

# Calendar No. 284

109TH CONGRESS  
1ST SESSION

# S. 1182

[Report No. 109-177]

To amend title 38, United States Code, to improve health care for veterans,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 7, 2005

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

NOVEMBER 10, 2005

Reported by Mr. CRAIG, with an amendment

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

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## A BILL

To amend title 38, United States Code, to improve health  
care for veterans, 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; REFERENCES TO TITLE 38,**  
4 **UNITED STATES CODE.**

5 (a) ~~SHORT TITLE.~~—This Act may be cited as the  
6 ~~“Veterans Health Care Act of 2005”.~~

1       (b) REFERENCES.—Except as otherwise expressly  
 2 provided, whenever in this Act an amendment or repeal  
 3 is expressed in terms of an amendment or repeal to a sec-  
 4 tion or other provision, the reference shall be considered  
 5 to be made to a section or other provision of title 38,  
 6 United States Code.

7 **SEC. 2. COPAYMENT EXEMPTION FOR HOSPICE CARE.**

8       Section 1710 is amended—

9           (1) in subsection (f)(1), by inserting “(other  
 10 than hospice care)” after “nursing home care”; and

11           (2) in subsection (g)(1), by inserting “(other  
 12 than hospice care)” after “medical services”.

13 **SEC. 3. NURSING HOME BED LEVELS; EXEMPTION FROM**  
 14 **EXTENDED CARE SERVICES COPAYMENTS**  
 15 **FOR FORMER POWS.**

16       Section 1710B is amended—

17           (1) by striking subsection (b);

18           (2) by redesignating subsections (c) through (e)  
 19 as subsections (b) through (d), respectively; and

20           (3) in subsection (b)(2), as redesignated—

21               (A) by redesignating subparagraphs (B)  
 22 and (C) as subparagraphs (C) and (D), respec-  
 23 tively; and

24               (B) by inserting after subparagraph (A)  
 25 the following:

1           “(B) to a veteran who is a former prisoner  
2           of war;”.

3 **SEC. 4. REIMBURSEMENT FOR CERTAIN VETERANS’ OUT-**  
4           **STANDING EMERGENCY TREATMENT EX-**  
5           **PENSES. .**

6           (a) ~~IN GENERAL.~~—Subchapter III of chapter 17 is  
7 amended by inserting after section 1725 the following:

8 **“§ 1725A. Reimbursement for emergency treatment**  
9           **expenses for which certain veterans re-**  
10           **main personally liable**

11           “(a)(1) Subject to subsection (c), the Secretary may  
12 reimburse a veteran described in subsection (b) for ex-  
13 penses resulting from emergency treatment furnished to  
14 the veteran in a non-Department facility for which the vet-  
15 eran remains personally liable.

16           “(2) In any case in which reimbursement is author-  
17 ized under subsection (a)(1), the Secretary, in the Sec-  
18 retary’s discretion, may, in lieu of reimbursing the vet-  
19 eran, make payment—

20           “(A) to a hospital or other health care provider  
21           that furnished the treatment; or

22           “(B) to the person or organization that paid for  
23           such treatment on behalf of the veteran.

24           “(b) A veteran referred to in subsection (a) is an indi-  
25           vidual who—

1           “(1) is enrolled in the health care system estab-  
2           lished under section 1705(a) of this title;

3           “(2) received care under this chapter during the  
4           24-month period preceding the furnishing of such  
5           emergency treatment;

6           “(3) is entitled to care or services under a  
7           health-plan contract that partially reimburses the  
8           cost of the veteran’s emergency treatment;

9           “(4) is financially liable to the provider of emer-  
10          gency care treatment for costs not covered by the  
11          veteran’s health-plan contract, including copayments  
12          and deductibles; and

13          “(5) is not eligible for reimbursement for med-  
14          ical care or services under section 1725 or 1728 of  
15          this title.

16          “(c)(1) Any amount paid by the Secretary under sub-  
17          section (a) shall exclude the amount of any payment the  
18          veteran would have been required to make to the United  
19          States under this chapter if the veteran had received the  
20          emergency treatment from the Department.

21          “(2) The Secretary may not provide reimbursement  
22          under this section with respect to any item or service—

23                 “(A) provided or for which payment has been  
24                 made, or can reasonably be expected to be made,  
25                 under the veteran’s health-plan contract; or

1           ~~“(B) for which payment has been made or can~~  
2           ~~reasonably be expected to be made by a third party.~~

3           ~~“(3)(A) Payment by the Secretary under this section~~  
4           ~~on behalf of a veteran to a provider of emergency treat-~~  
5           ~~ment shall, unless rejected and refunded by the provider~~  
6           ~~within 30 days of receipt, extinguish any liability on the~~  
7           ~~part of the veteran for that treatment.~~

8           ~~“(B) The absence of a contract or agreement between~~  
9           ~~the Secretary and the provider, any provision of a contract~~  
10          ~~or agreement, or an assignment to the contrary shall not~~  
11          ~~operate to modify, limit, or negate the requirement under~~  
12          ~~subparagraph (A).~~

13          ~~“(4) In accordance with regulations prescribed by the~~  
14          ~~Secretary, the Secretary shall—~~

15                 ~~“(A) establish criteria for determining the~~  
16                 ~~amount of reimbursement (which may include a~~  
17                 ~~maximum amount) payable under this section; and~~

18                 ~~“(B) delineate the circumstances under which~~  
19                 ~~such payment may be made, including requirements~~  
20                 ~~for requesting reimbursement.~~

21          ~~“(d)(1) In accordance with regulations prescribed by~~  
22          ~~the Secretary, the United States shall have the inde-~~  
23          ~~pendent right to recover any amount paid under this sec-~~  
24          ~~tion if, and to the extent that, a third party subsequently~~  
25          ~~makes a payment for the same emergency treatment.~~

1       ~~“(2) Any amount paid by the United States to the~~  
2 ~~veteran, the veteran’s personal representative, successor,~~  
3 ~~dependents, or survivors, or to any other person or organi-~~  
4 ~~zation paying for such treatment shall constitute a lien~~  
5 ~~in favor of the United States against any recovery the~~  
6 ~~payee subsequently receives from a third party for the~~  
7 ~~same treatment.~~

8       ~~“(3) Any amount paid by the United States to the~~  
9 ~~provider that furnished the veteran’s emergency treatment~~  
10 ~~shall constitute a lien against any subsequent amount the~~  
11 ~~provider receives from a third party for the same emer-~~  
12 ~~gency treatment for which the United States made pay-~~  
13 ~~ment.~~

14       ~~“(4) The veteran or the veteran’s personal represent-~~  
15 ~~ative, successor, dependents, or survivors shall—~~

16             ~~“(A) ensure that the Secretary is promptly noti-~~  
17             ~~fied of any payment received from any third party~~  
18             ~~for emergency treatment furnished to the veteran;~~

19             ~~“(B) immediately forward all documents relat-~~  
20             ~~ing to a payment described in subparagraph (A);~~

21             ~~“(C) cooperate with the Secretary in an inves-~~  
22             ~~tigation of a payment described in subparagraph~~  
23             ~~(A); and~~

1           “(D) assist the Secretary in enforcing the  
2           United States right to recover any payment made  
3           under subsection (c)(3).

4           “(e) The Secretary may waive recovery of a payment  
5           made to a veteran under this section that is otherwise re-  
6           quired under subsection (d)(1) if the Secretary determines  
7           that such waiver would be in the best interest of the  
8           United States, as defined by regulations prescribed by the  
9           Secretary.

10          “(f) For purposes of this section—

11           “(1) the term ‘health-plan contract’ includes—

12                   “(A) an insurance policy or contract, med-  
13                   ical or hospital service agreement, membership  
14                   or subscription contract, or similar arrange-  
15                   ment, under which health services for individ-  
16                   uals are provided or the expenses of such serv-  
17                   ices are paid;

18                   “(B) an insurance program described in  
19                   section 1811 of the Social Security Act (42  
20                   U.S.C. 1395e) or established by section 1831 of  
21                   that Act (42 U.S.C. 1395j);

22                   “(C) a State plan for medical assistance  
23                   approved under title XIX of such Act (42  
24                   U.S.C. 1396 et seq.); and

1           ~~“(D) a workers’ compensation law or plan~~  
 2           described in section 1729(A)(2)(B) of this title;

3           ~~“(2) the term ‘third party’ means—~~

4           ~~“(A) a Federal entity;~~

5           ~~“(B) a State or political subdivision of a~~  
 6           State;

7           ~~“(C) an employer or an employer’s insur-~~  
 8           ance carrier; and

9           ~~“(D) a person or entity obligated to pro-~~  
 10          vide; or pay the expenses of, such emergency  
 11          treatment; and

12          ~~“(3) the term ‘emergency treatment’ has the~~  
 13          meaning given such term in section 1725 of this  
 14          title.”.

15          ~~(b) CLERICAL AMENDMENT.—~~The table of sections  
 16          at the beginning of chapter 17 is amended by inserting  
 17          after the item relating to section 1725 the following:

~~“Sec. 1725A. Reimbursement for emergency treatment expenses for which cer-~~  
 tain veterans remain personally liable.”.

18          **SEC. 5. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**  
 19          **ERANS RECEIVING MATERNITY CARE .**

20          (a) ~~IN GENERAL.—~~Subchapter VIII of chapter 17 is  
 21          amended by adding at the end the following:



1 **“§ 1786. Care for newborn children of women vet-**  
 2 **erans receiving maternity care**

3 “The Secretary may furnish care to a newborn child  
 4 of a woman veteran, who is receiving maternity care fur-  
 5 nished by the Department, for not more than 14 days  
 6 after the birth of the child if the veteran delivered the child  
 7 in a Department facility or in another facility pursuant  
 8 to a Department contract for the delivery services.”.

9 (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of chapter 17 is amended by inserting  
 11 after the item relating to section 1785 the following:

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

12 **SEC. 6. ENHANCEMENT OF PAYER PROVISIONS FOR**  
 13 **HEALTH CARE FURNISHED TO CERTAIN**  
 14 **CHILDREN OF VIETNAM VETERANS.**

15 (a) HEALTH CARE FOR SPINA BIFIDA AND ASSOCI-  
 16 ATED DISABILITIES.—Section 1803 is amended—

17 (1) by redesignating subsection (e) as sub-  
 18 section (d); and

19 (2) by inserting after subsection (b) the fol-  
 20 lowing:

21 “(c)(1) If a payment made by the Secretary for  
 22 health care under this section is less than the amount  
 23 billed for such health care, the health care provider or  
 24 agent of the health care provider may, in accordance with

1 paragraphs ~~(2)~~ through ~~(4)~~, seek payment for the dif-  
 2 ference between the amount billed and the amount paid  
 3 by the Secretary from a responsible third party to the ex-  
 4 tent that the provider or agent would be eligible to receive  
 5 payment for such health care from such third party.

6       ~~“(2) The health care provider or agent may not im-  
 7 pose any additional charge on the beneficiary who received  
 8 the health care, or the family of such beneficiary, for any  
 9 service or item for which the Secretary has made payment  
 10 under this section;~~

11       ~~“(3) The total amount of payment a health care pro-  
 12 vider or agent may receive for health care furnished under  
 13 this section may not exceed the amount billed to the Sec-  
 14 retary.~~

15       ~~“(4) The Secretary, upon request, shall disclose to  
 16 such third party information received for the purposes of  
 17 carrying out this section.”.~~

18       ~~(b) HEALTH CARE FOR BIRTH DEFECTS AND ASSO-  
 19 CIATED DISABILITIES.—Section 1813 is amended—~~

20           ~~(1) by redesignating subsection (e) as sub-  
 21 section (d); and~~

22           ~~(2) by inserting after subsection (b) the fol-  
 23 lowing:~~

24       ~~“(e)(1) If payment made by the Secretary for health  
 25 care under this section is less than the amount billed for~~

1 such health care, the health care provider or agent of the  
 2 health care provider may, in accordance with paragraphs  
 3 (2) through (4), seek payment for the difference between  
 4 the amount billed and the amount paid by the Secretary  
 5 from a responsible third party to the extent that the pro-  
 6 vider or agent would be eligible to receive payment for  
 7 such health care from such third party.

8       “(2) The health care provider or agent may not im-  
 9 pose any additional charge on the beneficiary who received  
 10 health care, or the family of such beneficiary, for any serv-  
 11 ice or item for which the Secretary has made payment  
 12 under this section;

13       “(3) The total amount of payment a health care pro-  
 14 vider or agent may receive for health care furnished under  
 15 this section may not exceed the amount billed to the Sec-  
 16 retary; and

17       “(4) The Secretary, upon request, shall disclose to  
 18 such third party information received for the purposes of  
 19 carrying out this section.”

20 **SEC. 7. IMPROVEMENTS TO HOMELESS PROVIDERS GRANT**  
 21 **AND PER DIEM PROGRAM.**

22       (a) **PERMANENT AUTHORITY.**—Section 2011 (a) is  
 23 amended—

24               (1) in paragraph (1), by striking “(1)”; and

25               (2) by striking paragraph (2).

1       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 2013 is amended to read as follows:

3 **“§ 2013. Authorization of appropriations**

4       “There are authorized to be appropriated  
5 \$130,000,000 for fiscal year 2006 and each subsequent  
6 fiscal year to carry out this subchapter.”.

7 **SEC. 8. MARRIAGE AND FAMILY THERAPISTS.**

8       (a) QUALIFICATIONS.—Section 7402(b) is amend-  
9 ed—

10           (1) by redesignating paragraph (10) as para-  
11 graph (11); and

12           (2) by inserting after paragraph (9) the fol-  
13 lowing:

14       “(10) MARRIAGE AND FAMILY THERAPIST.—To be  
15 eligible to be appointed to a marriage and family therapist  
16 position, a person must—

17           “(A) hold a master’s degree in marriage and  
18 family therapy, or a comparable degree in mental  
19 health, from a college or university approved by the  
20 Secretary; and

21           “(B) be licensed or certified to independently  
22 practice marriage and family therapy in a State, ex-  
23 cept that the Secretary may waive the requirement  
24 of licensure or certification for an individual mar-  
25 riage and family therapist for a reasonable period of

1 time recommended by the Under Secretary for  
2 Health.”.

3 (b) REPORT ON MARRIAGE AND FAMILY THERAPY  
4 WORKLOAD.—

5 (1) IN GENERAL.—Not later than 90 days after  
6 the date of enactment of this Act, the Under Sec-  
7 retary for Health, Department of Veterans Affairs,  
8 shall submit to the Committee on Veterans’ Affairs  
9 of the Senate and the Committee on Veterans’ Af-  
10 fairs of the House of Representatives a report on the  
11 provisions of post-traumatic stress disorder treat-  
12 ment by marriage and family therapists.

13 (2) CONTENTS.—The report submitted under  
14 paragraph (1) shall include—

15 (A) the actual and projected workloads in  
16 facilities of the Veterans Readjustment Coun-  
17 seling Service and the Veterans Health Admin-  
18 istration for the provision of marriage and fam-  
19 ily counseling for veterans diagnosed with, or  
20 otherwise in need of treatment for, post-trau-  
21 matic stress disorder;

22 (B) the resources available and needed to  
23 support the workload projections described in  
24 subparagraph (A);

1           (C) an assessment by the Under Secretary  
2           for Health of the effectiveness of treatment by  
3           marriage and family therapists; and

4           (D) recommendations, if any, for improve-  
5           ments in the provision of such counseling treat-  
6           ment.

7   **SEC. 9. PAY COMPARABILITY FOR CHIEF NURSING OFFI-**  
8           **CER, OFFICE OF NURSING SERVICES.**

9           Section 7404 is amended—

10           (1) in subsection (d), by striking “subchapter  
11           III” and inserting “paragraph (e), subchapter III,”;  
12           and

13           (2) by adding at the end the following:

14           “(e) The position of Chief Nursing Officer, Office of  
15           Nursing Services, shall be exempt from the provisions of  
16           section 7451 of this title and shall be paid at a rate not  
17           to exceed the maximum rate established for the Senior Ex-  
18           ecutive Service under section 5382 of title 5 United States  
19           Code, as determined by the Secretary.”.

20   **SEC. 10. REPEAL OF COST COMPARISON STUDIES PROHIBI-**  
21           **TION.**

22           Section 8110(a) is amended—

23           (1) by striking paragraph (5); and

24           (2) by redesignating paragraph (6) as para-  
25           graph (5).

1 **SEC. 11. IMPROVEMENTS AND EXPANSION OF MENTAL**  
2 **HEALTH SERVICES.**

3 (a) **IN GENERAL.**—The Secretary of Veterans affairs  
4 shall—

5 (1) expand the number of clinical treatment  
6 teams principally dedicated to the treatment of post-  
7 traumatic stress disorder in medical facilities of the  
8 Department of Veterans Affairs;

9 (2) expand and improve the services available to  
10 diagnose and treat substance abuse;

11 (3) expand and improve tele-health initiatives to  
12 provide better access to mental health services in  
13 areas of the country in which the Secretary deter-  
14 mines that a need for such services exist due to the  
15 distance of such locations from an appropriate facil-  
16 ity of the Department of Veterans Affairs;

17 (4) improve education programs available to  
18 primary care delivery professionals and dedicate  
19 such programs to recognize, treat, and clinically  
20 manage veterans with mental health care needs;

21 (5) expand the delivery of mental health serv-  
22 ices in community-based outpatient clinics of the De-  
23 partment of Veterans Affairs in which such services  
24 are not available as of the date of enactment of this  
25 Act; and

1           (6) expand and improve the Mental Health In-  
2           tensive Case Management Teams for the treatment  
3           and clinical case management of veterans with seri-  
4           ous or chronic mental illness.

5           (b) AUTHORIZATION OF APPROPRIATIONS.—There  
6           are authorized to be appropriated in each of fiscal years  
7           2006 and 2007, \$95,000,000 to improve and expand the  
8           treatment services and options available to veterans in  
9           need of mental health treatment from the Department of  
10          Veterans Affairs, of which—

11           (1) \$5,000,000 shall be allocated to carry out  
12          subsection (a)(1);

13           (2) \$50,000,000 shall be allocated to carry out  
14          subsection (a)(2);

15           (3) \$10,000,000 shall be allocated to carry out  
16          subsection (a)(3);

17           (4) \$1,000,000 shall be allocated to carry out  
18          subsection (a)(4);

19           (5) \$20,000,000 shall be allocated to carry out  
20          subsection (a)(5); and

21           (6) \$5,000,000 shall be allocated to carry out  
22          subsection (a)(6).



1 **SEC. 12. DATA SHARING IMPROVEMENTS.**

2 Notwithstanding any other provision of law, the De-  
3 partment of Veterans Affairs and the Department of De-  
4 fense may exchange protected health information for—

5 (1) patients receiving treatment from the De-  
6 partment of Veterans Affairs; or

7 (2) individuals who may receive treatment from  
8 the Department of Veterans Affairs in the future,  
9 including all current and former members of the  
10 Armed Services.

11 **SEC. 13. EXPANSION OF NATIONAL GUARD OUTREACH PRO-**  
12 **GRAM.**

13 (a) **REQUIREMENT.**—The Secretary of Veterans Af-  
14 fairs shall expand the total number of personal employed  
15 by the Department of Veterans Affairs as part of the Re-  
16 adjustment Counseling Service’s Global War on Terrorism  
17 Outreach Program (referred to in this section as the “Pro-  
18 gram”).

19 (b) **COORDINATION.**—In carrying out subsection (a),  
20 the Secretary shall coordinate participation in the Pro-  
21 gram by appropriate employees of the Veterans Benefits  
22 Administration and the Veterans Health Administration.

23 (c) **INFORMATION AND ASSESSMENTS.**—The Sec-  
24 retary shall ensure that—

1           (1) all appropriate health, education, and bene-  
2           fits information is available to returning members of  
3           the National Guard; and

4           (2) proper assessments of the needs in each of  
5           these areas is made by the Department of Veterans  
6           Affairs.

7           (d) **COLLABORATION.**—The Secretary of Veterans  
8           Affairs shall collaborate with appropriate State National  
9           Guard officials and provide such officials with any assets  
10          or services of the Department of Veterans Affairs that the  
11          Secretary determines to be necessary to carry out the  
12          Global War on Terrorism Outreach Program.

13          **SEC. 14. EXPANSION OF TELE-HEALTH SERVICES.**

14          (a) **IN GENERAL.**—The Secretary shall increase the  
15          number of Veterans Readjustment Counseling Service fa-  
16          cilities capable of providing health services and counseling  
17          through tele-health linkages with facilities of the Veterans  
18          Health Administration.

19          (b) **PLAN.**—The Secretary shall submit to the Com-  
20          mittee on Veterans' Affairs of the Senate and the Com-  
21          mittee on Veterans' Affairs of the House of Representa-  
22          tives a plan to implement the requirement under sub-  
23          section (a), which shall describe the facilities that will have  
24          such capabilities at the end of each of fiscal years 2005,  
25          2006, and 2007.

1 **SEC. 15. MENTAL HEALTH DATA SOURCES REPORT.**

2 (a) **IN GENERAL.**—Not less than 180 days after the  
 3 date of enactment of this Act, the Secretary of Veterans  
 4 Affairs shall submit a report to the Committee on Vet-  
 5 erans' Affairs of the Senate and the Committee on Vet-  
 6 erans' Affairs of the House of Representatives describing  
 7 the mental health data maintained by the Department of  
 8 Veterans Affairs.

9 (b) **CONTENTS.**—The report submitted under sub-  
 10 section (a) shall include—

11 (1) a comprehensive list of the sources of all  
 12 such data, including the geographic locations of fa-  
 13 cilities of the Department of Veterans Affairs main-  
 14 taining such data;

15 (2) an assessment of the limitations or advan-  
 16 tages to maintaining the current data configuration  
 17 and locations; and

18 (3) any recommendations, if any, for improving  
 19 the collection, use, and location of mental health  
 20 data maintained by the Department of Veterans Af-  
 21 fairs.

22 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**  
 23 **UNITED STATES CODE; TABLE OF CONTENTS.**

24 (a) **SHORT TITLE.**—*This Act may be cited as the “Vet-*  
 25 *erans Health Care Act of 2005”.*

1           (b) *REFERENCES.*—*Except as otherwise expressly pro-*  
 2 *vided, whenever in this Act an amendment or repeal is ex-*  
 3 *pressed in terms of an amendment or repeal to a section*  
 4 *or other provision, the reference shall be considered to be*  
 5 *made to a section or other provision of title 38, United*  
 6 *States Code.*

7           (c) *TABLE OF CONTENTS.*—*The table of contents for*  
 8 *this Act is as follows:*

- Sec. 1. Short title; references to title 38, United States Code; table of contents.*
- Sec. 2. Care for newborn children of women veterans receiving maternity care.*
- Sec. 3. Enhancement of payer provisions for health care furnished to certain children of Vietnam veterans.*
- Sec. 4. Improvements to homeless veterans service providers programs.*
- Sec. 5. Additional mental health providers.*
- Sec. 6. Pay comparability for Chief Nursing Officer, Office of Nursing Services.*
- Sec. 7. Repeal of cost comparison studies prohibition.*
- Sec. 8. Improvements and expansion of mental health services.*
- Sec. 9. Data sharing improvements.*
- Sec. 10. Expansion of National Guard Outreach Program.*
- Sec. 11. Expansion of tele-health services.*
- Sec. 12. Mental health data sources report.*
- Sec. 13. Strategic plan for long-term care.*
- Sec. 14. Blind rehabilitation outpatient specialists.*
- Sec. 15. Compliance report.*
- Sec. 16. Health care and services for veterans affected by Hurricane Katrina.*
- Sec. 17. Reimbursement for certain veterans' outstanding emergency treatment expenses.*

9   **SEC. 2. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**  
 10                                   **ERANS RECEIVING MATERNITY CARE.**

11           (a) *IN GENERAL.*—*Subchapter VIII of chapter 17 is*  
 12 *amended by adding at the end the following:*

13   **“§ 1786. Care for newborn children of women veterans**  
 14                                   **receiving maternity care**

15           *“The Secretary may furnish care to a newborn child*  
 16 *of a woman veteran, who is receiving maternity care fur-*

1 nished by the Department, for not more than 14 days after  
 2 the birth of the child if the veteran delivered the child in  
 3 a Department facility or in another facility pursuant to  
 4 a Department contract for the delivery services.”.

5 (b) *CLERICAL AMENDMENT.*—The table of sections at  
 6 the beginning of chapter 17 is amended by inserting after  
 7 the item relating to section 1785 the following:

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

8 **SEC. 3. ENHANCEMENT OF PAYER PROVISIONS FOR**  
 9 **HEALTH CARE FURNISHED TO CERTAIN CHIL-**  
 10 **DREN OF VIETNAM VETERANS.**

11 (a) *HEALTH CARE FOR SPINA BIFIDA AND ASSOCI-*  
 12 *ATED DISABILITIES.*—Section 1803 is amended—

13 (1) by redesignating subsection (c) as subsection  
 14 (d); and

15 (2) by inserting after subsection (b) the fol-  
 16 lowing:

17 “(c)(1) If a payment made by the Secretary for health  
 18 care under this section is less than the amount billed for  
 19 such health care, the health care provider or agent of the  
 20 health care provider may, in accordance with paragraphs  
 21 (2) through (4), seek payment for the difference between the  
 22 amount billed and the amount paid by the Secretary from  
 23 a responsible third party to the extent that the provider or

1 agent would be eligible to receive payment for such health  
2 care from such third party.

3 “(2) The health care provider or agent may not impose  
4 any additional charge on the beneficiary who received the  
5 health care, or the family of such beneficiary, for any serv-  
6 ice or item for which the Secretary has made payment  
7 under this section.

8 “(3) The total amount of payment a health care pro-  
9 vider or agent may receive for health care furnished under  
10 this section may not exceed the amount billed to the Sec-  
11 retary.

12 “(4) The Secretary, upon request, shall disclose to such  
13 third party information received for the purposes of car-  
14 rying out this section.”.

15 (b) HEALTH CARE FOR BIRTH DEFECTS AND ASSOCI-  
16 ATED DISABILITIES.—Section 1813 is amended—

17 (1) by redesignating subsection (c) as subsection  
18 (d); and

19 (2) by inserting after subsection (b) the fol-  
20 lowing:

21 “(c)(1) If payment made by the Secretary for health  
22 care under this section is less than the amount billed for  
23 such health care, the health care provider or agent of the  
24 health care provider may, in accordance with paragraphs  
25 (2) through (4), seek payment for the difference between the

1 *amount billed and the amount paid by the Secretary from*  
 2 *a responsible third party to the extent that the provider or*  
 3 *agent would be eligible to receive payment for such health*  
 4 *care from such third party.*

5       “(2) *The health care provider or agent may not impose*  
 6 *any additional charge on the beneficiary who received*  
 7 *health care, or the family of such beneficiary, for any serv-*  
 8 *ice or item for which the Secretary has made payment*  
 9 *under this section.*

10       “(3) *The total amount of payment a health care pro-*  
 11 *vider or agent may receive for health care furnished under*  
 12 *this section may not exceed the amount billed to the Sec-*  
 13 *retary.*

14       “(4) *The Secretary, upon request, shall disclose to such*  
 15 *third party information received for the purposes of car-*  
 16 *rying out this section.”.*

17 **SEC. 4. IMPROVEMENTS TO HOMELESS VETERANS SERVICE**

18                   **PROVIDERS PROGRAMS.**

19       (a) *PERMANENT AUTHORITY.*—*Section 2011 (a) is*  
 20 *amended—*

21                   (1) *in paragraph (1), by striking “(1)”;* and

22                   (2) *by striking paragraph (2).*

23       (b) *AUTHORIZATION OF APPROPRIATIONS.*—

1           (1) *COMPREHENSIVE SERVICE PROGRAMS FOR*  
 2           *HOMELESS VETERANS.*—Section 2013 is amended to  
 3           read as follows:

4    **“§2013. Authorization of appropriations**

5           *“There are authorized to be appropriated \$130,000,000*  
 6           *for fiscal year 2006 and each subsequent fiscal year to carry*  
 7           *out this subchapter.”.*

8           (2) *HOMELESS VETERAN SERVICE PROVIDER*  
 9           *TECHNICAL ASSISTANCE PROGRAM.*—Section 2064(b)  
 10          is amended to read as follows:

11          “(b) *AUTHORIZATION OF APPROPRIATIONS.*—There  
 12          are authorized to be appropriated \$1,000,000 for each of  
 13          fiscal years 2006 through 2011 to carry out the programs  
 14          under this section.”.

15    **SEC. 5. ADDITIONAL MENTAL HEALTH PROVIDERS.**

16          (a) *QUALIFICATIONS.*—Section 7402(b) is amended—

17                  (1) by redesignating paragraph (10) as para-  
 18                  graph (12); and

19                  (2) by inserting after paragraph (9) the fol-  
 20                  lowing:

21                  “(10) *MARRIAGE AND FAMILY THERAPIST.*—To be eli-  
 22                  gible to be appointed to a marriage and family therapist  
 23                  position, a person shall—

24                          “(A) hold a master’s degree in marriage and  
 25                          family therapy, or a comparable degree in mental



1       *health, from a college or university approved by the*  
 2       *Secretary; and*

3               “(B) *be licensed or certified to independently*  
 4       *practice marriage and family therapy in a State, ex-*  
 5       *cept that the Secretary may waive the requirement of*  
 6       *licensure or certification for an individual marriage*  
 7       *and family therapist for a reasonable period of time*  
 8       *recommended by the Under Secretary for Health.*

9               “(11) *LICENSED PROFESSIONAL MENTAL HEALTH*  
 10       *COUNSELORS.—To be eligible to be appointed to a licensed*  
 11       *professional mental health counselor position, a person*  
 12       *shall—*

13               “(A) *hold a master’s degree in mental health*  
 14       *counseling, or a related field, from a college or univer-*  
 15       *sity approved by the Secretary; and*

16               “(B) *be licensed or certified to independently*  
 17       *practice mental health counseling.”.*

18               “(b) *REPORT ON MARRIAGE AND FAMILY THERAPY*  
 19       *WORKLOAD.—*

20               “(1) *IN GENERAL.—Not later than 90 days after*  
 21       *the date of enactment of this Act, the Under Secretary*  
 22       *for Health, Department of Veterans Affairs, shall sub-*  
 23       *mit to the Committee on Veterans’ Affairs of the Sen-*  
 24       *ate and the Committee on Veterans’ Affairs of the*  
 25       *House of Representatives a report on the provisions of*

1 *post-traumatic stress disorder treatment by marriage*  
2 *and family therapists.*

3 (2) *CONTENTS.—The report submitted under*  
4 *paragraph (1) shall include—*

5 (A) *the actual and projected workloads in*  
6 *facilities of the Veterans Readjustment Coun-*  
7 *seling Service and the Veterans Health Adminis-*  
8 *tration for the provision of marriage and family*  
9 *counseling for veterans diagnosed with, or other-*  
10 *wise in need of treatment for, post-traumatic*  
11 *stress disorder;*

12 (B) *the resources available and needed to*  
13 *support the workload projections described in*  
14 *subparagraph (A);*

15 (C) *an assessment by the Under Secretary*  
16 *for Health of the effectiveness of treatment by*  
17 *marriage and family therapists; and*

18 (D) *recommendations, if any, for improve-*  
19 *ments in the provision of such counseling treat-*  
20 *ment.*

21 **SEC. 6. PAY COMPARABILITY FOR CHIEF NURSING OFFICER,**

22 **OFFICE OF NURSING SERVICES.**

23 *Section 7404 is amended—*

1           (1) *in subsection (d), by striking “subchapter III*  
 2 *and in” and inserting “subsection (e), subchapter III,*  
 3 *and”;* and

4           (2) *by adding at the end the following:*

5           *“(e) The position of Chief Nursing Officer, Office of*  
 6 *Nursing Services, shall be exempt from the provisions of sec-*  
 7 *tion 7451 of this title and shall be paid at a rate not to*  
 8 *exceed the maximum rate established for the Senior Execu-*  
 9 *tive Service under section 5382 of title 5 United States*  
 10 *Code, as determined by the Secretary.”.*

11 **SEC. 7. REPEAL OF COST COMPARISON STUDIES PROHIBI-**  
 12 **TION.**

13           *Section 8110(a) is amended—*

14           (1) *by striking paragraph (5); and*

15           (2) *by redesignating paragraph (6) as para-*  
 16 *graph (5).*

17 **SEC. 8. IMPROVEMENTS AND EXPANSION OF MENTAL**  
 18 **HEALTH SERVICES.**

19           (a) *FINDINGS.—Congress makes the following findings:*

20           (1) *Mental health treatment capacity at commu-*  
 21 *nity-based outpatient clinics remains inadequate and*  
 22 *inconsistent, despite the requirement under section*  
 23 *1706(c) of title 38, United States Code, that every*  
 24 *primary care health care facility of the Department*  
 25 *of Veterans Affairs develop and carry out a plan to*

1       *meet the mental health care needs of veterans who re-*  
2       *quire such services.*

3               *(2) In 2001, the minority staff of the Committee*  
4       *on Veterans' Affairs of the Senate conducted a survey*  
5       *of community-based outpatient clinics and found that*  
6       *there was no established systemwide baseline of ac-*  
7       *ceptable mental health service levels at such clinics.*

8               *(3) In February 2005, the Government Account-*  
9       *ability Office reported that the Department of Vet-*  
10       *erans Affairs had not fully met any of the 24 clinical*  
11       *care and education recommendations made in 2004*  
12       *by the Special Committee on Post-Traumatic Stress*  
13       *Disorder of the Under Secretary for Health, Veterans*  
14       *Health Administration.*

15       *(b) CLINICAL SERVICES AND EDUCATION.—*

16               *(1) IN GENERAL.—The Secretary of Veterans af-*  
17       *fairs shall—*

18                       *(A) expand the number of clinical treatment*  
19       *teams principally dedicated to the treatment of*  
20       *post-traumatic stress disorder in medical facili-*  
21       *ties of the Department of Veterans Affairs;*

22                       *(B) expand and improve the services avail-*  
23       *able to diagnose and treat substance abuse;*

24                       *(C) expand and improve tele-health initia-*  
25       *tives to provide better access to mental health*

1           *services in areas of the country in which the Sec-*  
2           *retary determines that a need for such services*  
3           *exist due to the distance of such locations from*  
4           *an appropriate facility of the Department of Vet-*  
5           *erans Affairs;*

6           *(D) improve education programs available*  
7           *to primary care delivery professionals and dedi-*  
8           *cate such programs to recognize, treat, and clini-*  
9           *cally manage veterans with mental health care*  
10          *needs;*

11          *(E) expand the delivery of mental health*  
12          *services in community-based outpatient clinics of*  
13          *the Department of Veterans Affairs in which*  
14          *such services are not available as of the date of*  
15          *enactment of this Act; and*

16          *(F) expand and improve the Mental Health*  
17          *Intensive Case Management Teams for the treat-*  
18          *ment and clinical case management of veterans*  
19          *with serious or chronic mental illness.*

20          (2) *AUTHORIZATION OF APPROPRIATIONS.—*

21          *There are authorized to be appropriated \$95,000,000*  
22          *in each of fiscal years 2006 and 2007 to improve and*  
23          *expand the treatment services and options available to*  
24          *veterans in need of mental health treatment from the*  
25          *Department of Veterans Affairs, of which—*

1           (A) \$5,000,000 shall be allocated to carry  
2 out paragraph (1)(A);

3           (B) \$50,000,000 shall be allocated to carry  
4 out paragraph (1)(B);

5           (C) \$10,000,000 shall be allocated to carry  
6 out paragraph (1)(C);

7           (D) \$1,000,000 shall be allocated to carry  
8 out paragraph (1)(D);

9           (E) \$20,000,000 shall be allocated to carry  
10 out paragraph (1)(E); and

11           (F) \$5,000,000 shall be allocated to carry  
12 out paragraph (1)(F).

13       (c) *REQUIRED CAPACITY FOR COMMUNITY-BASED*  
14 *OUTPATIENT CLINICS.—*

15           (1) *ACCOUNTABILITY FOR THE PROVISION OF*  
16 *MENTAL HEALTH SERVICES.—The Under Secretary*  
17 *shall take appropriate steps and provide necessary in-*  
18 *centives (including appropriate performance incen-*  
19 *tives) to ensure that each Regional Director of the*  
20 *Veterans Health Administration is encouraged to—*

21           (A) *prioritize the provision of mental health*  
22 *services to veterans in need of such services;*

23           (B) *foster collaborative working environ-*  
24 *ments among clinicians for the provision of men-*  
25 *tal health services; and*

1           (C) *conduct mental health consultations*  
2           *during primary care appointments.*

3           (2) *MENTAL HEALTH AND SUBSTANCE ABUSE*  
4           *SERVICES.—*

5           (A) *IN GENERAL.—The Secretary shall en-*  
6           *sure that each community-based outpatient clin-*  
7           *ic of the Department has the capacity to provide,*  
8           *or monitor the provision of, mental health serv-*  
9           *ices to enrolled veterans in need of such services.*

10          (B) *SETTINGS.—In carrying out subpara-*  
11          *graph (A), the Secretary shall ensure that mental*  
12          *health services are provided through—*

13               (i) *a community-based outpatient clin-*  
14               *ic of the Department by an employee of the*  
15               *Department;*

16               (ii) *referral to another facility of the*  
17               *Department;*

18               (iii) *contract with an appropriate*  
19               *mental health professional in the local com-*  
20               *munity; or*

21               (iv) *tele-mental health service.*

22          (3) *REPORTING REQUIREMENT.—Not later than*  
23          *January 31, 2008, the Secretary of Veterans Affairs*  
24          *shall submit a report to Congress that—*

1           (A) describes the status and availability of  
2           mental health services at community-based out-  
3           patient clinics;

4           (B) describes the substance of services avail-  
5           able at such clinics; and

6           (C) includes the ratios between mental  
7           health staff and patients at such clinics.

8           (d) *COOPERATION ON MENTAL HEALTH AWARENESS*  
9           *AND PREVENTION.*—

10           (1) *AGREEMENT.*—*The Secretary of Defense and*  
11           *the Secretary of Veterans Affairs shall enter into a*  
12           *Memorandum of Understanding—*

13           (A) *to ensure that separating service mem-*  
14           *bers receive standardized individual mental*  
15           *health and sexual trauma assessments as part of*  
16           *separation exams; and*

17           (B) *that includes the development of shared*  
18           *guidelines on how to conduct the assessments.*

19           (2) *ESTABLISHMENT OF JOINT VETERANS AF-*  
20           *FAIRS—DEPARTMENT OF DEFENSE WORKGROUP ON*  
21           *MENTAL HEALTH.*—

22           (A) *IN GENERAL.*—*Not later than 180 days*  
23           *after the date of enactment of this Act, the Sec-*  
24           *retary of Defense and the Secretary of Veterans*  
25           *Affairs shall establish a joint workgroup on men-*



1           *tal health, which shall be comprised of not less*  
2           *than 7 leaders in the field of mental health ap-*  
3           *pointed from their respective departments.*

4           *(B) STUDY.—Not later than 1 year after the*  
5           *establishment of the workgroup under subpara-*  
6           *graph (A), the workgroup shall analyze the feasi-*  
7           *bility, content, and scope of initiatives related*  
8           *to—*

9                     *(i) combating stigmas and prejudices*  
10                    *associated with service members who suffer*  
11                    *from mental health disorders or readjust-*  
12                    *ment issues, through the use of peer coun-*  
13                    *seling programs or other educational initia-*  
14                    *tives;*

15                    *(ii) ways in which the Department of*  
16                    *Veterans Affairs can make their expertise in*  
17                    *treating mental health disorders more read-*  
18                    *ily available to Department of Defense men-*  
19                    *tal health care providers;*

20                    *(iii) family and spousal education to*  
21                    *assist family members of veterans and serv-*  
22                    *ice members to recognize and deal with*  
23                    *signs of potential readjustment issues or*  
24                    *other mental health disorders; and*

1                   (iv) the seamless transition of service  
2                   members who have been diagnosed with  
3                   mental health disorders from active duty to  
4                   veteran status (in consultation with the  
5                   Seamless Transition Task Force and other  
6                   entities assisting in this effort).

7                   (C) REPORT.—Not later than June 30,  
8                   2007, the Secretary of Defense and the Secretary  
9                   of Veterans Affairs shall submit a report to Con-  
10                  gress containing the findings and recommenda-  
11                  tions of the workgroup established under this  
12                  paragraph.

13               (e) PRIMARY CARE CONSULTATIONS FOR MENTAL  
14 HEALTH.—

15               (1) GUIDELINES.—The Under Secretary for  
16               Health, Veterans Health Administration, shall estab-  
17               lish systemwide guidelines for screening primary care  
18               patients for mental health disorders and illnesses.

19               (2) TRAINING.—Based upon the guidelines estab-  
20               lished under paragraph (1), the Under Secretary for  
21               Health, Veterans Health Administration, shall con-  
22               duct appropriate training for clinicians of the De-  
23               partment of Veterans Affairs to carry out mental  
24               health consultations.

25               (f) CLINICAL TRAINING AND PROTOCOLS.—

1           (1) *FINDINGS.*—Congress finds that—

2                   (A) *the Iraq War Clinician Guide has tre-*  
3                   *mendous value; and*

4                   (B) *the Secretary of Defense and the Na-*  
5                   *tional Center on Post Traumatic Stress Disorder*  
6                   *should continue to work together to ensure that*  
7                   *the mental health care needs of servicemembers*  
8                   *and veterans are met.*

9           (2) *COLLABORATION.*—*The National Center on*  
10           *Post Traumatic Stress Disorder shall collaborate with*  
11           *the Secretary of Defense—*

12                   (A) *to enhance the clinical skills of military*  
13                   *clinicians through training, treatment protocols,*  
14                   *web-based interventions, and the development of*  
15                   *evidence-based interventions; and*

16                   (B) *to promote pre-deployment resilience*  
17                   *and post-deployment readjustment among*  
18                   *servicemembers serving in Operation Iraqi Free-*  
19                   *dom and Operation Enduring Freedom.*

20           (3) *TRAINING.*—*The National Center on Post*  
21           *Traumatic Stress Disorder shall work with the Sec-*  
22           *retary of Defense to ensure that clinicians in the De-*  
23           *partment of Defense are provided with the training*  
24           *and protocols developed pursuant to paragraph*  
25           (2)(A).

1           (4) *AUTHORIZATION OF APPROPRIATIONS.—*  
2           *There are authorized to be appropriated \$2,000,000*  
3           *for 2006 to carry out this subsection.*

4 **SEC. 9. DATA SHARING IMPROVEMENTS.**

5           *Notwithstanding any other provision of law, the De-*  
6 *partment of Veterans Affairs and the Department of Defense*  
7 *may exchange protected health information for—*

8           (1) *patients receiving treatment from the De-*  
9 *partment of Veterans Affairs; or*

10          (2) *individuals who may receive treatment from*  
11 *the Department of Veterans Affairs in the future, in-*  
12 *cluding all current and former members of the armed*  
13 *services.*

14 **SEC. 10. EXPANSION OF NATIONAL GUARD OUTREACH PRO-**  
15 **GRAM.**

16          (a) *REQUIREMENT.—The Secretary of Veterans Affairs*  
17 *shall expand the total number of personal employed by the*  
18 *Department of Veterans Affairs as part of the Readjustment*  
19 *Counseling Service’s Global War on Terrorism Outreach*  
20 *Program (referred to in this section as the “Program”).*

21          (b) *COORDINATION.—In carrying out subsection (a),*  
22 *the Secretary shall coordinate participation in the Program*  
23 *by appropriate employees of the Veterans Benefits Adminis-*  
24 *tration and the Veterans Health Administration.*

1       (c) *INFORMATION AND ASSESSMENTS.*—*The Secretary*  
2 *shall ensure that—*

3           (1) *all appropriate health, education, and bene-*  
4 *fits information is available to returning members of*  
5 *the National Guard; and*

6           (2) *proper assessments of the needs in each of*  
7 *these areas is made by the Department of Veterans*  
8 *Affairs.*

9       (d) *COLLABORATION.*—*The Secretary of Veterans Af-*  
10 *airs shall collaborate with appropriate State National*  
11 *Guard officials and provide such officials with any assets*  
12 *or services of the Department of Veterans Affairs that the*  
13 *Secretary determines to be necessary to carry out the Global*  
14 *War on Terrorism Outreach Program.*

15 **SEC. 11. EXPANSION OF TELE-HEALTH SERVICES.**

16       (a) *IN GENERAL.*—*The Secretary shall increase the*  
17 *number of Veterans Readjustment Counseling Service facili-*  
18 *ties capable of providing health services and counseling*  
19 *through tele-health linkages with facilities of the Veterans*  
20 *Health Administration.*

21       (b) *PLAN.*—*The Secretary shall submit to the Com-*  
22 *mittee on Veterans' Affairs of the Senate and the Committee*  
23 *on Veterans' Affairs of the House of Representatives a plan*  
24 *to implement the requirement under subsection (a), which*

1 *shall describe the facilities that will have such capabilities*  
2 *at the end of each of fiscal years 2005, 2006, and 2007.*

3 **SEC. 12. MENTAL HEALTH DATA SOURCES REPORT.**

4 *(a) IN GENERAL.—Not less than 180 days after the*  
5 *date of enactment of this Act, the Secretary of Veterans Af-*  
6 *airs shall submit a report to the Committee on Veterans’*  
7 *Affairs of the Senate and the Committee on Veterans’ Af-*  
8 *airs of the House of Representatives describing the mental*  
9 *health data maintained by the Department of Veterans Af-*  
10 *airs.*

11 *(b) CONTENTS.—The report submitted under sub-*  
12 *section (a) shall include—*

13 *(1) a comprehensive list of the sources of all such*  
14 *data, including the geographic locations of facilities of*  
15 *the Department of Veterans Affairs maintaining such*  
16 *data;*

17 *(2) an assessment of the limitations or advan-*  
18 *tages to maintaining the current data configuration*  
19 *and locations; and*

20 *(3) any recommendations, if any, for improving*  
21 *the collection, use, and location of mental health data*  
22 *maintained by the Department of Veterans Affairs.*

1 **SEC. 13. STRATEGIC PLAN FOR LONG-TERM CARE.**

2 (a) *PUBLICATION.*—Not later than 180 days after the  
3 date of enactment of this Act, the Secretary of Veterans Af-  
4 fairs shall publish a strategic plan for long-term care.

5 (b) *CONTENTS.*—The plan published under subsection  
6 (a) shall—

7 (1) contain policies and strategies for—

8 (A) the delivery of care in domiciliaries,  
9 residential treatment facilities, and nursing  
10 homes, and for seriously mentally ill veterans;

11 (B) maximizing the use of State veterans  
12 homes;

13 (C) locating domiciliary units as close to  
14 patient populations as feasible; and

15 (D) identifying freestanding nursing homes  
16 as an acceptable care model;

17 (2) include data on—

18 (A) the care of catastrophically disabled vet-  
19 erans; and

20 (B) the geographic distribution of cata-  
21 strophically disabled veterans;

22 (3) address the spectrum of noninstitutional  
23 long-term care options, including—

24 (A) respite care;

25 (B) home-based primary care;

26 (C) geriatric evaluation;

1                   (D) adult day health care;

2                   (E) skilled home health care; and

3                   (F) community residential care; and

4           (4) provide—

5                   (A) cost and quality comparison analyses of  
6           all the different levels of care;

7                   (B) detailed information about geographic  
8           distribution of services and gaps in care; and

9                   (C) specific plans for working with Medi-  
10           care, Medicaid, and private insurance companies  
11           to expand care.

12 **SEC. 14. BLIND REHABILITATION OUTPATIENT SPECIAL-**  
13 **ISTS.**

14           (a) *FINDINGS.*—Congress makes the following findings:

15                   (1) *There are approximately 135,000 blind vet-*  
16           *erans throughout the United States, including ap-*  
17           *proximately 35,000 who are enrolled with the Depart-*  
18           *ment of Veterans Affairs. An aging veteran popu-*  
19           *lation and injuries incurred in Operation Iraqi Free-*  
20           *dom and Operation Enduring Freedom are increas-*  
21           *ing the number of blind veterans.*

22                   (2) *Since 1996, when the Department of Veterans*  
23           *Affairs hired its first 14 blind rehabilitation out-*  
24           *patient specialists (referred to in this section as “Spe-*  
25           *cialists”, Specialists have been a critical part of the*



1        *continuum of care for blind and visually impaired*  
2        *veterans.*

3            (3) *The Department of Veterans Affairs operates*  
4        *10 residential blind rehabilitation centers that are*  
5        *considered among the best in the world. These centers*  
6        *have had long waiting lists, with as many as 1,500*  
7        *blind veterans waiting for openings in 2004.*

8            (4) *Specialists provide—*

9            (A) *critically needed services to veterans*  
10        *who are unable to attend residential centers or*  
11        *are waiting to enter such a program;*

12            (B) *a range of services, including training*  
13        *with living skills, mobility, and adaptation of*  
14        *manual skills; and*

15            (C) *pre-admission screening and follow-up*  
16        *care for blind rehabilitation centers.*

17            (5) *There are not enough Specialist positions to*  
18        *meet the increased numbers and needs of blind vet-*  
19        *erans.*

20            (b) *ESTABLISHMENT OF SPECIALIST POSITIONS.—Not*  
21        *later than 30 months after the date of enactment of this*  
22        *Act, the Secretary of Veterans Affairs shall establish a Spe-*  
23        *cialist position at not fewer than 35 facilities of the Depart-*  
24        *ment of Veterans Affairs.*

1       (c) *SELECTION OF FACILITIES.*—*In identifying the*  
2 *most appropriate facilities to receive a Specialist position*  
3 *under this section, the Secretary shall—*

4           (1) *give priority to facilities with large numbers*  
5 *of enrolled legally blind veterans;*

6           (2) *ensure that each facility does not have such*  
7 *a position; and*

8           (3) *ensure that each facility is in need of the*  
9 *services of such Specialists.*

10       (d) *COORDINATION.*—*The Secretary shall coordinate*  
11 *the provision of blind rehabilitation services for veterans*  
12 *with services for the care of the visually impaired offered*  
13 *by State and local agencies, especially if such State and*  
14 *local agencies can provide similar services to veterans in*  
15 *settings located closer to the residences of such veterans.*

16       (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
17 *authorized to be appropriated to carry out this section*  
18 *\$3,500,000 for each of the fiscal years 2006 through 2011.*

19 **SEC. 15. COMPLIANCE REPORT.**

20       *Section 1706(b)(5)(A) is amended by striking “2004”*  
21 *and inserting “2006”.*

1 **SEC. 16. HEALTH CARE AND SERVICES FOR VETERANS AF-**  
2 **FFECTED BY HURRICANE KATRINA.**

3 *(a) REQUIREMENT FOR HOSPITAL CARE AND MEDICAL*  
4 *SERVICES FOR PRIORITY 8 VETERANS AFFECTED BY HUR-*  
5 *RICANE KATRINA.—*

6 *(1) IN GENERAL.—Notwithstanding any other*  
7 *provision of law and any notwithstanding any pre-*  
8 *vious decisions made by the Secretary of Veterans Af-*  
9 *airs pursuant to chapter 17 of title 38 United States*  
10 *Code, the Secretary shall provide necessary medical*  
11 *and health care services to any veteran affected by*  
12 *Hurricane Katrina as if such veteran was enrolled for*  
13 *care under section 1705 of title 38, United States*  
14 *Code.*

15 *(2) STATUS OF VETERANS.—For purposes of*  
16 *managing the health care system, as required under*  
17 *section 1705 of title 38, United States Code, a veteran*  
18 *who seeks care under paragraph (1) shall not be con-*  
19 *sidered to be an enrollee of the health care system*  
20 *under such section unless the Secretary subsequently*  
21 *designates such a veteran as such an enrollee.*

22 *(b) PROHIBITION ON COLLECTION OF COPAYMENTS*  
23 *FOR VETERANS AFFECTED BY HURRICANE KATRINA.—In*  
24 *furnishing hospital care and medical services to any vet-*  
25 *eran affected by Hurricane Katrina, the Secretary shall not*  
26 *collect from, or with respect to, such veteran any payment*

1 *for such care and services otherwise required under any pro-*  
 2 *vision of law, including any copayment for medications*  
 3 *otherwise required under section 1722A of title 38, United*  
 4 *States Code.*

5 (c) *DEFINITION.*—*In this section, the term “veteran af-*  
 6 *ected by Hurricane Katrina” means any veteran who, as*  
 7 *of August 29, 2005, resided in the catchment region of the*  
 8 *Department of Veterans Affairs medical center in—*

9 (1) *New Orleans, Louisiana;*

10 (2) *Biloxi, Mississippi; or*

11 (3) *Gulfport, Mississippi.*

12 (d) *SUNSET PROVISION.*—*The authority under this*  
 13 *section shall expire on January 31, 2006.*

14 **SEC. 17. REIMBURSEMENT FOR CERTAIN VETERANS’ OUT-**  
 15 **STANDING EMERGENCY TREATMENT EX-**  
 16 **PENSES. .**

17 (a) *IN GENERAL.*—*Subchapter III of chapter 17 is*  
 18 *amended by inserting after section 1725 the following:*

19 **“§ 1725A. Reimbursement for emergency treatment ex-**  
 20 **penses for which certain veterans remain**  
 21 **personally liable**

22 *“(a)(1) Subject to subsection (c), the Secretary may*  
 23 *reimburse a veteran described in subsection (b) for expenses*  
 24 *resulting from emergency treatment furnished to the veteran*

1 *in a non-Department facility for which the veteran remains*  
2 *personally liable.*

3       “(2) *In any case in which reimbursement is authorized*  
4 *under subsection (a)(1), the Secretary, in the Secretary’s*  
5 *discretion, may, in lieu of reimbursing the veteran, make*  
6 *payment—*

7               “(A) *to a hospital or other health care provider*  
8 *that furnished the treatment; or*

9               “(B) *to the person or organization that paid for*  
10 *such treatment on behalf of the veteran.*

11       “(b) *A veteran referred to in subsection (a) is an indi-*  
12 *vidual who—*

13               “(1) *is enrolled in the health care system estab-*  
14 *lished under section 1705(a) of this title;*

15               “(2) *received care under this chapter during the*  
16 *24-month period preceding the furnishing of such*  
17 *emergency treatment;*

18               “(3) *is entitled to care or services under a*  
19 *health-plan contract that partially reimburses the cost*  
20 *of the veteran’s emergency treatment;*

21               “(4) *is financially liable to the provider of emer-*  
22 *gency care treatment for costs not covered by the vet-*  
23 *eran’s health-plan contract, including copayments*  
24 *and deductibles; and*

1           “(5) is not eligible for reimbursement for medical  
2           care or services under section 1725 or 1728 of this  
3           title.

4           “(c)(1) Any amount paid by the Secretary under sub-  
5           section (a) shall exclude the amount of any payment the  
6           veteran would have been required to make to the United  
7           States under this chapter if the veteran had received the  
8           emergency treatment from the Department.

9           “(2) The Secretary may not provide reimbursement  
10          under this section with respect to any item or service—

11           “(A) provided or for which payment has been  
12           made, or can reasonably be expected to be made,  
13           under the veteran’s health-plan contract; or

14           “(B) for which payment has been made or can  
15           reasonably be expected to be made by a third party.

16          “(3)(A) Payment by the Secretary under this section  
17          on behalf of a veteran to a provider of emergency treatment  
18          shall, unless rejected and refunded by the provider within  
19          30 days of receipt, extinguish any liability on the part of  
20          the veteran for that treatment.

21          “(B) The absence of a contract or agreement between  
22          the Secretary and the provider, any provision of a contract  
23          or agreement, or an assignment to the contrary shall not  
24          operate to modify, limit, or negate the requirement under  
25          subparagraph (A).

1       “(4) *In accordance with regulations prescribed by the*  
2 *Secretary, the Secretary shall—*

3               “(A) *establish criteria for determining the*  
4 *amount of reimbursement (which may include a max-*  
5 *imum amount) payable under this section; and*

6               “(B) *delineate the circumstances under which*  
7 *such payment may be made, including requirements*  
8 *for requesting reimbursement.*

9       “(d)(1) *In accordance with regulations prescribed by*  
10 *the Secretary, the United States shall have the independent*  
11 *right to recover any amount paid under this section if, and*  
12 *to the extent that, a third party subsequently makes a pay-*  
13 *ment for the same emergency treatment.*

14       “(2) *Any amount paid by the United States to the vet-*  
15 *eran, the veteran’s personal representative, successor, de-*  
16 *pendents, or survivors, or to any other person or organiza-*  
17 *tion paying for such treatment shall constitute a lien in*  
18 *favor of the United States against any recovery the payee*  
19 *subsequently receives from a third party for the same treat-*  
20 *ment.*

21       “(3) *Any amount paid by the United States to the pro-*  
22 *vider that furnished the veteran’s emergency treatment shall*  
23 *constitute a lien against any subsequent amount the pro-*  
24 *vider receives from a third party for the same emergency*  
25 *treatment for which the United States made payment.*

1       “(4) *The veteran or the veteran’s personal representa-*  
2 *tive, successor, dependents, or survivors shall—*

3               “(A) *ensure that the Secretary is promptly noti-*  
4 *fied of any payment received from any third party*  
5 *for emergency treatment furnished to the veteran;*

6               “(B) *immediately forward all documents relating*  
7 *to a payment described in subparagraph (A);*

8               “(C) *cooperate with the Secretary in an inves-*  
9 *tigation of a payment described in subparagraph (A);*  
10 *and*

11              “(D) *assist the Secretary in enforcing the United*  
12 *States right to recover any payment made under sub-*  
13 *section (c)(3).*

14              “(e) *The Secretary may waive recovery of a payment*  
15 *made to a veteran under this section that is otherwise re-*  
16 *quired under subsection (d)(1) if the Secretary determines*  
17 *that such waiver would be in the best interest of the United*  
18 *States, as defined by regulations prescribed by the Sec-*  
19 *retary.*

20              “(f) *For purposes of this section—*

21                      “(1) *the term ‘health-plan contract’ includes—*

22                              “(A) *an insurance policy or contract, med-*  
23 *ical or hospital service agreement, membership*  
24 *or subscription contract, or similar arrangement,*  
25 *under which health services for individuals are*



1           *provided or the expenses of such services are*  
2           *paid;*

3           “(B) *an insurance program described in*  
4           *section 1811 of the Social Security Act (42*  
5           *U.S.C. 1395c) or established by section 1831 of*  
6           *that Act (42 U.S.C. 1395j);*

7           “(C) *a State plan for medical assistance*  
8           *approved under title XIX of such Act (42 U.S.C.*  
9           *1396 et seq.); and*

10           “(D) *a workers’ compensation law or plan*  
11           *described in section 1729(A)(2)(B) of this title;*

12           “(2) *the term ‘third party’ means—*

13           “(A) *a Federal entity;*

14           “(B) *a State or political subdivision of a*  
15           *State;*

16           “(C) *an employer or an employer’s insur-*  
17           *ance carrier; and*

18           “(D) *a person or entity obligated to pro-*  
19           *vide, or pay the expenses of, such emergency*  
20           *treatment; and*

21           “(3) *the term ‘emergency treatment’ has the*  
22           *meaning given such term in section 1725 of this*  
23           *title.”.*

- 1       **(b) CLERICAL AMENDMENT.**—*The table of sections at*
- 2 *the beginning of chapter 17 is amended by inserting after*
- 3 *the item relating to section 1725 the following:*

*“Sec. 1725A. Reimbursement for emergency treatment expenses for which certain veterans remain personally liable.”.*



Calendar No. 284

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1182**

[Report No. 109-177]

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**A BILL**

To amend title 38, United States Code, to improve health care for veterans, and for other purposes.

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NOVEMBER 10, 2005

Reported with an amendment