

111TH CONGRESS  
1ST SESSION

# H. R. 1377

---

IN THE SENATE OF THE UNITED STATES

MARCH 31, 2009

Received; read twice and referred to the Committee on Veterans' Affairs

---

## AN ACT

To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, 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. EXPANSION OF VETERAN ELIGIBILITY FOR RE-**  
2 **IMBURSEMENT BY SECRETARY OF VETERANS**  
3 **AFFAIRS FOR EMERGENCY TREATMENT FUR-**  
4 **NISHED IN A NON-DEPARTMENT FACILITY.**

5 (a) **EXPANSION OF ELIGIBILITY.**—Section 1725 of  
6 title 38, United States Code, is amended—

7 (1) in subsection (b)(3)(C), by striking “or in  
8 part”; and

9 (2) in subsection (f)(2), by striking subpara-  
10 graph (E).

11 (b) **LIMITATIONS ON REIMBURSEMENT.**—Subsection  
12 (c) of such section is amended by adding at the end the  
13 following new paragraph:

14 “(4)(A) If the veteran has contractual or legal re-  
15 course against a third party that would only, in part, ex-  
16 tinguish the veteran’s liability to the provider of the emer-  
17 gency treatment, and payment for the treatment may be  
18 made both under subsection (a) and by the third party,  
19 the amount payable for such treatment under such sub-  
20 section shall be the amount by which the costs for the  
21 emergency treatment exceed the amount payable or paid  
22 by the third party, except that the amount payable may  
23 not exceed the maximum amount payable established  
24 under paragraph (1)(A).

1       “(B) In any case in which a third party is financially  
2 responsible for part of the veteran’s emergency treatment  
3 expenses, the Secretary shall be the secondary payer.

4       “(C) A payment in the amount payable under sub-  
5 paragraph (A) shall be considered payment in full and  
6 shall extinguish the veteran’s liability to the provider.

7       “(D) The Secretary may not reimburse a veteran  
8 under this section for any copayment or similar payment  
9 that the veteran owes the third party or for which the vet-  
10 eran is responsible under a health-plan contract.”.

11       (c) EFFECTIVE DATE.—

12           (1) IN GENERAL.—The amendments made by  
13 subsections (a) and (b) shall take effect on the date  
14 of the enactment of this Act, and shall apply with  
15 respect to emergency treatment furnished on or  
16 after the date of the enactment of this Act.

17           (2) REIMBURSEMENT FOR TREATMENT PRO-  
18 VIDED BEFORE EFFECTIVE DATE.—The Secretary  
19 may provide reimbursement under section 1725 of  
20 title 38, United States Code, as amended by sub-  
21 sections (a) and (b), for emergency treatment fur-  
22 nished to a veteran before the date of the enactment  
23 of this Act, if the Secretary determines that, under

1 the circumstances applicable with respect to the vet-  
2 eran, it is appropriate to do so.

Passed the House of Representatives March 30,  
2009.

Attest:                   LORRAINE C. MILLER,  
*Clerk.*