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116TH CONGRESS
2D SESSION

S. 629

To require the Secretary of Veterans Affairs to review the processes and requirements of the Department of Veterans Affairs for scheduling appointments for health care and conducting consultations under the laws administered by the Secretary, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2019

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

SEPTEMBER 15, 2020

Reported by Mr. MORAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Secretary of Veterans Affairs to review the processes and requirements of the Department of Veterans Affairs for scheduling appointments for health care and conducting consultations under the laws administered by the Secretary, 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. SHORT TITLE.**

2 This Act may be cited as the “Accountability in De-
3 partment of Veterans Affairs Scheduling and Consult
4 Management Act”.

5 **SEC. 2. PROCESSES AND REQUIREMENTS FOR SCHED-**
6 **ULING APPOINTMENTS FOR HEALTH CARE**
7 **FROM DEPARTMENT OF VETERANS AFFAIRS.**

8 (a) **PROCESSES AND REQUIREMENTS.—**

9 (1) **IN GENERAL.—**Not later than 60 days after
10 the date of the enactment of this Act, the Secretary
11 of Veterans Affairs shall submit to the Committee
12 on Veterans’ Affairs of the Senate and the Com-
13 mittee on Veterans’ Affairs of the House of Rep-
14 resentatives a description of the processes and re-
15 quirements of the Department of Veterans Affairs
16 for scheduling appointments for health care from the
17 Department at the medical facility level.

18 (2) **PERIODIC REVISION.—**

19 (A) **IN GENERAL.—**The Secretary may re-
20 vise the processes and requirements required
21 under paragraph (1) as the Secretary considers
22 necessary.

23 (B) **SUBMITTAL TO CONGRESS.—**Not later
24 than 30 days before revising the processes and
25 requirements under subparagraph (A), the Sec-
26 retary shall submit to the Committee on Vet-

erans' Affairs of the Senate and the Committee
 on Veterans' Affairs of the House of Represent-
 ative a description of those revised processes
 and requirements, including a description of
 any modifications to the certification and train-
 ing under subsection (b).

(b) TRAINING ON PROCESSES AND REQUIRE-
 MENTS.—

(1) CERTIFICATION.—Not later than one year
 after the date of the enactment of this Act, the Sec-
 retary shall require individuals involved in the sched-
 uling of appointments for health care from the De-
 partment to certify to the Secretary that the indi-
 vidual understands the processes and requirements
 described in subsection (a), including the maximum
 number of days allowed to complete each step of the
 scheduling process.

(2) NEW EMPLOYEES.—The Secretary shall re-
 quire all employees hired by the Department after
 the date of the enactment of this Act who are to be
 involved in the scheduling of appointments for health
 care from the Department to undergo training on
 the processes and requirements described in sub-
 section (a) as part of the onboarding process.

(c) METHOD TO MONITOR COMPLIANCE.—

1 (1) IN GENERAL.—Not later than 180 days
 2 after the date of the enactment of this Act, the Sec-
 3 retary shall establish or maintain a method or tool
 4 to enable real-time monitoring of and ensure that
 5 each medical facility of the Department complies
 6 with the scheduling processes and requirements de-
 7 scribed in subsection (a), including compliance with
 8 policies of the Department relating to the maximum
 9 number of days allowed to complete each step of the
 10 scheduling process.

11 (2) USE THROUGHOUT DEPARTMENT.—

12 (A) IN GENERAL.—The Secretary shall re-
 13 quire each medical facility of the Department to
 14 use the method or tool described in paragraph
 15 (1).

16 (B) CERTIFICATION.—Not later than one
 17 year after the date of the enactment of this Act,
 18 the Secretary shall require the director of each
 19 medical facility of the Department to certify to
 20 the Secretary that the director is using the
 21 method or tool described in paragraph (1).

22 (d) COMPTROLLER GENERAL REPORT.—Not later
 23 than two years after the date of the enactment of this Act,
 24 the Comptroller General of the United States shall submit
 25 to the Committee on Veterans' Affairs of the Senate and

1 the Committee on Veterans' Affairs of the House of Rep-
2 resentatives a report on the compliance of the Secretary
3 with the requirements of this section.

4 **SEC. 3. AUDITS REGARDING SCHEDULING OF APPOINT-**
5 **MENTS AND MANAGEMENT OF CONSULTA-**
6 **TIONS FOR HEALTH CARE FROM DEPART-**
7 **MENT OF VETERANS AFFAIRS.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of the enactment of this Act, and not less frequently
10 than annually thereafter, the Secretary of Veterans Af-
11 fairs shall provide for the conduct of facility-level audits
12 of the scheduling of appointments and the management
13 of consultations for health care under the laws adminis-
14 tered by the Secretary.

15 (b) ELEMENTS.—Each audit conducted under sub-
16 section (a) shall include the following:

17 (1) With respect to each medical center of the
18 Department of Veterans Affairs, an assessment of
19 any scheduling or consultation management issues
20 at that medical center, including the following:

21 (A) An assessment of non-compliance with
22 policies of the Veterans Health Administration
23 relating to scheduling appointments and man-
24 aging consultations.

1 (B) An assessment of the extent to which
2 appointments or consultations are not timely
3 processed.

4 (C) A description of any backlogs in ap-
5 pointments or consultations that are awaiting
6 action.

7 (D) An assessment of whether consulta-
8 tions are appropriately processed.

9 (E) Data with respect to consultations as
10 follows:

11 (i) Consultations that were scheduled
12 within the request window.

13 (ii) Duplicate consultation requests.

14 (iii) Consultations that were discon-
15 tinued.

16 (iv) Delays in consultations.

17 (v) Consultations that were not prop-
18 erly closed or discontinued, including a de-
19 scription of remediation attempts.

20 (F) A review for accuracy with respect to
21 consultation management as follows:

22 (i) A review of the accuracy of the
23 type of service, either administrative or
24 clinical, that is inputted in the electronic
25 health record.

1 (ii) A review of the accuracy of the
2 type of consultation setting, either inpa-
3 tient or outpatient, that is inputted in the
4 electronic health record.

5 (iii) A review of the appropriateness
6 of the level of urgency of the consultation
7 that is inputted in the electronic health
8 record.

9 (iv) A review of any delayed or unre-
10 solved consultations.

11 (2) An identification of such recommendations
12 for corrective action as the Secretary considers nec-
13 essary, including additional training, increased per-
14 sonnel, and other resources.

15 (3) A certification that the director of each
16 medical center of the Department is in compliance
17 with the processes and requirements described in
18 section 2(a) and such other requirements relating to
19 the scheduling of appointments and management of
20 consultations as the Secretary considers appropriate.

21 (4) With respect to referrals for health care be-
22 tween health care providers or facilities of the De-
23 partment, a measurement of, for each medical facil-
24 ity of the Department, the time it takes from the
25 date that a clinician of the Department determines

1 that a veteran requires care from another health
2 care provider or facility to each of the following:

3 (A) The date that the referral for care is
4 sent to the other health care provider or facil-
5 ity.

6 (B) The date that the other health care
7 provider or facility accepts the referral.

8 (C) The date that the appointment with
9 the other health care provider or at the other
10 facility is made.

11 (D) The date of the appointment with the
12 other health care provider or at the other facil-
13 ity.

14 (E) Any other step that the Secretary de-
15 termines necessary to measure.

16 (c) CONDUCT OF AUDIT BY THIRD PARTY.—Each
17 audit conducted under subsection (a) with respect to a
18 medical facility of the Department shall be conducted by
19 an individual or entity that is not affiliated with the facil-
20 ity.

21 (d) TRANSMITTAL TO VHA.—Each audit conducted
22 under subsection (a) shall be transmitted to the Under
23 Secretary for Health of the Department so that the Under
24 Secretary can—

1 (1) strengthen oversight of the scheduling of
2 appointments and management of consultations
3 throughout the Department;

4 (2) monitor national policy on such scheduling
5 and management;

6 (3) determine if a mobile deployment team fur-
7 nished under the pilot program established under
8 section 402 of the VA MISSION Act of 2018 (Pub-
9 lic Law 115–182) is warranted; and

10 (4) develop a remediation plan to address issues
11 uncovered by those audits.

12 (c) ANNUAL REPORT.—

13 (1) IN GENERAL.—Not later than December 31
14 of each year, the Secretary shall submit to the Com-
15 mittee on Veterans’ Affairs of the Senate and the
16 Committee on Veterans’ Affairs of the House of
17 Representatives a report on the audits conducted
18 under subsection (a) during the year ending on that
19 date.

20 (2) ELEMENTS.—The Secretary shall include in
21 each report required by paragraph (1)—

22 (A) a description of the audits conducted
23 under subsection (a) with respect to each facil-
24 ity of the Department;

(B) an assessment of how the Department strengthened oversight of the scheduling of appointments and management of consultations at that facility as a result of those audits;

(C) an assessment of how those audits informed the national policy of the Department with respect to the scheduling of appointments and management of consultations; and

(D) a description of any remediation plans to address issues raised by those audits that were completed.

SEC. 4. ADMINISTRATION OF NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) CERTIFICATION OF PROPER ADMINISTRATION.—

(1) REVIEW.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a review of the staffing, training, and other requirements necessary to administer section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note), section 1703 of title 38, United States Code (as in effect on the date specified in section 101(b) of the Caring for Our Veterans Act of 2018 (title I of Public Law 115–182)), and

1 any other community care program of the De-
2 partment of Veterans Affairs.

3 (B) ELEMENTS.—The review conducted
4 under paragraph (1) shall include, with respect
5 to each medical facility of the Department—

6 (i) an assessment of the type of posi-
7 tions required to be staffed at the medical
8 facility;

9 (ii) the number of such positions au-
10 thorized;

11 (iii) the number of such positions
12 filled; and

13 (iv) the number of additional such po-
14 sitions required to be authorized.

15 (2) CERTIFICATION.—Not later than 180 days
16 after the date of the enactment of this Act, and
17 every 180 days thereafter, the Secretary of Veterans
18 Affairs shall submit to the Committee on Veterans'
19 Affairs of the Senate and the Committee on Vet-
20 erans' Affairs of the House of Representatives the
21 results of the review conducted under paragraph (1),
22 including a certification that all staffing, training,
23 and other requirements described in paragraph
24 (1)(A) are fulfilled.

25 (b) SCHEDULING OF APPOINTMENTS.—

1 (1) ~~IN GENERAL.~~—The Secretary shall be re-
 2 sponsible for ensuring that appointments for health
 3 care from non-Department health care providers
 4 under the laws administered by the Secretary are
 5 scheduled.

6 (2) ~~TIMELINESS GOALS.~~—Not later than 30
 7 days after the date of the enactment of this Act, the
 8 Secretary shall establish timeliness goals for each
 9 step in scheduling an appointment for health care
 10 from a non-Department health care provider set
 11 forth under subparagraphs (A) through (F) of para-
 12 graph (3).

13 (3) ~~MEASUREMENT OF TIMELINESS FOR EACH~~
 14 ~~FACILITY.~~—Not later than 120 days after the date
 15 of the enactment of this Act, the Secretary shall
 16 measure, for each medical facility of the Depart-
 17 ment, the time it takes from the date that a clinician
 18 of the Department determines that a veteran re-
 19 quires care from a non-Department health care pro-
 20 vider to each of the following:

21 (A) The date that the referral for care is
 22 sent to the non-Department health care pro-
 23 vider.

24 (B) The date that the non-Department
 25 health care provider accepts the referral.

1 (C) The date that the appointment with
2 the non-Department health care provider is
3 made.

4 (D) The date that the appointment with
5 the non-Department health care provider oc-
6 curs.

7 (E) The date that the referral to the non-
8 Department health care provider is completed.

9 (F) Any other step that the Secretary de-
10 termines necessary to measure.

11 (4) PUBLICATION OF DATA.—

12 (A) IN GENERAL.—Not later than one year
13 after the date of the enactment of this Act, the
14 Secretary shall publish the data measured
15 under paragraph (3), disaggregated by medical
16 facility, on a publicly available Internet website
17 of the Department.

18 (B) UPDATE.—Not less frequently than bi-
19 weekly, the Secretary shall update the data
20 published under subparagraph (A).

21 (c) COMPTROLLER GENERAL REPORT.—

22 (1) REVIEW.—Beginning not later than one
23 year after the date of the enactment of this Act, the
24 Comptroller General of the United States shall re-
25 view compliance by the Secretary with the require-

1 ments of this section, including a review of the valid-
 2 ity and reliability of data published by the Secretary
 3 under subsection (b)(4).

4 (2) COMPLETION.—Not later than three years
 5 after the date of the enactment of this Act, the
 6 Comptroller General shall submit to the Committee
 7 on Veterans' Affairs of the Senate and the Com-
 8 mittee on Veterans' Affairs of the House of Rep-
 9 resentatives the results of the review conducted
 10 under paragraph (1).

11 **SEC. 5. REQUESTS FOR MOBILE DEPLOYMENT TEAMS BY**
 12 **DIRECTORS OF MEDICAL CENTERS OF DE-**
 13 **PARTMENT OF VETERANS AFFAIRS.**

14 (a) IN GENERAL.—A director of a medical center of
 15 the Department of Veterans Affairs shall request from the
 16 Secretary of Veterans Affairs a mobile deployment team
 17 under the pilot program established under section 402 of
 18 the VA MISSION Act of 2018 (Public Law 115–182) if
 19 requirements of the Department under sections 2 and 4
 20 have not been met with respect to a facility under the ju-
 21 risdiction of the director.

22 (b) REPORT.—Not less frequently than once every
 23 180 days, the Secretary shall submit to the appropriate
 24 committees of Congress a report setting forth each request
 25 under subsection (a) during the period covered by the re-

1 port, including an explanation of why a mobile deployment
 2 team was or was not provided, as the case may be.

3 (c) ~~APPROPRIATE COMMITTEES OF CONGRESS DE-~~
 4 ~~FINED.~~—In this section, the term “appropriate commit-
 5 tees of Congress” means—

6 (1) the Committee on Veterans’ Affairs and the
 7 Committee on Appropriations of the Senate; and

8 (2) the Committee on Veterans’ Affairs and the
 9 Committee on Appropriations of the House of Rep-
 10 resentatives.

11 **SEC. 6. EXAMINATION OF HEALTH CARE CONSULTATION**
 12 **AND SCHEDULING POSITIONS OF DEPART-**
 13 **MENT OF VETERANS AFFAIRS.**

14 (a) ~~PROPER GRADING OF CONSULTATION AND~~
 15 ~~SCHEDULING POSITIONS.~~—

16 (1) ~~IN GENERAL.~~—The Secretary of Veterans
 17 Affairs shall conduct an examination of health care
 18 positions of the Department of Veterans Affairs to
 19 determine whether health care positions involved in
 20 the consultation and scheduling processes are appro-
 21 priately graded.

22 (2) ~~CONSULTATION.~~—In conducting the exam-
 23 ination under paragraph (1), the Secretary shall
 24 consult with health care staffing experts in the Fed-
 25 eral Government and the private sector.

1 ~~(3) SUBMITTAL TO CONGRESS.—~~Not later than
 2 120 days after the date of the enactment of this Act,
 3 the Secretary shall submit to the appropriate com-
 4 mittees of Congress the results of the examination
 5 conducted under paragraph (1).

6 ~~(b) REVIEW OF ONBOARDING PROCESS.—~~Not later
 7 than 180 days after the date of the enactment of this Act,
 8 the Secretary shall submit to the appropriate committees
 9 of Congress—

10 ~~(1) a review of the onboarding process of indi-~~
 11 viduals in health care positions described in sub-
 12 section (a), including how long it takes to hire those
 13 individuals; and

14 ~~(2) a description of any changes that the Sec-~~
 15 retary has made or plans to make to improve that
 16 process.

17 ~~(c) APPROPRIATE COMMITTEES OF CONGRESS DE-~~
 18 FINED.—In this section, the term “appropriate commit-
 19 tees of Congress” means—

20 ~~(1) the Committee on Veterans’ Affairs and the~~
 21 Committee on Appropriations of the Senate; and

22 ~~(2) the Committee on Veterans’ Affairs and the~~
 23 Committee on Appropriations of the House of Rep-
 24 resentatives.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Accountability in De-*
 3 *partment of Veterans Affairs Scheduling and Consult Man-*
 4 *agement Act”.*

5 **SEC. 2. PROCESS AND REQUIREMENTS FOR SCHEDULING**
 6 **APPOINTMENTS FOR HEALTH CARE FROM DE-**
 7 **PARTMENT OF VETERANS AFFAIRS.**

8 (a) *PROCESS AND REQUIREMENTS.*—

9 (1) *IN GENERAL.*—*Not later than 60 days after*
 10 *the date of the enactment of this Act, the Secretary of*
 11 *Veterans Affairs shall—*

12 (A) *establish a process and requirements for*
 13 *scheduling appointments for health care from the*
 14 *Department of Veterans Affairs; and*

15 (B) *submit to the Committee on Veterans’*
 16 *Affairs of the Senate and the Committee on Vet-*
 17 *erans’ Affairs of the House of Representatives a*
 18 *description of such process and requirements.*

19 (2) *ELEMENTS OF DESCRIPTION.*—*The descrip-*
 20 *tion of the process and requirements for scheduling*
 21 *appointments for health care from the Department re-*
 22 *quired to be submitted under paragraph (1)(B) shall*
 23 *include—*

24 (A) *information on how such process and*
 25 *requirements take into account the access stand-*

1 *ards established under section 1703B of title 38,*
 2 *United States Code; and*

3 *(B) the maximum number of days allowed*
 4 *to complete each step of such process.*

5 *(3) PERIODIC REVISION.—*

6 *(A) IN GENERAL.—The Secretary may re-*
 7 *vise the process and requirements required under*
 8 *paragraph (1) as the Secretary considers nec-*
 9 *essary.*

10 *(B) SUBMITTAL TO CONGRESS.—Not later*
 11 *than 30 days before revising the process and re-*
 12 *quirements under subparagraph (A), the Sec-*
 13 *retary shall submit to the Committee on Vet-*
 14 *erans' Affairs of the Senate and the Committee*
 15 *on Veterans' Affairs of the House of Representa-*
 16 *tives a description of such revised process and re-*
 17 *quirements, including a description of any modi-*
 18 *fications to the certification and training under*
 19 *subsection (b).*

20 *(b) CERTIFICATION AND TRAINING ON PROCESS AND*
 21 *REQUIREMENTS.—*

22 *(1) CERTIFICATION.—Not later than one year*
 23 *after the date of the enactment of this Act, the Sec-*
 24 *retary shall require individuals involved in the sched-*
 25 *uling of appointments for health care from the De-*

1 *partment, including schedulers, clinical coordinators,*
 2 *and supervisors, to certify to the Secretary that the*
 3 *individual understands the process and requirements*
 4 *established under subsection (a), including the max-*
 5 *imum number of days allowed to complete each step*
 6 *of such process.*

7 (2) *NEW EMPLOYEES.—The Secretary shall re-*
 8 *quire all employees hired by the Department on or*
 9 *after the date of the enactment of this Act who are to*
 10 *be involved in the scheduling of appointments for*
 11 *health care from the Department—*

12 (A) *to undergo training on the process and*
 13 *requirements established under subsection (a) as*
 14 *part of training for the position for which they*
 15 *have been hired; and*

16 (B) *to make the certification to the Sec-*
 17 *retary required under paragraph (1).*

18 (c) *METHOD TO MONITOR COMPLIANCE.—*

19 (1) *IN GENERAL.—Not later than 180 days after*
 20 *the date of the enactment of this Act, the Secretary*
 21 *shall establish or maintain a method or tool—*

22 (A) *to enable monitoring of the compliance*
 23 *of the Department with the process and require-*
 24 *ments established under subsection (a), including*
 25 *compliance with policies of the Department re-*

1 *lating to the maximum number of days allowed*
2 *to complete each step of such process; and*

3 *(B) to ensure that each medical facility of*
4 *the Department complies with such process and*
5 *requirements.*

6 *(2) USE THROUGHOUT DEPARTMENT.—*

7 *(A) IN GENERAL.—The Secretary shall re-*
8 *quire each medical facility of the Department to*
9 *use the method or tool described in paragraph*
10 *(1).*

11 *(B) REPORT.—Not later than one year after*
12 *the date of the enactment of this Act, the Sec-*
13 *retary shall submit to the Committee on Vet-*
14 *erans' Affairs of the Senate and the Committee*
15 *on Veterans' Affairs of the House of Representa-*
16 *tives a report indicating whether each medical*
17 *facility of the Department is using the method or*
18 *tool described in paragraph (1).*

19 *(d) COMPTROLLER GENERAL REPORT.—Not later than*
20 *two years after the date of the enactment of this Act, the*
21 *Comptroller General of the United States shall submit to*
22 *the Committee on Veterans' Affairs of the Senate and the*
23 *Committee on Veterans' Affairs of the House of Representa-*
24 *tives a report on the compliance of the Secretary with the*
25 *requirements of this section.*

1 **SEC. 3. AUDITS REGARDING SCHEDULING OF APPOINT-**
 2 **MENTS AND MANAGEMENT OF CONSULTA-**
 3 **TIONS FOR HEALTH CARE FROM DEPART-**
 4 **MENT OF VETERANS AFFAIRS.**

5 (a) *IN GENERAL.*—Not later than each of one year and
 6 two years after the date of the enactment of this Act, the
 7 Secretary of Veterans Affairs shall provide for the conduct
 8 of a facility-level audit of the scheduling of appointments
 9 and the management of consultations for health care under
 10 the laws administered by the Secretary.

11 (b) *APPLICATION.*—

12 (1) *FIRST AUDIT.*—The first audit required
 13 under subsection (a) shall apply to each medical facil-
 14 ity of the Department of Veterans Affairs.

15 (2) *SECOND AUDIT.*—The second audit required
 16 under subsection (a) shall apply to only those medical
 17 facilities of the Department that did not fare well in
 18 the first audit and are in need of corrective action,
 19 as determined by the Secretary.

20 (c) *ELEMENTS.*—Each audit conducted under sub-
 21 section (a) shall include the following:

22 (1) *With respect to each medical center of the*
 23 *Department covered by the audit, an assessment of*
 24 *any scheduling or consultation management issues at*
 25 *that medical center, including the following:*

1 (A) *An assessment of noncompliance with*
2 *policies of the Veterans Health Administration*
3 *relating to scheduling appointments and man-*
4 *aging consultations.*

5 (B) *An assessment of the extent to which*
6 *appointments or consultations are not timely*
7 *processed.*

8 (C) *A description of any backlogs in ap-*
9 *pointments or consultations that are awaiting*
10 *action.*

11 (D) *An assessment of whether consultations*
12 *are appropriately processed.*

13 (E) *Data with respect to consultations as*
14 *follows:*

15 (i) *Consultations that were scheduled*
16 *within the request window.*

17 (ii) *Duplicate consultation requests.*

18 (iii) *Consultations that were discon-*
19 *tinued.*

20 (iv) *Delays in consultations.*

21 (v) *Consultations that were not prop-*
22 *erly closed or discontinued, including a de-*
23 *scription of remediation attempts.*

24 (F) *A review for accuracy with respect to*
25 *consultation management as follows:*

1 (i) *A review of the accuracy of the type*
2 *of service, either administrative or clinical,*
3 *that is inputted in the electronic health*
4 *record.*

5 (ii) *A review of the accuracy of the*
6 *type of consultation setting, either impa-*
7 *tient or outpatient, that is inputted in the*
8 *electronic health record.*

9 (iii) *A review of the appropriateness of*
10 *the level of urgency of the consultation that*
11 *is inputted in the electronic health record.*

12 (iv) *A review of any delayed or unre-*
13 *solved consultations.*

14 (2) *An identification of such recommendations*
15 *for corrective action as the Secretary considers nec-*
16 *essary, including additional training, increased per-*
17 *sonnel, and other resources.*

18 (3) *A certification that the director of each med-*
19 *ical center of the Department covered by the audit is*
20 *in compliance with the process and requirements es-*
21 *tablished under section 2(a) and such other require-*
22 *ments relating to the scheduling of appointments and*
23 *management of consultations as the Secretary con-*
24 *siders appropriate.*

1 (4) *With respect to referrals for health care be-*
 2 *tween health care providers or facilities of the Depart-*
 3 *ment, a measurement of, for each medical facility of*
 4 *the Department covered by the audit, the time it takes*
 5 *from the date that a clinician of the Department de-*
 6 *termines that a veteran requires care from another*
 7 *health care provider or facility to each of the fol-*
 8 *lowing:*

9 (A) *The date that the referral for care is*
 10 *sent to the other health care provider or facility.*

11 (B) *The date that the other health care pro-*
 12 *vider or facility accepts the referral.*

13 (C) *The date that the appointment with the*
 14 *other health care provider or at the other facility*
 15 *is made.*

16 (D) *The date of the appointment with the*
 17 *other health care provider or at the other facility.*

18 (E) *Any other step that the Secretary deter-*
 19 *mines necessary to measure.*

20 (d) *CONDUCT OF AUDIT BY THIRD PARTY.—Each*
 21 *audit conducted under subsection (a) with respect to a med-*
 22 *ical facility of the Department shall be conducted by an*
 23 *individual or entity that is not affiliated with the facility.*

24 (e) *TRANSMITTAL TO VHA.—Each audit conducted*
 25 *under subsection (a) shall be transmitted to the Under Sec-*

1 retary for Health of the Department so that the Under Sec-
 2 retary can—

3 (1) *strengthen oversight of the scheduling of ap-*
 4 *pointments and management of consultations*
 5 *throughout the Department;*

6 (2) *monitor national policy on such scheduling*
 7 *and management; and*

8 (3) *develop a remediation plan to address issues*
 9 *uncovered by those audits.*

10 (f) *ANNUAL REPORT.*—

11 (1) *IN GENERAL.*—*Not later than December 31 of*
 12 *each year in which an audit is conducted under sub-*
 13 *section (a), the Secretary shall submit to the Com-*
 14 *mittee on Veterans' Affairs of the Senate and the*
 15 *Committee on Veterans' Affairs of the House of Rep-*
 16 *resentatives a report on the audit conducted during*
 17 *that year.*

18 (2) *ELEMENTS.*—*The Secretary shall include in*
 19 *each report required by paragraph (1)—*

20 (A) *a description of the audits conducted*
 21 *under subsection (a) with respect to each facility*
 22 *of the Department covered by such audits;*

23 (B) *an assessment of how the Department*
 24 *strengthened oversight of the scheduling of ap-*

pointments and management of consultations at that facility as a result of those audits;

(C) an assessment of how those audits informed the national policy of the Department with respect to the scheduling of appointments and management of consultations; and

(D) a description of any remediation plans to address issues raised by those audits that were completed.

SEC. 4. ADMINISTRATION OF NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) CERTIFICATION OF PROPER ADMINISTRATION OF NON-DEPARTMENT CARE.—

(1) REVIEW.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a review of the staffing, training, and other requirements necessary to administer section 1703 of title 38, United States Code.

(B) ELEMENTS.—The review conducted under subparagraph (A) shall include, with respect to each medical facility of the Department—

1 (i) *an assessment of the type of posi-*
 2 *tions required to be staffed at the medical*
 3 *facility;*

4 (ii) *the number of such positions au-*
 5 *thorized;*

6 (iii) *the number of such positions*
 7 *filled; and*

8 (iv) *the number of additional such po-*
 9 *sitions required to be authorized.*

10 (2) *SUBMITTAL TO CONGRESS.—Not later than*
 11 *180 days after the date of the enactment of this Act,*
 12 *and every 180 days thereafter, the Secretary shall*
 13 *submit to the Committee on Veterans' Affairs of the*
 14 *Senate and the Committee on Veterans' Affairs of the*
 15 *House of Representatives—*

16 (A) *the results of the review conducted*
 17 *under paragraph (1); and*

18 (B) *a certification that the Secretary has es-*
 19 *tablished all staffing, training, and other re-*
 20 *quirements required to be reviewed under such*
 21 *paragraph.*

22 (b) *SCHEDULING OF APPOINTMENTS.—*

23 (1) *IN GENERAL.—The Secretary shall be respon-*
 24 *sible for ensuring that appointments for health care*
 25 *from non-Department of Veterans Affairs health care*

1 providers under section 1703 of title 38, United
 2 States Code, are scheduled.

3 (2) *TIMELINESS GOALS.*—Not later than 30 days
 4 after the date of the enactment of this Act, the Sec-
 5 retary shall establish timeliness goals for each step in
 6 scheduling an appointment for health care from a
 7 non-Department health care provider set forth under
 8 subparagraphs (A) through (F) of paragraph (3).

9 (3) *MEASUREMENT OF TIMELINESS FOR EACH*
 10 *FACILITY.*—Not later than 120 days after the date of
 11 the enactment of this Act, the Secretary shall meas-
 12 ure, for each medical facility of the Department, the
 13 time it takes from the date that a clinician of the De-
 14 partment determines that a veteran requires care, or
 15 a veteran presents to the Department requesting care,
 16 from a non-Department health care provider to each
 17 of the following:

18 (A) The date that the referral for care is
 19 sent to a non-Department health care provider.

20 (B) The date that a non-Department health
 21 care provider accepts the referral.

22 (C) The date that the referral to a non-De-
 23 partment health care provider is completed.

24 (D) The date that an appointment with a
 25 non-Department health care provider is made.

1 (E) *The date that an appointment with a*
 2 *non-Department health care provider occurs.*

3 (F) *Any other step that the Secretary deter-*
 4 *mines necessary to measure.*

5 (4) *PUBLICATION OF DATA.—*

6 (A) *IN GENERAL.—Not later than one year*
 7 *after the date of the enactment of this Act, the*
 8 *Secretary shall publish the data measured under*
 9 *paragraph (3), disaggregated by medical facility,*
 10 *on a publicly available website of the Depart-*
 11 *ment.*

12 (B) *UPDATE.—Not less frequently than bi-*
 13 *weekly, the Secretary shall update the data pub-*
 14 *lished under subparagraph (A).*

15 (5) *METHOD TO MONITOR COMPLIANCE.—Not*
 16 *later than 180 days after the date of the enactment*
 17 *of this Act, the Secretary shall establish or maintain*
 18 *a method or tool—*

19 (A) *to enable monitoring of compliance by*
 20 *each medical facility of the Department with the*
 21 *timeliness goals established under paragraph (2);*
 22 *and*

23 (B) *to ensure that each medical facility of*
 24 *the Department complies such timeliness goals.*

25 (c) *COMPTROLLER GENERAL REPORT.—*

1 (1) *REVIEW.*—Beginning not later than one year
 2 after the date of the enactment of this Act, the Comp-
 3 troller General of the United States shall review com-
 4 pliance by the Secretary with the requirements of this
 5 section, including a review of the validity and reli-
 6 ability of data published by the Secretary under sub-
 7 section (b)(4).

8 (2) *REPORT.*—Not later than three years after
 9 the date of the enactment of this Act, the Comptroller
 10 General shall submit to the Committee on Veterans’
 11 Affairs of the Senate and the Committee on Veterans’
 12 Affairs of the House of Representatives the results of
 13 the review conducted under paragraph (1).

14 **SEC. 5. EXAMINATION OF HEALTH CARE CONSULTATION**
 15 **AND SCHEDULING POSITIONS OF DEPART-**
 16 **MENT OF VETERANS AFFAIRS.**

17 (a) *PROPER GRADING OF CONSULTATION AND SCHED-*
 18 *ULING POSITIONS.*—

19 (1) *IN GENERAL.*—The Secretary of Veterans Af-
 20 fairs shall conduct an examination of health care po-
 21 sitions of the Department of Veterans Affairs to deter-
 22 mine whether health care positions involved in the
 23 consultation and scheduling processes are appro-
 24 priately graded.

1 (2) *CONSULTATION.*—*In conducting the exam-*
 2 *ination under paragraph (1), the Secretary shall con-*
 3 *sult with health care staffing experts in the Federal*
 4 *Government and the private sector.*

5 (3) *SUBMITTAL TO CONGRESS.*—*Not later than*
 6 *120 days after the date of the enactment of this Act,*
 7 *the Secretary shall submit to the appropriate commit-*
 8 *tees of Congress the results of the examination con-*
 9 *ducted under paragraph (1).*

10 (b) *REVIEW OF ONBOARDING PROCESS.*—*Not later*
 11 *than 180 days after the date of the enactment of this Act,*
 12 *the Secretary shall submit to the appropriate committees*
 13 *of Congress—*

14 (1) *a review of the onboarding process of indi-*
 15 *viduals in health care positions described in sub-*
 16 *section (a), including how long it takes to hire those*
 17 *individuals; and*

18 (2) *a description of any changes that the Sec-*
 19 *retary has made or plans to make to improve that*
 20 *process.*

21 (c) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
 22 *FINED.*—*In this section, the term “appropriate committees*
 23 *of Congress” means—*

24 (1) *the Committee on Veterans’ Affairs and the*
 25 *Committee on Appropriations of the Senate; and*

- 1 (2) *the Committee on Veterans' Affairs and the*
- 2 *Committee on Appropriations of the House of Rep-*
- 3 *resentatives.*

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116TH CONGRESS
2D Session
S. 629

A BILL

To require the Secretary of Veterans Affairs to review the processes and requirements of the Department of Veterans Affairs for scheduling appointments for health care and conducting consultations under the laws administered by the Secretary, and for other purposes.

SEPTEMBER 15, 2020
Reported with an amendment