

Union Calendar No. 399

110TH CONGRESS
2D SESSION

H. R. 3819

[Report No. 110-638]

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2007

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

MAY 15, 2008

Additional sponsors: Mr. HONDA, Mr. ALTMIRE, Mr. MILLER of Florida, Mr. ELLISON, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Mrs. SCHMIDT, Ms. SUTTON, Mr. CARNEY, Mr. DONNELLY, Mr. ENGLISH of Pennsylvania, Ms. MATSUI, Mr. MORAN of Kansas, Ms. JACKSON-LEE of Texas, Mr. PEARCE, Mr. GOODE, Mrs. GILLIBRAND, Mr. SMITH of Washington, Mr. BOSWELL, Mr. COHEN, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. GORDON of Tennessee, Mr. FILNER, Mr. LIPINSKI, Mr. BRALEY of Iowa, Ms. SLAUGHTER, Mr. SESTAK, Mr. LOBIONDO, Mr. BOUCHER, Mr. INSLEE, Mr. FORTENBERRY, Mr. MCINTYRE, Ms. FOXX, Mr. COSTELLO, Ms. SHEA-PORTER, Mr. MITCHELL, Mr. DEFAZIO, Mr. SHIMKUS, Mr. ROSS, Mr. WATT, Mr. BUCHANAN, Ms. MCCOLLUM of Minnesota, Ms. BERKLEY, Mr. VAN HOLLEN, Ms. GINNY BROWN-WAITE of Florida, and Mr. BUYER

MAY 15, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Emergency
 5 Care Fairness Act of 2007”.

6 **SEC. 2. MANDATORY REIMBURSEMENT OF VETERANS RE-** 7 **CEIVING EMERGENCY TREATMENT IN NON-** 8 **DEPARTMENT OF VETERANS AFFAIRS FACILI-** 9 **TIES UNTIL TRANSFER TO DEPARTMENT FA-** 10 **CILITIES.**

11 (a) CERTAIN VETERANS WITHOUT SERVICE-CON-
 12 NECTED DISABILITY.—Section 1725 of title 38, United
 13 States Code, is amended—

14 (1) in subsection (a)(1), by striking “may reim-
 15 burse” and inserting “shall reimburse”; and

16 (2) in subsection (f)(1), by striking subpara-
 17 graph (C) and inserting the following new subpara-
 18 graph (C):

19 “(C) until—

1 “(i) such time as the veteran can be
2 transferred safely to a Department facility
3 or other Federal facility; or

4 “(ii) such time as a Department facil-
5 ity or other Federal facility agrees to ac-
6 cept such transfer if—

7 “(I) at the time described in
8 clause (i), no Department facility or
9 other Federal facility agrees to accept
10 such transfer; and

11 “(II) the non-Department facility
12 in which such medical care or services
13 is furnished makes and documents
14 reasonable attempts to transfer the
15 veteran to a Department facility or
16 other Federal facility.”.

17 (b) CERTAIN VETERANS WITH SERVICE-CONNECTED
18 DISABILITY.—Section 1728 of such title is amended—

19 (1) by striking subsection (a) and inserting the
20 following new subsection (a):

21 “(a) The Secretary shall, under such regulations as
22 the Secretary shall prescribe, reimburse veterans entitled
23 to hospital care or medical services under this chapter for
24 the reasonable value of emergency treatment (including
25 travel and incidental expenses under the terms and condi-

1 tions set forth in section 111 of this title) for which such
2 veterans have made payment, from sources other than the
3 Department, where such emergency treatment was ren-
4 dered to such veterans in need thereof for any of the fol-
5 lowing:

6 “(1) An adjudicated service-connected dis-
7 ability.

8 “(2) A non-service-connected disability associ-
9 ated with and held to be aggravating a service-con-
10 nected disability.

11 “(3) Any disability of a veteran in the veteran
12 has a total disability permanent in nature from a
13 service-connected disability.

14 “(4) Any illness, injury, or dental condition of
15 a veteran who—

16 “(A) is a participant in a vocational reha-
17 bilitation program (as defined in section
18 3101(9) of this title); and

19 “(B) is medically determined to have been
20 in need of care or treatment to make possible
21 the veteran’s entrance into a course of training,
22 or prevent interruption of a course of training,
23 or hasten the return to a course of training
24 which was interrupted because of such illness,
25 injury, or dental condition.”;

1 (2) in subsection (b), by striking “care or serv-
2 ices” both places it appears and inserting “emer-
3 gency treatment”; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(c) In this section, the term ‘emergency treatment’
7 has the meaning given such term in section 1725(f)(1) of
8 this title.”.

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