

116TH CONGRESS
2D SESSION

S. 4149

To amend title 38, United States Code, to remove the limitation on reimbursement for emergency treatment of amounts owed to a third party or for which the veteran is responsible under a health-plan contract.

IN THE SENATE OF THE UNITED STATES

JULY 1, 2020

Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Mr. BROWN, Ms. HIRONO, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to remove the limitation on reimbursement for emergency treatment of amounts owed to a third party or for which the veteran is responsible under a health-plan contract.

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 “Emergency Care Reim-

5 bursement Act of 2020”.

1 **SEC. 2. REMOVAL OF LIMITATION ON REIMBURSEMENT**
 2 **FOR EMERGENCY TREATMENT OF AMOUNTS**
 3 **OWED TO A THIRD PARTY OR FOR WHICH**
 4 **THE VETERAN IS RESPONSIBLE UNDER A**
 5 **HEALTH-PLAN CONTRACT.**

6 (a) IN GENERAL.—Subsection (c)(4) of section 1725
 7 of title 38, United States Code, is amended by striking
 8 subparagraph (D).

9 (b) APPLICATION OF AMENDMENT.—The amendment
 10 made by subsection (a) shall apply with respect to any
 11 reimbursement request under section 1725 of such title
 12 submitted to the Department of Veterans Affairs for
 13 emergency treatment furnished on or after February 1,
 14 2010.

15 (c) IMPACT ON EXISTING COURT CASE.—Nothing in
 16 this section or the amendment made by this section shall
 17 limit the rights of any member of the Wolfe class seeking
 18 relief in *Wolfe v. Wilkie*, No. 18–6091 (Vet. App. filed Oc-
 19 tober 30, 2018).

20 (d) DEFINITIONS.—In this section:

21 (1) EMERGENCY TREATMENT; HEALTH-PLAN
 22 CONTRACT.—The terms “emergency treatment” and
 23 “health-plan contract” have the meanings given
 24 those terms in section 1725(f) of title 38, United
 25 States Code.

1 (2) REIMBURSEMENT REQUEST.—The term
2 “reimbursement request” includes any claim by a
3 veteran for reimbursement of a copayment, deduct-
4 ible, coinsurance, or similar payment for emergency
5 treatment furnished to the veteran in a non-Depart-
6 ment of Veterans Affairs facility and made by a vet-
7 eran who had coverage under a health-plan contract,
8 including any claim for the reasonable value of emer-
9 gency treatment that was rejected or denied by the
10 Department of Veterans Affairs, whether the rejec-
11 tion or denial was final or not.

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