

114TH CONGRESS  
1ST SESSION

# H. R. 4103

To amend title 38, United States Code, to improve the provision of medical care to veterans at critical access hospitals.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2015

Mr. CRAMER introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 38, United States Code, to improve the provision of medical care to veterans at critical access hospitals.

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 “Critical Access Hos-  
5 pitals for Veterans Act” or the “CAHV Act”.

6 **SEC. 2. CARE TO VETERANS AT CRITICAL ACCESS HOS-**  
7 **PITALS.**

8 (a) AGREEMENT BETWEEN HHS AND VA.—

1           (1) IN GENERAL.—Chapter 17 of title 38,  
2           United States Code, is amended by inserting after  
3           section 1703 the following new section:

4   **“§ 1703A. Care at critical access hospitals**

5           “(a) FURNISHING OF CARE.—At the election of a vet-  
6           eran enrolled in the health care system established under  
7           section 1705(a) of this title, hospital care and medical  
8           services shall be furnished at critical access hospitals to  
9           the veteran pursuant to the agreement described in sub-  
10          section (b)(1).

11          “(b) AGREEMENT.—(1) The agreement described in  
12          this paragraph is an agreement entered into by the Sec-  
13          retary of Veterans Affairs and the Secretary of Health and  
14          Human Services under which—

15                 “(A) the Secretary of Health and Human Serv-  
16                 ices, acting through the Centers for Medicare &  
17                 Medicaid Services, shall, notwithstanding any other  
18                 provision of law—

19                         “(i) ensure that a critical access hospital  
20                         may submit claims to the Centers for Medicare  
21                         & Medicaid Services for hospital care and med-  
22                         ical services that are inpatient critical access  
23                         hospital services and outpatient critical access  
24                         hospital services (as such terms are defined in  
25                         paragraphs (2) and (3), respectively, of section

1 1861(mm) of the Social Security Act (42  
2 U.S.C. 1395x(mm))) furnished to a veteran  
3 under subsection (a); and

4 “(ii) subject to paragraphs (2) and (3),  
5 provide payment to such critical access hospital  
6 for such services furnished to such veteran in  
7 the same manner and at 100 percent of the  
8 payment rate as would otherwise be made to  
9 such critical access hospital (including any cost-  
10 sharing obligation that would otherwise apply)  
11 if such services were furnished to an individual  
12 entitled to benefits under part A of title XVIII  
13 of the Social Security Act or enrolled under  
14 part B of such Act, as applicable; and

15 “(B) not later than 30 days after the Secretary  
16 of Health and Human Services provides such pay-  
17 ment to such critical access hospital, the Secretary  
18 of Veterans Affairs shall reimburse the Secretary of  
19 Health and Human Services an amount equal to—

20 “(i) the payment provided to the critical  
21 access hospital pursuant to subparagraph (A)  
22 with respect to such services described in such  
23 subparagraph furnished to such veteran, minus

24 “(ii) any portion of such payment for such  
25 services furnished to such veteran for which

1 payment would otherwise be made under title  
2 XVIII of such Act (including any cost-sharing  
3 obligation that would otherwise apply) with re-  
4 spect to such veteran, without application of  
5 this subsection, and which would not otherwise  
6 be provided pursuant to this chapter.

7 “(2) In the case of care or services furnished to a  
8 veteran by a critical access hospital for which payment  
9 would not be made under title XVIII of the Social Security  
10 Act if such veteran were an individual entitled to benefits  
11 under part A of such title or enrolled under part B, as  
12 applicable, the Secretary of Veterans Affairs and the Sec-  
13 retary of Health and Human Services shall jointly deter-  
14 mine the payment to be made under paragraph (1)(A) to  
15 such critical access hospital for such care or services fur-  
16 nished to such veteran. Subparagraphs (A)(i) and (B) of  
17 paragraph (1) shall apply with respect to such care and  
18 services and any payments made pursuant to the previous  
19 sentence, respectively, in the same manner as such sub-  
20 paragraphs apply to services described in and payments  
21 made under subparagraph (A)(ii) of such paragraph.

22 “(3) In the case of services described in paragraph  
23 (1)(B)(ii) furnished to a veteran for which payment would  
24 otherwise be made under title XVIII of the Social Security  
25 Act, any cost-sharing obligation otherwise applicable to

1 such veteran under such title with respect to such services  
2 shall apply.

3 “(c) ELIGIBILITY.—A veteran shall be eligible for the  
4 hospital care and medical services furnished under sub-  
5 section (a) if the veteran presents to a critical access hos-  
6 pital and provides the critical access hospital with any doc-  
7 ument issued by the Department of Veterans Affairs that  
8 describes the enrollment of the veteran in the health care  
9 system established under section 1705(a) of this title, in-  
10 cluding an identification card described in section 5706(f)  
11 of this title or a Veterans Choice Card described in section  
12 101(f) of the Veterans Access, Choice, and Accountability  
13 Act of 2014 (38 U.S.C. 1701 note).

14 “(d) CARE PROVIDED.—The hospital care and med-  
15 ical services furnished to a veteran under subsection (a)  
16 shall be the care or services the eligible veteran is eligible  
17 to receive under this chapter.

18 “(e) MEDICAL RECORDS.—The Secretary of Veterans  
19 Affairs shall provide to a critical access hospital the med-  
20 ical records of a veteran being treated by such hospital  
21 if such hospital requests such records. To the extent prac-  
22 ticable, the Secretary shall provide such records electroni-  
23 cally.

24 “(f) COSTS TO VETERANS.—Any copayments or  
25 other charges that the Secretary may collect from a vet-

1 eran or third party pursuant to this chapter for hospital  
2 care or medical services furnished to a veteran at a non-  
3 Department facility shall apply to care or services fur-  
4 nished to the veteran under subsection (a).

5 “(g) REPORTS.—During the five-year period begin-  
6 ning on the date of the enactment of this section, and from  
7 time to time thereafter, the Secretary of Veterans Affairs,  
8 in consultation with the Secretary of Health and Human  
9 Services, shall submit to the Committees on Veterans’ Af-  
10 fairs and Energy and Commerce of the House of Rep-  
11 resentatives and the Committees on Veteran’s Affairs and  
12 Health, Education, Labor, and Pensions of the Senate an  
13 annual report on the hospital care and medical services  
14 furnished under subsection (a). Each such report shall ex-  
15 plain how furnishing such care and services under sub-  
16 section (a) affects the following:

17 “(1) The resources of the Department of Vet-  
18 erans Affairs.

19 “(2) The costs incurred by veterans to receive  
20 such care and services.

21 “(3) The amount of time a veteran must wait  
22 to receive hospital care and services.

23 “(h) CRITICAL ACCESS HOSPITAL DEFINED.—In  
24 this section, the term ‘critical access hospital’ means a  
25 hospital designated or certified as a critical access hospital

1 pursuant to section 1820 of the Social Security Act (42  
2 U.S.C. 1395i-4).”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of such chapter is amended  
5 by inserting after the item relating to section 1703  
6 the following new item:

“1703A. Care at critical access hospitals.”.

7 (b) MEDICARE CONDITION OF PARTICIPATION.—Sec-  
8 tion 1820(e) of the Social Security Act (42 U.S.C. 1395i-  
9 4(e)) is amended—

10 (1) in paragraph (2), by striking at the end  
11 “and”;

12 (2) by redesignating paragraph (3) as para-  
13 graph (4); and

14 (3) by inserting after paragraph (2) the fol-  
15 lowing new paragraph:

16 “(3) agrees to furnish items and services to vet-  
17 erans in accordance with the agreement entered into  
18 between the Secretary and the Secretary of Veterans  
19 Affairs under section 1703A of title 38, United  
20 States Code; and”.

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