

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4810

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## AN ACT

To direct the Secretary of Veterans Affairs to enter into contracts for the provision of hospital care and medical services at non-Department of Veterans Affairs facilities for Department of Veterans Affairs patients with extended waiting times for appointments at 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 “Veteran Access to Care  
5 Act of 2014”.

6 **SEC. 2. PROVISION OF HOSPITAL CARE AND MEDICAL**  
7                   **SERVICES AT NON-DEPARTMENT OF VET-**  
8                   **ERANS AFFAIRS FACILITIES FOR DEPART-**  
9                   **MENT OF VETERANS AFFAIRS PATIENTS**  
10                   **WITH EXTENDED WAITING TIMES FOR AP-**  
11                   **POINTMENTS AT DEPARTMENT FACILITIES.**

12       (a) IN GENERAL.—As authorized by section 1710 of  
13 title 38, United States Code, the Secretary of Veterans  
14 Affairs (in this Act referred to as the “Secretary”) shall  
15 enter into contracts with such non-Department facilities  
16 as may be necessary in order to furnish hospital care and  
17 medical services to covered veterans who are eligible for  
18 such care and services under chapter 17 of title 38, United  
19 States Code. To the greatest extent possible, the Secretary  
20 shall carry out this section using contracts entered into  
21 before the date of the enactment of this Act.

22       (b) COVERED VETERANS.—For purposes of this sec-  
23 tion, the term “covered veteran” means a veteran—

1           (1) who is enrolled in the patient enrollment  
2 system under section 1705 of title 38, United States  
3 Code;

4           (2) who—

5                 (A) has waited longer than the wait-time  
6 goals of the Veterans Health Administration (as  
7 of June 1, 2014) for an appointment for hos-  
8 pital care or medical services in a facility of the  
9 Department;

10                (B) has been notified by a facility of the  
11 Department that an appointment for hospital  
12 care or medical services is not available within  
13 such wait-time goals; or

14                (C) resides more than 40 miles from the  
15 medical facility of the Department of Veterans  
16 Affairs, including a community-based outpatient  
17 clinic, that is closest to the residence of the vet-  
18 eran; and

19           (3) who makes an election to receive such care  
20 or services in a non-Department facility.

21           (c) FOLLOW-UP CARE.—In carrying out this section,  
22 the Secretary shall ensure that, at the election of a covered  
23 veteran who receives hospital care or medical services at  
24 a non-Department facility in an episode of care under this  
25 section, the veteran receives such hospital care and med-

1 ical services at such non-Department facility through the  
2 completion of the episode of care (but for a period not  
3 exceeding 60 days), including all specialty and ancillary  
4 services deemed necessary as part of the treatment rec-  
5 ommended in the course of such hospital care or medical  
6 services.

7 (d) REPORT.—The Secretary shall submit to Con-  
8 gress a quarterly report on hospital care and medical serv-  
9 ices furnished pursuant to this section. Such report shall  
10 include information, for the quarter covered by the report,  
11 regarding—

12 (1) the number of veterans who received care or  
13 services at non-Department facilities pursuant to  
14 this section;

15 (2) the number of veterans who were eligible to  
16 receive care or services pursuant to this section but  
17 who elected to continue waiting for an appointment  
18 at a Department facility;

19 (3) the purchase methods used to provide the  
20 care and services at non-Department facilities, in-  
21 cluding the rate of payment for individual authoriza-  
22 tions for such care and services; and

23 (4) any other matters the Secretary determines  
24 appropriate.

1           (e) DEFINITIONS.—For purposes of this section, the  
2 terms “facilities of the Department”, “non-Department  
3 facilities”, “hospital care”, and “medical services” have  
4 the meanings given such terms in section 1701 of title 38,  
5 United States Code.

6           (f) IMPLEMENTATION.—The Secretary shall begin  
7 implementing this section on the date of the enactment  
8 of this Act.

9           (g) CONSTRUCTION.—Nothing in this section shall be  
10 construed to authorize payment for care or services not  
11 otherwise covered under chapter 17 of title 38, United  
12 States Code.

13           (h) TERMINATION.—The authority of the Secretary  
14 under this section shall terminate with respect to any hos-  
15 pital care or medical services furnished after the end of  
16 the 2-year period beginning on the date of the enactment  
17 of this Act, except that in the case of an episode of care  
18 for which hospital care or medical services is furnished in  
19 a non-Department facility pursuant to this section before  
20 the end of such period, such termination shall not apply  
21 to such care and services furnished during the remainder  
22 of such episode of care but not to exceed a period of 60  
23 days.

1 **SEC. 3. EXPANDED ACCESS TO HOSPITAL CARE AND MED-**  
2 **ICAL SERVICES.**

3 (a) IN GENERAL.—To the extent that appropriations  
4 are available for the Veterans Health Administration of  
5 the Department of Veterans Affairs for medical services,  
6 to the extent that the Secretary of Veterans Affairs is un-  
7 able to provide access, within the wait-time goals of the  
8 Veterans Health Administration (as of June 1, 2014), to  
9 hospital care or medical services to a covered veteran who  
10 is eligible for such care or services under chapter 17 of  
11 title 38, United States Code, under contracts described in  
12 section 2, the Secretary shall reimburse any non-Depart-  
13 ment facility with which the Secretary has not entered into  
14 a contract to furnish hospital care or medical services for  
15 furnishing such hospital care or medical services to such  
16 veteran, if the veteran elects to receive such care or serv-  
17 ices from the non-Department facility. The Secretary shall  
18 reimburse the facility for the care or services furnished  
19 to the veteran at the greatest of the following rates:

20 (1) VA PAYMENT RATE.—The rate of reim-  
21 bursement for such care or services established by  
22 the Secretary of Veterans Affairs.

23 (2) MEDICARE PAYMENT RATE.—The payment  
24 rate for such care or services or comparable care or  
25 services under the Medicare program under title  
26 XVIII of the Social Security Act.

1           (3) TRICARE PAYMENT RATE.—The reim-  
2           bursement rate for such care or services furnished to  
3           a member of the Armed Forces under chapter 55 of  
4           title 10, United States Code.

5           (b) COVERED VETERANS.—For purposes of this sec-  
6           tion, the term “covered veteran” means a veteran—

7           (1) who is enrolled in the patient enrollment  
8           system under section 1705 of title 38, United States  
9           Code; and

10          (2) who—

11           (A) has waited longer than the wait-time  
12           goals of the Veterans Health Administration (as  
13           of June 1, 2014) for an appointment for hos-  
14           pital care or medical services in a facility of the  
15           Department;

16           (B) has been notified by a facility of the  
17           Department that an appointment for hospital  
18           care or medical services is not available within  
19           such wait-time goals after the date for which  
20           the veteran requests the appointment; or

21           (C) who resides more than 40 miles from  
22           the medical facility of the Department of Vet-  
23           erans Affairs, including a community-based out-  
24           patient clinic, that is closest to the residence of  
25           the veteran.

1 (c) DEFINITIONS.—For purposes of this section, the  
2 terms “facilities of the Department”, “non-Department  
3 facilities”, “hospital care”, and “medical services” have  
4 the meanings given such terms in section 1701 of title 38,  
5 United States Code.

6 (d) IMPLEMENTATION.—The Secretary shall begin  
7 implementing this section on the date of the enactment  
8 of this Act.

9 (e) CONSTRUCTION.—Nothing in this section shall be  
10 construed to authorize payment for care or services not  
11 otherwise covered under chapter 17 of title 38, United  
12 States Code.

13 (f) TERMINATION.—The authority of the Secretary  
14 under this section shall terminate with respect to care or  
15 services furnished after the date that is 2 years after the  
16 date of the enactment of this Act.

17 **SEC. 4. INDEPENDENT ASSESSMENT OF VETERANS HEALTH**  
18 **ADMINISTRATION PERFORMANCE.**

19 (a) INDEPENDENT ASSESSMENT REQUIRED.—Not  
20 later than 120 days after the date of the enactment of  
21 this Act, the Secretary of Veterans Affairs shall enter into  
22 a contract or contracts with a private sector entity or enti-  
23 ties with experience in the delivery systems of the Veterans  
24 Health Administration and the private sector and in  
25 health care management to conduct an independent as-



1 assessment of hospital care and medical services furnished  
2 in medical facilities of the Department of Veterans Af-  
3 fairs. Such assessment shall address each of the following:

4           (1) The current and projected demographics  
5           and unique care needs of the patient population  
6           served by the Department of Veterans Affairs.

7           (2) The current and projected health care capa-  
8           bilities and resources of the Department, including  
9           hospital care and medical services furnished by non-  
10          Department facilities under contract with the De-  
11          partment, to provide timely and accessible care to el-  
12          igible veterans.

13          (3) The authorities and mechanisms under  
14          which the Secretary may furnish hospital care and  
15          medical services at non-Department facilities, includ-  
16          ing an assessment of whether the Secretary should  
17          have the authority to furnish such care and services  
18          at such facilities through the completion of episodes  
19          of care.

20          (4) The appropriate system-wide access stand-  
21          ard applicable to hospital care and medical services  
22          furnished by and through the Department of Vet-  
23          erans Affairs and recommendations relating to ac-  
24          cess standards specific to individual specialties and  
25          standards for post-care rehabilitation.

1           (5) The current organization, processes, and  
2 tools used to support clinical staffing and docu-  
3 mentation.

4           (6) The staffing levels and productivity stand-  
5 ards, including a comparison with industry perform-  
6 ance percentiles.

7           (7) Information technology strategies of the  
8 Veterans Health Administration, including an identi-  
9 fication of technology weaknesses and opportunities,  
10 especially as they apply to clinical documentation of  
11 hospital care and medical services provided in non-  
12 Department facilities.

13           (8) Business processes of the Veterans Health  
14 Administration, including non-Department care, in-  
15 surance identification, third-party revenue collection,  
16 and vendor reimbursement.

17           (b) ASSESSMENT OUTCOMES.—The assessment con-  
18 ducted pursuant to subsection (a) shall include the fol-  
19 lowing:

20           (1) An identification of improvement areas out-  
21 lined both qualitatively and quantitatively, taking  
22 into consideration Department of Veterans Affairs  
23 directives and industry benchmarks from outside the  
24 Federal Government.

1           (2) Recommendations for how to address the  
2           improvement areas identified under paragraph (1)  
3           relating to structure, accountability, process  
4           changes, technology, and other relevant drivers of  
5           performance.

6           (3) The business case associated with making  
7           the improvements and recommendations identified in  
8           paragraphs (1) and (2).

9           (4) Findings and supporting analysis on how  
10          credible conclusions were established.

11          (c) PROGRAM INTEGRATOR.—If the Secretary enters  
12          into contracts with more than one private sector entity  
13          under subsection (a), the Secretary shall designate one  
14          such entity as the program integrator. The program inte-  
15          grator shall be responsible for coordinating the outcomes  
16          of the assessments conducted by the private entities pur-  
17          suant to such contracts.

18          (d) SUBMITTAL OF REPORTS TO CONGRESS.—

19                 (1) REPORT ON INDEPENDENT ASSESSMENT.—  
20                 Not later than 10 months after entering into the  
21                 contract under subsection (a), the Secretary shall  
22                 submit to the Committees on Veterans' Affairs of  
23                 the Senate and House of Representatives the find-  
24                 ings and recommendations of the independent as-  
25                 sessment required by such subsection.

1           (2) REPORT ON VA ACTION PLAN TO IMPLE-  
2           MENT RECOMMENDATIONS IN ASSESSMENT.—Not  
3           later than 120 days after the date of submission of  
4           the report under paragraph (1), the Secretary shall  
5           submit to such Committees on the Secretary’s re-  
6           sponse to the findings of the assessment and shall  
7           include an action plan, including a timeline, for fully  
8           implementing the recommendations of the assess-  
9           ment.

10 **SEC. 5. LIMITATION ON AWARDS AND BONUSES TO EM-**  
11                           **PLOYEES OF DEPARTMENT OF VETERANS AF-**  
12                           **FAIRS.**

13           For each of fiscal years 2014 through 2016, the Sec-  
14           retary of Veterans Affairs may not pay awards or bonuses  
15           under chapter 45 or 53 of title 5, United States Code,  
16           or any other awards or bonuses authorized under such  
17           title.

18 **SEC. 6. OMB ESTIMATE OF BUDGETARY EFFECTS AND**  
19                           **NEEDED TRANSFER AUTHORITY.**

20           Not later than 30 days after the date of the enact-  
21           ment of this Act, the Director of the Office of Manage-  
22           ment and Budget shall transmit to the Committees on Ap-  
23           propriations, the Budget, and Veterans’ Affairs of the  
24           House of Representatives and of the Senate—

1           (1) an estimate of the budgetary effects of sec-  
2           tions 2 and 3;

3           (2) any transfer authority needed to utilize the  
4           savings from section 5 to satisfy such budgetary ef-  
5           fects; and

6           (3) if necessary, a request for any additional  
7           budgetary resources, or transfers or reprogramming  
8           of existing budgetary resources, necessary to provide  
9           funding for sections 2 and 3.

Passed the House of Representatives June 10, 2014.

Attest:

*Clerk.*

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4810**

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**AN ACT**

To direct the Secretary of Veterans Affairs to enter into contracts for the provision of hospital care and medical services at non-Department of Veterans Affairs facilities for Department of Veterans Affairs patients with extended waiting times for appointments at Department facilities, and for other purposes.