4       (b) CLERICAL AMENDMENT.—The table of sections  
 5       at the beginning of chapter 17 of such title is amended  
 6       by inserting after the item relating to section 1730A the  
 7       following new item:

“1730B. Licensure of health care professionals providing treatment via telemedi-  
 cine.”.

8       (c) REPORT ON TELEMEDICINE.—

9           (1) IN GENERAL.—Not later than one year  
 10       after the date of the enactment of this Act, the Sec-  
 11       retary of Veterans Affairs shall submit to the Com-  
 12       mittee on Veterans’ Affairs of the Senate and the  
 13       Committee on Veterans’ Affairs of the House of  
 14       Representatives a report on the effectiveness of the  
 15       use of telemedicine by the Department of Veterans  
 16       Affairs.

17       (2) ELEMENTS.—The report required by para-  
 18       graph (1) shall include an assessment of the fol-  
 19       lowing:

20           (A) The satisfaction of veterans with tele-  
 21       medicine furnished by the Department.

22           (B) The satisfaction of health care pro-  
 23       viders in providing telemedicine furnished by  
 24       the Department.



1 (C) The effect of telemedicine furnished by  
2 the Department on the following:

3 (i) The ability of veterans to access  
4 health care, whether from the Department  
5 or from non-Department health care pro-  
6 viders.

7 (ii) The frequency of use by veterans  
8 of telemedicine.

9 (iii) The productivity of health care  
10 providers.

11 (iv) Wait times for an appointment  
12 for the receipt of health care from the De-  
13 partment.

14 (v) The reduction, if any, in the use  
15 by veterans of services at Department fa-  
16 cilities and non-Department facilities.

17 (D) The types of appointments for the re-  
18 ceipt of telemedicine furnished by the Depart-  
19 ment that were provided during the one-year  
20 period preceding the submittal of the report.

21 (E) The number of appointments for the  
22 receipt of telemedicine furnished by the Depart-  
23 ment that were requested during such period,  
24 disaggregated by Veterans Integrated Service  
25 Network.

1 (F) Savings by the Department, if any, in-  
 2 cluding travel costs, of furnishing health care  
 3 through the use of telemedicine during such pe-  
 4 riod.

5 (3) **TELEMEDICINE DEFINED.**—In this sub-  
 6 section, the term “telemedicine” has the meaning  
 7 given that term in section 1730B(d)(2) of title 38,  
 8 United States Code, as added by subsection (a).

9 **SEC. 5. EXTENSION OF OPERATING HOURS FOR PHAR-**  
 10 **MACIES AND MEDICAL FACILITIES OF THE**  
 11 **DEPARTMENT OF VETERANS AFFAIRS.**

12 (a) **EXTENSION OF OPERATING HOURS FOR PHAR-**  
 13 **MACIES.**—The Secretary of Veterans Affairs shall extend  
 14 the operating hours for each pharmacy of the Department  
 15 of Veterans Affairs during which the pharmacy offers  
 16 services comparable to retail pharmacies to include—

17 (1) operation on Saturday, Sunday, and Fed-  
 18 eral holidays; and

19 (2) operation until 8:00 p.m. on weekdays that  
 20 are not Federal holidays.

21 (b) **CONTRACTS WITH PROVIDERS DURING NIGHTS**  
 22 **AND WEEKENDS.**—The Secretary shall enter into con-  
 23 tracts, including through locum tenens arrangements, with  
 24 physicians and nurses that meet qualifications set forth  
 25 by the Secretary for purposes of this section under which

1 such physicians and nurses work at medical facilities of  
2 the Department during nights and weekends.

3 (c) SUPPORT STAFF.—The Secretary may obtain ad-  
4 ditional support staff as necessary to carry out this sec-  
5 tion, including by hiring employees or contracting for serv-  
6 ices.

7 **SEC. 6. CONDUCT OF BEST-PRACTICES PEER REVIEW OF**  
8 **EACH MEDICAL CENTER OF THE DEPART-**  
9 **MENT OF VETERANS AFFAIRS.**

10 (a) IN GENERAL.—The Secretary of Veterans Affairs  
11 may provide for the conduct by a nongovernmental hos-  
12 pital organization of a best-practices peer review of each  
13 medical center of the Department of Veterans Affairs to  
14 evaluate the efficacy of health care delivered at each such  
15 medical center.

16 (b) PRIORITY.—The Secretary shall give priority for  
17 peer review conducted under subsection (a) to the medical  
18 centers of the Department with the longest wait times for  
19 an appointment or the worst health outcomes, as deter-  
20 mined by the Secretary.

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