

109TH CONGRESS
1ST SESSION

H. R. 4046

To amend title 38, United States Code, to provide authority, in certain cases, for the Secretary of Veterans Affairs to provide care for the newborn children of veterans who have been provided maternity care by the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. MICHAUD introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide authority, in certain cases, for the Secretary of Veterans Affairs to provide care for the newborn children of veterans who have been provided maternity care by the Department of Veterans Affairs.

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. CARE FOR NEWBORN CHILDREN OF VETERANS**

4 **RECEIVING MATERNITY CARE.**

5 (a) **AUTHORITY TO PROVIDE NEWBORN INFANT**
6 **CARE.**—Subchapter VIII of chapter 17 of title 38, United

1 States Code, is amended by adding at the end the fol-
2 lowing new section:

3 **“§ 1786. Care for newborn children of veterans re-**
4 **ceiving maternity care**

5 “(a) **AUTHORITY.**—When a veteran who is enrolled
6 in the system of patient enrollment established under sec-
7 tion 1705 of this title is receiving maternity care from the
8 Department and gives birth to a child in a Department
9 facility, or in a non-Department facility in a case in which
10 the expenses of the care of the veteran are covered under
11 a Department contract, the Secretary may furnish care
12 to the newborn child, subject to subsections (b) and (c).

13 “(b) **CARE IN A DEPARTMENT FACILITY.**—In a case
14 in which a newborn child covered by subsection (a) is born
15 in a Department facility, care furnished to the child at
16 that facility shall be furnished without charge to the vet-
17 eran who gave birth to the child.

18 “(c) **CARE IN A NON-DEPARTMENT FACILITY.**—(1)
19 In a case in which a newborn child covered by subsection
20 (a) is born in a non-Department facility or is provided care
21 in a non-Department facility following birth in a Depart-
22 ment facility and transfer from that facility, the Secretary
23 shall provide for the payment of the cost of care and serv-
24 ices for the newborn child for which the veteran is person-

1 ally liable, subject to the regulations prescribed pursuant
2 to paragraph (3).

3 “(2) For purposes of paragraph (1), a veteran shall
4 be considered to be personally liable for an amount for
5 the cost of care and services furnished to a newborn child
6 only if—

7 “(A) the veteran is financially liable to the pro-
8 vider for such amount;

9 “(B) the newborn child has no eligibility for
10 coverage for care or services under a health-plan
11 contract determined, in the case of a health-plan
12 contract referred to in subparagraph (A), (B), or
13 (C) of section 1725(f)(2) of this title, without regard
14 to any requirement or limitation relating to eligi-
15 bility for care or services from any department or
16 agency of the United States); and

17 “(C) the veteran has no other contractual or
18 legal recourse against a third party that would, in
19 whole or in part, extinguish the veteran’s liability to
20 the provider for such amount.

21 “(3) The Secretary shall prescribe regulations to—

22 “(A) establish the maximum amount payable
23 under paragraph (1), which may not exceed the
24 amount payable for the same care and services
25 under the State plan for medical assistance approved

1 under title XIX of the Social Security Act of the
2 State in which the newborn child is born;

3 “(B) provide that in no event may a payment
4 under paragraph (1) include any amount for which
5 the veteran is not personally liable; and

6 “(C) delineate the scope of care and services for
7 which payment may be made under paragraph (1),
8 but in no case may such care and services be fur-
9 nished after the month following the month in which
10 the child is born.

11 “(4) Payment of an amount by the Secretary under
12 paragraph (1) on behalf of a veteran to a provider of care
13 and services to a newborn child delivered by that veteran
14 shall, unless rejected and refunded by the provider within
15 30 days of receipt, extinguish any liability on the part of
16 the veteran for the cost of such care and services.

17 “(5) In this subsection:

18 “(A) The term ‘health contract’ has the mean-
19 ing given that term in section 1725(f)(2) of this title
20 and includes a State child health plan approved
21 under title XXI of the Social Security Act (42
22 U.S.C. 1397 et seq.).

23 “(B) The term ‘third party’ has the meaning
24 given that term in section 1725(f)(3) of this title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by inserting
3 after the item relating to section 1785 the following new
4 item:

“1786. Care for newborn children of veterans receiving maternity care.”.

5 (c) EFFECTIVE DATE.—Section 1786 of title 38,
6 United States Code, as added by subsection (a), shall
7 apply to care furnished to newborn children born on or
8 after the date of the enactment of this Act.

9 (d) DEADLINE FOR REGULATIONS.—Regulations to
10 carry out section 1786 of title 38, United States Code,
11 as added by subsection (a), shall be prescribed by the Sec-
12 retary of Veterans Affairs not later than 180 days after
13 the date of the enactment of this Act.

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