

115TH CONGRESS
2D SESSION

H. R. 5047

To direct the Secretary of Veterans Affairs to carry out a demonstration program to provide expanded access to medical services through partnerships between Department of Veterans Affairs medical centers and Federally Qualified Health Centers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2018

Mr. BILIRAKIS (for himself, Ms. KUSTER of New Hampshire, Mr. ARRINGTON, Mr. COFFMAN, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Veterans Affairs to carry out a demonstration program to provide expanded access to medical services through partnerships between Department of Veterans Affairs medical centers and Federally Qualified Health Centers, 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 “VA Community Care
5 Enhancement Act”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS DEMONSTRA-**
2 **TION PROGRAM ON EXPANDED AVAILABILITY**
3 **OF MEDICAL SERVICES THROUGH CON-**
4 **TRACTS WITH FEDERALLY QUALIFIED**
5 **HEALTH CENTERS.**

6 (a) **DEMONSTRATION PROGRAM.**—The Secretary of
7 Veterans Affairs shall carry out a demonstration program
8 under which the Secretary shall furnish certain medical
9 services under chapter 17 of title 38, United States Code,
10 through contracts between Department of Veterans Af-
11 fairs medical centers and Federally Qualified Health Cen-
12 ters (hereinafter referred to as “FQHCs”).

13 (b) **COMMUNITY-CARE COLLABORATIVE ARRANGE-**
14 **MENTS.**—Under the demonstration program, the Sec-
15 retary shall enter into contracts, on behalf of Department
16 medical centers, with not less than five separate FQHCs
17 that meet the selection criteria under subsection (c). Such
18 a contract shall provide that—

- 19 (1) a Department medical provider at the med-
20 ical center may refer patients directly to the FQHC,
21 without any requirement to consult with other agen-
22 cies, offices, or units within the Department or with
23 entities under contract with the Department;
- 24 (2) all patient referrals to the FQHC are at the
25 discretion of the Department medical provider, and

1 the decision whether to accept such a referral will be
2 at the discretion of the patient;

3 (3) if a patient accepts such a referral, the
4 FQHC agrees to accept the patient;

5 (4) if the FQHC accepts the patient, the
6 FQHC shall provide medical services to the patient
7 only to the extent that such services are available
8 from the FQHC pursuant to section 330 of the Pub-
9 lic Health Service Act (42 U.S.C. 254b);

10 (5) if a patient accepted by the FQHC is a vet-
11 eran, the FQHC shall accept the family members of
12 the veteran and shall provide care and services to
13 such family members in accordance with chapter 17
14 of title 38, United States Code, if such family mem-
15 bers are eligible for medical services under such
16 chapter;

17 (6) if a patient referred under the demonstra-
18 tion program is not eligible for a type of care or
19 service needed by the patient under chapter 17 of
20 title 38, United States Code, the FQHC agrees to
21 provide such care or service to the patient, and ac-
22 cept payment for such care or service, in accordance
23 with section 330 of the Public Health Service Act
24 (42 U.S.C. 254b);

1 (7) the FQHC agrees to provide to patients re-
2 ferred under the demonstration program—

3 (A) in consultation with the Department
4 medical center, appropriate education on what
5 care and services may be provided to the pa-
6 tient under chapter 17 of title 38, United
7 States Code, and what care and services may
8 not be provided under such title; and

9 (B) appropriate education on what care
10 and services are provided under section 330 of
11 the Public Health Service Act (42 U.S.C. 254b)
12 and what care and services are not provided
13 under such section;

14 (8) the FQHC agrees to provide medical serv-
15 ices to the veteran in a context that sufficiently
16 takes into account the culture of members of the
17 uniformed services, veterans, and family members
18 and caregivers of members of the uniformed services
19 and veterans, including the experience of combat
20 and the experience of military sexual trauma;

21 (9) the medical center and the FQHC agree to
22 cooperate to ensure that patients referred under the
23 demonstration program are patients of both the
24 medical center and the FQHC and, for such pur-
25 poses, to ensure interoperability, to the extent prac-

1 ticable, in terms of sharing the electronic health
2 records of the patients;

3 (10) the FQHC agrees to begin providing care
4 and services to a referred patient promptly after re-
5 ceiving the referral, without regard to whether the
6 patient has completed the process of enrolling in the
7 patient enrollment system under section 1705 of
8 title 38, United States Code;

9 (11) with respect to a patient who is a veteran
10 who has not completed such enrollment process as of
11 the time the referral is made, the FQHC agrees to—

12 (A) in coordination with the medical cen-
13 ter, make available to the veteran assistance
14 with the enrollment process; and

15 (B) accept that reimbursement from the
16 Secretary for providing care or services to the
17 veteran will be delayed until after the enroll-
18 ment process is completed;

19 (12) the FQHC agrees to accept the financial
20 risk that a patient referred under the demonstration
21 program may not qualify for care or services fur-
22 nished by the Secretary under title 38, United
23 States Code;

24 (13) the FQHC agrees to make available to re-
25 ferred patients, at one or more services sites of the

1 FQHC and in accordance with the limitations on the
2 scope of services applicable under section 330 of the
3 Public Health Service Act (42 U.S.C. 245b)—

(A) behavioral and mental health and substance abuse services;

6 (B) women's health services, including

7 OBGYN services;

8 (C) audiology;

(D) HIV and hepatitis C treatment;

10 (E) dental care;

11 (F) optometry and ophthalmology;

12 (G) pain management;

13 (H) internal medicine;

(I) cancer detection and screening;

15 (J) podiatry; and

16 (K) urgent care;

17 (14) the FQHC agr

18 services to referred patients to enable such patients
19 to access medical services furnished under the dem-
20 onstration program, including outreach and trans-
21 portation services;

1 tion 1902(bb) of the Social Security Act (42 U.S.C.
2 1396a);

3 (16) the FQHC agrees to undergo periodic au-
4 dits in accordance with section 330 of the Public
5 Health Service Act (42 U.S.C. 254b) and title XIX
6 of the Social Security Act (42 U.S.C. 1396 et seq.);
7 and

8 (17) to the extent practicable, the medical cen-
9 ter agrees to provide information to patients on the
10 availability in such area of medical services through
11 the participation of the FQHC in the demonstration
12 program, including information on the particular
13 services that are available from the FQHC and on
14 the extent to which the patient will be required to
15 make payments for such service.

16 (c) SELECTION CRITERIA.—

17 (1) IN GENERAL.—In order to select FQHCs
18 with which to enter into contracts under subsection
19 (b), the Secretary shall develop selection criteria.
20 Such selection criteria shall—

21 (A) take into account geographic and de-
22 mographic differences across catchment areas,
23 as defined by the Veterans Health Administra-
24 tion;

(B) provide for the selection of one or more FQHCs that have not fewer than two service sites, including one service site in a highly rural area;

(C) provide for the selection of one or more FQHCs that—

(i) have a large number of service sites;

9 (ii) have a service area—

10 (I) in which a significant number
11 of veterans reside;

(II) that includes both rural and urban areas, and one or more Department medical centers; and

15 (III) that is located within 100
16 miles of a military base;

(I) provides connectivity with respect to electronic health records; and

(II) includes one or more Department medical centers as participants; and

(iv) has engaged in outreach to one or more Department medical centers toward

1 collaborating on the provision of services to
2 veterans;

3 (D) require that a selected FQHC has the
4 capability to assist veterans in navigating the
5 benefits available to them under the laws ad-
6 ministered by the Secretary of Veterans Affairs;
7 and

8 (E) require a selected FQHC to commit to
9 establishing a program to educate health pro-
10 fessionals employed by the FQHC on cultural
11 competency in providing services to veterans.

12 (2) APPROVAL OF CERTAIN FQHCS.—Each con-
13 tract entered into under subsection (b) shall specify
14 the date on which the FQHC agrees to begin pro-
15 viding medical services to patients referred by a
16 medical provider at a Department of Veterans Af-
17 fairs medical center under the contract. Such date
18 may not be later than 180 days after the date on
19 which the Secretary and the FQHC enter into the
20 contract.

21 (d) COORDINATION WITH DEPARTMENT OF HEALTH
22 AND HUMAN SERVICES.—In carrying out the demonstra-
23 tion program under this section, the Secretary of Veterans
24 Affairs shall consult with the Secretary of Health and
25 Human Services (acting through the Administrator of the

1 Health Resources and Services Administration), who shall
2 provide to the Secretary of Veterans Affairs information
3 on the capacity of FQHCs to serve veterans. With respect
4 to FQHCs that are participating in such demonstration
5 program, the Secretary of Health and Human Services
6 may, subject to that availability of appropriations for such
7 purpose, make payments to such FQHCs to increase such
8 capacity.

9 (e) PATIENT ENROLLMENT.—

10 (1) NON-ENROLLED VETERANS.—Notwith-
11 standing subsection (c) of section 1705 of title 38,
12 United States Code, the Secretary shall develop a
13 process to refer veterans who are not enrolled in the
14 patient enrollment system of the Department of Vet-
15 ernans Affairs under such section to an FQHC for
16 the provision of medical services to the veteran
17 under the pilot program.

18 (2) FACILITATION OF ENROLLMENT.—The Sec-
19 retary shall develop a process by which FQHCs that
20 have entered into a contract with the Secretary
21 under subsection (b) are able to facilitate the enroll-
22 ment of veterans referred to the FQHC under para-
23 graph (1) in such patient enrollment system.

24 (f) ELECTRONIC HEALTH RECORDS.—The Secretary
25 of Veterans Affairs shall provide notice to any veteran ac-

1 cepting a referral to an FQHC under the demonstration
2 program that such acceptance shall serve as consent for
3 the Department medical center and the FQHC to share
4 electronic health records unless the veteran elects not to
5 authorize such sharing of records using a form provided
6 by the Secretary for such purpose.

7 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed as affecting—

9 (1) any authority or obligation of the Secretary
10 of Veterans Affairs to furnish medical services under
11 chapter 17 of title 38, United States Code, to a pa-
12 tient who is referred to an FQHC under the dem-
13 onstration program;

14 (2) the eligibility of any individual to receive
15 medical services under chapter 17 of title 38, United
16 States Code; or

17 (3) section 330 of the Public Health Service
18 Act (42 U.S.C. 254b).

19 (h) FUNDING.—No additional amounts are author-
20 ized to be appropriated to carry out this section. The Sec-
21 retary shall carry out the demonstration program using
22 amounts otherwise available to the Secretary for Medical
23 Community Care for fiscal years 2018 through 2022.

24 (i) DURATION; TERMINATION.—

1 (1) DURATION.—The Secretary of Veterans Af-
2 fairs may enter into contracts under the demonstra-
3 tion program during the three-year period beginning
4 on the date of the enactment of this Act. Such pe-
5 riod may be extended or made permanent at the dis-
6 cretion of the Secretary.

7 (2) PROVISION OF CARE.—If the Secretary ter-
8 minates the demonstration program under this sec-
9 tion, the Secretary shall ensure that patients receiv-
10 ing care or services through a FQHC pursuant to a
11 contract entered into under subsection (b) are able
12 to receive medical services provided by the FQHC
13 under such contract until the conclusion of the rel-
14 evant episode of care.

15 (j) DEFINITION OF FEDERALLY QUALIFIED HEALTH
16 CENTER.—The term “Federally Qualified Health Center”
17 means an entity receiving a grant under section 330 of
18 the Public Health Service Act (42 U.S.C. 254b) or any
19 other entity described in section 1861(aa)(4) of the Social
20 Security Act.

