

Calendar No. 579110TH CONGRESS
2^D SESSION**S. 2142****[Report No. 110-263]**

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 SENATE OF THE UNITED STATES

OCTOBER 4, 2007

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

FEBRUARY 25, 2008

Reported by Mr. AKAKA, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Emergency
3 Care Fairness Act of ~~2007~~ 2008”.

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

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

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

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

17 “(C) until—

18 “(i) such time as the veteran can be
19 transferred safely to a Department facility
20 or other Federal facility *and such facility*
21 *is capable of accepting such transfer; or*

22 “(ii) such time as a Department facil-
23 ity or other Federal facility ~~agrees to ac-~~
24 ~~cept~~ *accepts* such transfer if—

25 “(I) at the time ~~described in~~
26 ~~clause (i)~~ *the veteran could have been*

1 *transferred safely to a Department fa-*
 2 *cility or other Federal facility, no De-*
 3 *partment facility or other Federal fa-*
 4 *cility ~~agrees~~ *agreed* to accept such*
 5 *transfer; and*

6 “(II) the non-Department facility
 7 in which such medical care or services
 8 is *was* furnished ~~makes~~ *made* and ~~doo-~~
 9 ~~uments~~ *documented* reasonable at-
 10 tempts to transfer the veteran to a
 11 Department facility or other Federal
 12 facility.”.

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

15 (1) by striking subsection (a) and inserting the
 16 following new subsection (a):

17 “(a) The Secretary shall, under such regulations as
 18 the Secretary ~~shall prescribe~~ *prescribes*, reimburse vet-
 19 erans ~~entitled to~~ *eligible for* hospital care or medical serv-
 20 ices under this chapter for the ~~reasonable value~~ *customary*
 21 *and usual charges* of emergency treatment (including trav-
 22 el and incidental expenses under the terms and conditions
 23 set forth in section 111 of this title) for which such vet-
 24 erans have made payment, from sources other than the
 25 Department, where such emergency treatment was ren-

1 dered to such veterans in need thereof for any of the fol-
2 lowing:

3 “(1) An adjudicated service-connected dis-
4 ability.

5 “(2) A non-service-connected disability associ-
6 ated with and held to be aggravating a service-con-
7 nected disability.

8 “(3) Any disability of a veteran ~~in~~ *if* the vet-
9 eran has a total disability permanent in nature from
10 a service-connected disability.

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

13 “(A) is a participant in a vocational reha-
14 bilitation program (as defined in section
15 3101(9) of this title); and

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

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

1 (3) by adding at the end the following new sub-
2 section:

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

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