

115TH CONGRESS
2D SESSION

S. 3313

To improve dental care provided to veterans by the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2018

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

A BILL

To improve dental care provided to veterans by 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Dental Care
5 Eligibility Expansion and Enhancement Act of 2018”.

6 **SEC. 2. RESTORATIVE DENTAL SERVICES FOR VETERANS.**

7 (a) IN GENERAL.—Section 1710(c) of title 38,
8 United States Code, is amended—

9 (1) in the second sentence—

1 (A) by redesignating subparagraphs (A)
 2 and (B) as clauses (i) and (ii), respectively; and
 3 (B) by redesignating paragraphs (1) and
 4 (2) as subparagraphs (A) and (B), respectively;
 5 (2) by inserting “(1)” after “(c)”;
 6 (3) by striking “The Secretary” and inserting
 7 the following:

8 “(2) The Secretary”; and
 9 (4) by adding at the end the following new
 10 paragraph:
 11 “(3) In addition to the dental services, treatment,
 12 and appliances authorized to be furnished by paragraph
 13 (2), the Secretary may furnish dental services and treat-
 14 ment, and dental appliances, needed to restore functioning
 15 in a veteran that is lost as a result of any services or treat-
 16 ment furnished under this subsection.”.

17 (b) EFFECTIVE DATE.—The amendments made by
 18 subsection (a) shall take effect on the date that is one
 19 year after the date of the enactment of this Act.

20 **SEC. 3. EXPANSION OF DENTAL SERVICES FOR VETERANS**

21 **EXPOSED TO TOXIC SUBSTANCES, RADI-**
 22 **ATION, OR OTHER CONDITIONS.**

23 Section 1712(a)(1) of title 38, United States Code,
 24 is amended—

1 (1) by redesignating subparagraphs (G) and
 2 (H) as subparagraphs (H) and (I), respectively; and

3 (2) by inserting after subparagraph (F) the fol-
 4 lowing new subparagraph (G):

5 “(G) from which a veteran entitled to hospital
 6 care and medical services under section
 7 1710(a)(2)(F) is suffering;”.

8 **SEC. 4. PILOT PROGRAM ON EXPANSION OF FURNISHING**
 9 **OF DENTAL SERVICES AND TREATMENT TO**
 10 **ALL ENROLLED VETERANS.**

11 (a) **PILOT PROGRAM REQUIRED.**—Commencing not
 12 later than 540 days after the date of the enactment of
 13 this Act, the Secretary of Veterans Affairs shall carry out
 14 a pilot program to assess the feasibility and advisability
 15 of furnishing dental services and treatment to veterans en-
 16 rolled in the system of patient enrollment of the Depart-
 17 ment of Veterans Affairs under section 1705 of title 38,
 18 United States Code, who are not eligible for dental serv-
 19 ices and treatment, and related dental appliances, from
 20 the Department under authorities other than this section.

21 (b) **DURATION OF PILOT PROGRAM.**—The pilot pro-
 22 gram shall be carried out during the three-year period be-
 23 ginning on the date of the commencement of the pilot pro-
 24 gram.

25 (c) **LOCATIONS.**—

1 (1) IN GENERAL.—The Secretary shall carry
2 out the pilot program at not fewer than 16 locations
3 as follows:

4 (A) Four medical centers of the Depart-
5 ment of Veterans Affairs with an established
6 dental clinic.

7 (B) Four medical centers of the Depart-
8 ment with a contract for the furnishing of den-
9 tal care.

10 (C) Four community-based outpatient clin-
11 ics with space available for the furnishing of
12 services and treatment under the pilot program.

13 (D) Four facilities selected from among
14 Federally-qualified health centers and facilities
15 of the Indian Health Service with established
16 dental clinics, of which—

17 (i) at least one facility shall be such
18 a facility of the Indian Health Service; and

19 (ii) any facility of the Indian Health
20 Service so selected shall be selected in con-
21 sultation with the Secretary of Health and
22 Human Services.

23 (2) CONSIDERATIONS.—In selecting locations
24 for the pilot program, the Secretary shall consider

1 the feasibility and advisability of selecting locations
2 in each of the following:

3 (A) Rural areas.

4 (B) Areas that are not in close proximity
5 to an active duty military installation.

6 (C) Areas representing different geo-
7 graphic locations, such as census tracts estab-
8 lished by the Bureau of the Census.

9 (d) LIMITATION ON NUMBER OF PARTICIPATING
10 VETERANS.—

11 (1) IN GENERAL.—The total number of vet-
12 erans who may participate in the pilot program may
13 not exceed 100,000.

14 (2) DISTRIBUTION OF LIMITATION.—In apply-
15 ing the limitation in paragraph (1) to the pilot pro-
16 gram, the Secretary shall distribute the limitation
17 across and among locations selected for the pilot
18 program in a manner that takes appropriate account
19 of the size and need of veterans for dental services
20 at each such location.

21 (e) SCOPE OF SERVICES.—The dental services and
22 treatment furnished to veterans under the pilot program
23 shall be consistent with the dental services and treatment
24 furnished by the Secretary to veterans with service-con-

1 nected disabilities rated 100 percent disabling under the
2 laws administered by the Secretary.

3 (f) VOLUNTARY PARTICIPATION.—The participation
4 of a veteran in the pilot program shall be at the election
5 of the veteran.

6 (g) COPAYMENTS.—

7 (1) IN GENERAL.—The Secretary may collect
8 copayments for dental services and treatment fur-
9 nished under the pilot program in accordance with
10 authorities on the collection of copayments for med-
11 ical care of veterans under chapter 17 of title 38,
12 United States Code.

13 (2) LIMITATION.—The amounts of copayments
14 authorized under paragraph (1) may not exceed the
15 amounts allowed for medical care under such chap-
16 ter.

17 (h) PROGRAM ADMINISTRATION.—

18 (1) NOTICE TO ELIGIBLE VETERANS ON PILOT
19 PROGRAM.—In carrying out the pilot program, the
20 Secretary shall inform all veterans eligible to partici-
21 pate in the pilot program of the services and treat-
22 ment available under the pilot program.

23 (2) CONTRACTS.—

24 (A) IN GENERAL.—In carrying out the
25 pilot program, the Secretary may enter into

contracts with appropriate entities for the provision of dental services and treatment under the pilot program.

(B) PERFORMANCE STANDARDS AND METRICS.—Each contract entered into under subparagraph (A) shall specify performance standards and metrics and processes for ensuring compliance of the contractor concerned with such performance standards.

(i) REPORTS.—

(1) PRELIMINARY REPORTS.—

(A) IN GENERAL.—Not later than each of 540 days and three years after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(B) CONTENTS.—Each report under subparagraph (A) shall include the following:

(i) A description of the implementation and operation of the pilot program.

(ii) The number of veterans receiving services and treatment under the pilot program, and a description of the dental serv-

ices and treatment furnished to such veterans.

(iii) An analysis of the costs and benefits of the pilot program, including a comparison of costs and benefits by location type.

(iv) An assessment of the impact of the pilot program on medical care, wellness, employability, and perceived quality of life of veterans.

(v) The current findings and conclusions of the Secretary with respect to the pilot program.

(vi) Such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

1 (B) CONTENTS.—The report under sub-
 2 paragraph (A) shall include the following:

3 (i) The findings and conclusions of
 4 the Secretary with respect to the pilot pro-
 5 gram.

6 (ii) Such recommendations for the
 7 continuation or expansion of the pilot pro-
 8 gram as the Secretary considers appro-
 9 priate.

10 (j) FEDERALLY-QUALIFIED HEALTH CENTER DE-
 11 FINED.—In this section the term “Federally-qualified
 12 health center” has the meaning given that term in section
 13 1905(l)(2)(B) of the Social Security Act (42 U.S.C.
 14 1396d(l)(2)(B)).

15 (k) EFFECTIVE DATE.—This section shall take effect
 16 on the date that is one year after the date of the enact-
 17 ment of this Act.

18 **SEC. 5. CONSTRUCTION OR LEASE OF DENTAL CLINICS OF**
 19 **DEPARTMENT OF VETERANS AFFAIRS.**

20 (a) IN GENERAL.—The Secretary of Veterans Affairs
 21 shall construct or lease a dental clinic of the Department
 22 of Veterans Affairs in any State that does not have a facil-
 23 ity of the Department that offers onsite dental services.

24 (b) SUBMITTAL OF PLAN.—Not later than 180 days
 25 after the date of the enactment of this Act, the Secretary

1 shall submit to Congress a plan for construction or lease
2 of a dental clinic in each of the States described in sub-
3 section (a) and shall beginning construction of any such
4 clinic indicated for construction in such plan not later than
5 one year after such date of enactment.

6 (c) APPROPRIATION OF AMOUNTS.—There is author-
7 ized to be appropriated and is appropriated to the Sec-
8 retary of Veterans Affairs \$10,000,000 to carry out this
9 section, which shall be available until expended.

10 (d) FACILITY OF THE DEPARTMENT DEFINED.—In
11 this section, the term “facility of the Department” has the
12 meaning given the term “facilities of the Department” in
13 section 1701 of title 38, United States Code.

14 (e) EMERGENCY DESIGNATION.—

15 (1) STATUTORY PAYGO.—This section is des-
16 igned as an emergency requirement pursuant to
17 section 4(g) of the Statutory Pay-As-You-Go Act of
18 2010 (2 U.S.C. 933(g)).

19 (2) SENATE DESIGNATION.—In the Senate, this
20 section is designated as an emergency requirement
21 pursuant to section 4112(a) of H. Con. Res. 71
22 (115th Congress), the concurrent resolution on the
23 budget for fiscal year 2018.

1 **SEC. 6. PROGRAM ON EDUCATION TO PROMOTE DENTAL**
2 **HEALTH IN VETERANS.**

3 (a) PROGRAM REQUIRED.—

4 (1) IN GENERAL.—The Secretary of Veterans
5 Affairs shall carry out a program of education to
6 promote dental health for veterans who are enrolled
7 in the system of patient enrollment of the Depart-
8 ment of Veterans Affairs under section 1705 of title
9 38, United States Code.

10 (2) CONSTRUCTION.—Nothing in the program
11 shall be deemed to alter or revise the eligibility of
12 any veteran for dental care under the laws adminis-
13 tered by the Secretary.

14 (b) ELEMENTS.—The program required by sub-
15 section (a) shall provide education for veterans on the fol-
16 lowing:

17 (1) The association between dental health and
18 overall health and well-being.

19 (2) Proper techniques for dental care.

20 (3) Signs and symptoms of commonly occurring
21 dental conditions.

22 (4) Treatment options for commonly occurring
23 dental issues.

24 (5) Options for obtaining access to dental care,
25 including information on—

1 (A) eligibility for dental care through the
2 Department;

3 (B) options available through State and
4 local governments or nonprofit organizations;
5 and

6 (C) purchasing private dental insurance.

7 (6) Available and accessible options for obtain-
8 ing low- or no-cost dental care, including through
9 dental schools and Federally-qualified health centers.

10 (7) Such other matters relating to dental health
11 as the Secretary considers appropriate.

12 (c) DELIVERY OF EDUCATIONAL MATERIALS.—

13 (1) IN GENERAL.—The Secretary shall provide
14 educational materials to veterans under the program
15 required by subsection (a) through a variety of
16 mechanisms, including the following:

17 (A) The availability and distribution of
18 print materials at facilities of the Department
19 (including at medical centers, clinics, Vet Cen-
20 ters, and readjustment counseling centers) and
21 to providers (including members of patient
22 aligned care teams).

23 (B) The availability and distribution of
24 materials over the internet, including through
25 webinars and My HealtheVet.

1 (C) Presentations of information, including
 2 both small group and large group presentations.

3 (2) SELECTION OF MECHANISMS.—In selecting
 4 mechanisms for purposes of this subsection, the Sec-
 5 retary shall select mechanisms designed to maximize
 6 the number of veterans who receive education under
 7 the program.

8 (3) INCLUSION OF MATERIALS FOR BLIND AND
 9 VISUALLY IMPAIRED.—The Secretary shall ensure
 10 that educational materials are available under this
 11 subsection in a format for the blind and visually im-
 12 paired.

13 (d) DEFINITIONS.—In this section:

14 (1) FEDERALLY-QUALIFIED HEALTH CENTER
 15 DEFINED.—The term “Federally-qualified health
 16 center” has the meaning given that term in section
 17 1905(l)(2)(B) of the Social Security Act (42 U.S.C.
 18 1396d(l)(2)(B)).

19 (2) VET CENTER.—The term “Vet Center” has
 20 the meaning given that term in section 1712A(h) of
 21 title 38, United States Code.

22 (e) EFFECTIVE DATE.—This section shall take effect
 23 on the date that is one year after the date of the enact-
 24 ment of this Act.

1 **SEC. 7. INFORMATION ON DENTAL SERVICES FOR INCLU-**
2 **SION IN ELECTRONIC MEDICAL RECORDS**
3 **UNDER DENTAL INSURANCE PILOT PRO-**
4 **GRAM.**

5 (a) IN GENERAL.—Commencing not later than 540
6 days after the date of the enactment of this Act, the Sec-
7 retary of Veterans Affairs shall expand the dental insur-
8 ance pilot program established by section 17.169 of title
9 38, Code of Federal Regulations (as in effect on the date
10 of the enactment of this Act), to establish a mechanism
11 by which private sector dental care providers shall forward
12 to the Department of Veterans Affairs information on
13 dental care furnished to individuals under the pilot pro-
14 gram for inclusion in the electronic medical records of the
15 Department with respect to such individuals.

16 (b) CONSTRUCTION WITH CURRENT PILOT PROGRAM
17 REQUIREMENTS.—

18 (1) IN GENERAL.—Nothing in this section shall
19 be construed to revise eligibility for participation in,
20 or the locations of, the pilot program referred to in
21 subsection (a).

22 (2) DURATION.—The Secretary may continue
23 the pilot program for two years in addition to the
24 duration otherwise provided for the pilot program in
25 section 17.169 of title 38, Code of Federal Regula-
26 tions (as in effect on the date of the enactment of

1 this Act), if the Secretary determines that the con-
2 tinuation is needed to assess the mechanism re-
3 quired by subsection (a).

4 (3) VOLUNTARY PARTICIPATION IN MECHA-
5 NISM.—The participation in the mechanism required
6 by subsection (a) of an individual otherwise partici-
7 pating in the pilot program shall be at the election
8 of the individual.

9 (c) INCLUSION OF INFORMATION ON MECHANISM IN
10 REPORTS.—Each report to Congress on the pilot program
11 after the date of the commencement of the mechanism re-
12 quired by subsection (a) shall include information on the
13 mechanism, including a current assessment of the feasi-
14 bility and advisability of using the mechanism to include
15 information on dental care furnished to individuals in the
16 electronic medical records of the Department with respect
17 to such individuals.

18 (d) EFFECTIVE DATE.—This section shall take effect
19 on the date that is one year after the date of the enact-
20 ment of this Act.

1 **SEC. 8. DEMONSTRATION PROGRAM ON TRAINING AND EM-**
2 **PLOYMENT OF ALTERNATIVE DENTAL**
3 **HEALTH CARE PROVIDERS FOR DENTAL**
4 **HEALTH CARE SERVICES FOR VETERANS IN**
5 **RURAL AND OTHER UNDERSERVED COMMU-**
6 **NITIES.**

7 (a) DEMONSTRATION PROGRAM AUTHORIZED.—The
8 Secretary of Veterans Affairs may carry out a demonstra-
9 tion program to establish programs to train and employ
10 alternative dental health care providers in order to in-
11 crease access to dental health care services for veterans
12 who are entitled to such services from the Department of
13 Veterans Affairs and reside in rural and other underserved
14 communities.

15 (b) PRIORITY.—The Secretary shall give priority for
16 participation in the demonstration program under this
17 section to medical centers or health systems of the Depart-
18 ment of Veterans Affairs in States with a technical college
19 within the State college system of that State that has es-
20 tablished a degree or certificate level program for the
21 training of alternative dental health care providers.

22 (c) TELEHEALTH.—For purposes of alternative den-
23 tal health care providers and other dental care providers
24 who are licensed to provide clinical care, dental services
25 provided under the demonstration program under this sec-
26 tion may be administered by such providers through tele-

1 health-enabled collaboration and supervision when appro-
 2 priate and feasible.

3 (d) ALTERNATIVE DENTAL HEALTH CARE PRO-
 4 VIDERS DEFINED.—In this section, the term “alternative
 5 dental health care providers” has the meaning given that
 6 term in section 340G–1(a)(2) of the Public Health Service
 7 Act (42 U.S.C. 256g–1(a)(2)).

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-
 10 priated for the Department of Veterans Affairs for fiscal
 11 year 2020 \$500,000,000 to carry out this Act and the
 12 amendments made by this Act, other than section 4.

13 (b) AVAILABILITY.—The amount authorized to be ap-
 14 propriated under subsection (a) shall be available for obli-
 15 gation for the five-year period beginning on the date that
 16 is one year after the date of the enactment of this Act.

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