

113TH CONGRESS
1ST SESSION

S. 1604

To amend title 38, United States Code, to expand and enhance eligibility for health care and services through the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2013

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

A BILL

To amend title 38, United States Code, to expand and enhance eligibility for health care and services through the Department of Veterans Affairs, 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 Health Care
5 Eligibility Expansion and Enhancement Act of 2013”.

1 **SEC. 2. ENHANCEMENT OF NATURE OF ELIGIBILITY FOR**
 2 **CARE OF CERTAIN VETERANS.**

3 Section 1710(a)(3) of title 38, United States Code,
 4 is amended by striking “may, to the extent resources and
 5 facilities are available and” and inserting “shall,”.

6 **SEC. 3. REQUIREMENT FOR ENROLLMENT IN PATIENT EN-**
 7 **ROLLMENT SYSTEM OF DEPARTMENT OF**
 8 **VETERANS AFFAIRS OF CERTAIN VETERANS**
 9 **ELIGIBLE FOR ENROLLMENT BY LAW BUT**
 10 **NOT CURRENTLY PERMITTED TO ENROLL.**

11 (a) **REQUIREMENT FOR ENROLLMENT.**—Section
 12 1705 of title 38, United States Code, is amended by add-
 13 ing at the end the following new subsection:

14 “(d)(1) The Secretary shall provide for the enroll-
 15 ment in the patient enrollment system of veterans speci-
 16 fied in paragraph (2) by not later than December 31,
 17 2014.

18 “(2) Veterans specified in this paragraph are as fol-
 19 lows:

20 “(A) Veterans with noncompensable service-con-
 21 nected disabilities rated as zero percent disabling
 22 who—

23 “(i) are not otherwise permitted to enroll
 24 in the system as of the date of the enactment
 25 of the Veterans Health Care Eligibility Expans-
 26 sion and Enhancement Act of 2013; and

1 “(ii) as of the date of enrollment under
2 this section, do not have access to health insur-
3 ance except through a health exchange estab-
4 lished pursuant to section 1311 of the Patient
5 Protection and Affordable Care Act (42 U.S.C.
6 18031).

7 “(B) Veterans without service-connected dis-
8 ability who—

9 “(i) are not otherwise permitted to enroll
10 in the system as of the date of the enactment
11 of the Veterans Health Care Eligibility Expans-
12 ion and Enhancement Act of 2013; and

13 “(ii) as of the date of enrollment under
14 this section, do not have access to health insur-
15 ance except through a health exchange estab-
16 lished pursuant to section 1311 of the Patient
17 Protection and Affordable Care Act.

18 “(3) The Secretary shall determine whether a veteran
19 does not have access to health insurance except through
20 a health exchange for purposes of paragraph (2) using in-
21 formation obtained by the Secretary of Health and
22 Human Services and the Secretary of the Treasury for
23 purposes of determining whether the veteran maintains
24 minimum essential coverage as required by section 5000A
25 of the Internal Revenue Code of 1986 and reported as re-

1 quired by section 6055 of the Internal Revenue Code of
2 1986.

3 “(4) A veteran who, after enrolling in the patient en-
4 rollment system pursuant to this subsection, obtains ac-
5 cess to health insurance other than through a health ex-
6 change shall remain enrolled in the patient enrollment sys-
7 tem notwithstanding obtaining access to such health in-
8 surance.

9 “(5) A veteran enrolled in the patient enrollment sys-
10 tem pursuant to this subsection shall maintain the priority
11 for care of the veteran at the time of enrollment unless
12 and until a change in circumstances of the veteran results
13 in a higher priority for care of the veteran under sub-
14 section (a).”.

15 (b) PUBLIC NOTICE OF COMMENCEMENT OF EN-
16 ROLLMENT.—The Secretary of Veterans Affairs shall pub-
17 lish in the Federal Register, and shall make available to
18 the public on an Internet website of the Department of
19 Veterans Affairs, a notice regarding the date on which vet-
20 erans covered by subsection (d) of section 1705 of title
21 38, United States Code (as added by subsection (a) of this
22 section), may commence enrollment in the patient enroll-
23 ment system required by that section.

1 **SEC. 4. FURTHER EXTENSION OF PERIOD OF ELIGIBILITY**
2 **FOR HEALTH CARE FOR VETERANS OF COM-**
3 **BAT SERVICE DURING CERTAIN PERIODS OF**
4 **HOSTILITIES AND WAR.**

5 Section 1710(e)(3) of title 38, United States Code,
6 is amended—

7 (1) in subparagraph (A), by striking “the date
8 that is five years before the date of the enactment
9 of the National Defense Authorization Act for Fiscal
10 Year 2008, after a period of five years” and insert-
11 ing “January 27, 2003, after a period of 10 years”;
12 and

13 (2) in subparagraph (B), by striking “more
14 than five years” and all that follows and inserting
15 “before January 28, 2003, and who did not enroll
16 in the patient enrollment system under section 1705
17 of this title before January 28, 2008, after January
18 27, 2018.”.

19 **SEC. 5. RELOCATION AND RESTATEMENT OF LIMITATION**
20 **ON REQUIREMENTS TO FURNISH CERTAIN**
21 **CARE AND SERVICES CONTINGENT ON THE**
22 **AVAILABILITY OF APPROPRIATIONS.**

23 (a) RELOCATION AND RESTATEMENT.—Section 1707
24 of title 38, United States Code, is amended by adding at
25 the end the following new subsection:

1 “(c)(1) The requirements specified in paragraph (2)
2 shall be effective in any fiscal year only to the extent and
3 in the amount provided in advance in appropriations Acts
4 for such purposes.

5 “(2) The requirements specified in this paragraph are
6 as follows:

7 “(A) The requirement in paragraphs (1), (2),
8 and (3) of section 1710(a) of this title that the Sec-
9 retary provide hospital care and medical services.

10 “(B) The requirement in section 1710A(a) of
11 this title that the Secretary provide nursing home
12 care.

13 “(C) The requirement in section 1710B of this
14 title that the Secretary provide a program of ex-
15 tended care services.

16 “(D) The requirement in section 1745 of this
17 title that the Secretary provide nursing home care
18 and prescription medicines to veterans with service-
19 connected disabilities in State homes.”.

20 (b) CONFORMING REPEAL OF SUPERSEDED LIMITA-
21 TION.—Section 1710(a) of such title is amended—

22 (1) by striking paragraph (4); and

23 (2) by redesignating paragraph (5) as para-
24 graph (4).

1 **SEC. 6. MODIFICATION OF DETERMINATION OF ELIGI-**
2 **BILITY OF VETERANS FOR TREATMENT AS A**
3 **LOW-INCOME FAMILY FOR PURPOSES OF EN-**
4 **ROLLMENT IN THE PATIENT ENROLLMENT**
5 **SYSTEM OF THE DEPARTMENT OF VETERANS**
6 **AFFAIRS.**

7 (a) **AREAS OF RESIDENCE.**—The Secretary of Vet-
8 erans Affairs shall modify the areas in which veterans re-
9 side as specified for purposes of determining whether vet-
10 erans qualify for treatment as low-income families for en-
11 rollment in the patient enrollment system of the Depart-
12 ment of Veterans Affairs under section 1705(a)(7) of title
13 38, United States Code, to meet the requirements as fol-
14 lows:

15 (1) Any area so specified shall be within only
16 one State.

17 (2) Any area so specified shall be co-extensive
18 with one or more counties (or similar political sub-
19 divisions) in the State concerned.

20 (b) **VARIABLE INCOME THRESHOLDS.**—The Sec-
21 retary shall modify the thresholds for income as specified
22 for purposes of determining whether veterans qualify for
23 treatment as low-income families for enrollment in the pa-
24 tient enrollment system referred to in subsection (a) to
25 meet the requirements as follows:

1 (1) There shall be one income threshold for
2 each State, equal to the highest income threshold
3 among the counties within such State.

4 (2) The calculation of the highest income
5 threshold of a county shall be consistent with the
6 calculation used for purposes of section 3(b) of the
7 United States Housing Act of 1937 (42 U.S.C.
8 1437a(b)).

9 (3) The timing and methodology for imple-
10 menting any modifications in geographic income
11 thresholds pursuant to paragraph (1) shall be deter-
12 mined by the Secretary in such a manner as to per-
13 mit the Department to build capacity for enrolling
14 such additional veterans in the patient enrollment
15 system of the Department as become eligible for en-
16 rollment as a result of such modifications, except
17 that all required modifications shall be completed
18 not later than five years after date of the enactment
19 of this Act.

20 **SEC. 7. CONTRACTING FOR HEALTH CARE.**

21 (a) **USE OF CAPITATION-BASED RESOURCE ALLOCA-**
22 **TION IN ENTRY INTO CONTRACTS.**—In entering into con-
23 tracts for the furnishing of health care services under the
24 laws administered by the Secretary of Veterans Affairs
25 (including under this Act and the amendments made by

1 this Act), the Secretary shall use the capitation-based re-
2 source allocation model of the Department of Veterans Af-
3 fairs.

4 (b) PRIORITY FOR CONTRACTS WITH CERTAIN ENTI-
5 TIES.—In entering into contracts for the furnishing of
6 health care services under the laws administered by the
7 Secretary, the Secretary shall afford a priority for entry
8 into contracts for Federally Qualified Health Centers
9 (FQHCs) and Community Health Centers (CHCs), when-
10 ever appropriate.

11 (c) BEST PRACTICES.—The Secretary shall modify
12 the guidance of the Department of Veterans Affairs on
13 contracts for health care services in order to provide for
14 the incorporation into such contracts of standardized re-
15 quirements for such best practices under such contracts,
16 including the following:

17 (1) Requirements that contracts provide the
18 Department on a regular basis information on
19 scheduling and appearance for appointments for
20 health care on a per-patient basis.

21 (2) Such other best practices requirements as
22 the Secretary considers appropriate.

○