

# Union Calendar No. 82

115TH CONGRESS  
1ST SESSION

# H. R. 1725

**[Report No. 115–133]**

To amend title 38, United States Code, to improve the treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of claims for disability compensation under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2017

Mr. WALZ (for himself, Mr. DENHAM, Mr. LANGEVIN, Ms. MCSALLY, Mr. JOHNSON of Ohio, Mr. COSTELLO of Pennsylvania, and Ms. KUSTER of New Hampshire) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 19, 2017

Additional sponsors: Mr. HIGGINS of New York and Ms. SHEA-PORTER

MAY 19, 2017

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 24, 2017]

# **A BILL**

To amend title 38, United States Code, to improve the treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of claims for disability compensation under the laws administered by the Secretary 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. REPORT ON PROGRESS OF DEPARTMENT OF**  
4 **VETERANS AFFAIRS ACCEPTABLE CLINICAL**  
5 **EVIDENCE INITIATIVE.**

6 *(a) IN GENERAL.—Not later than 180 days after the*  
7 *date of the enactment of this Act, the Secretary shall submit*  
8 *to the Committee on Veterans' Affairs of the Senate and*  
9 *the Committee on Veterans' Affairs of the House of Rep-*  
10 *resentatives a report on the progress of the Acceptable Clin-*  
11 *ical Evidence initiative of the Department of Veterans Af-*  
12 *fairs in reducing the necessity for in-person disability ex-*  
13 *aminations and other efforts to comply with the provisions*  
14 *of section 5125 of title 38, United States Code.*

15 *(b) CONTENTS OF REPORT.—The report required by*  
16 *subsection (a) shall include the following:*

17 *(1) The number of claims eligible for the Accept-*  
18 *able Clinical Evidence initiative during the period*  
19 *beginning on the date of the commencement of the ini-*  
20 *tiative and ending on the date of the submittal of the*  
21 *report, disaggregated by fiscal year.*

22 *(2) The total number of claims eligible for the*  
23 *Acceptable Clinical Evidence initiative that required*  
24 *a medical examiner of the Department to supplement*

1        *the evidence with information obtained during a tele-*  
2        *phone interview with a claimant.*

3            (3) *Information on any other initiatives or ef-*  
4        *forts of the Department to further encourage the use*  
5        *of private medical evidence and reliance upon reports*  
6        *of a medical examination administered by a private*  
7        *physician if the report is sufficiently complete to be*  
8        *adequate for the purposes of adjudicating a claim.*

9            (4) *The anticipated impact on the timeline and*  
10       *accuracy of a decision on a claim for benefits under*  
11       *chapter 11 or 15 of title 38, United States Code, if*  
12       *the Secretary were prohibited from requesting a med-*  
13       *ical examination in the case of a claim in support of*  
14       *which a claimant submits medical evidence and a*  
15       *medical opinion provided by a private physician that*  
16       *is competent, credible, probative, and otherwise ade-*  
17       *quate for the purpose of making a decision on that*  
18       *claim.*

19           (5) *Recommendations on how the Department*  
20       *can measure, track, and prevent the ordering of un-*  
21       *necessary medical examinations when the provision*  
22       *by a claimant of a medical examination administered*  
23       *by a private physician in support of a claim for bene-*  
24       *fits under chapter 11 or 15 of title 38, United States*

1        *Code, is adequate for the purpose of making a deci-*  
2        *sion on that claim.*

3        **SEC. 2. ANNUAL REPORT ON SUBMITTAL OF PRIVATE MED-**  
4                    **ICAL EVIDENCE IN SUPPORT OF CLAIMS FOR**  
5                    **DEPARTMENT OF VETERANS AFFAIRS BENE-**  
6                    **FITS.**

7        *Not later than March 1 of fiscal years 2018 through*  
8        *2024, the Secretary of Veterans Affairs shall submit to Con-*  
9        *gress a report that includes, for the calendar year preceding*  
10       *the year in which the report is submitted, the following for*  
11       *each regional office of the Department of Veterans Affairs:*

12                *(1) The number of times a veteran who sub-*  
13                *mitted private medical evidence in support of a claim*  
14                *for compensation or pension under the laws adminis-*  
15                *tered by the Secretary was scheduled for an examina-*  
16                *tion performed by Department personnel because the*  
17                *private medical evidence submitted was determined to*  
18                *be unacceptable.*

19                *(2) The most common reasons why private med-*  
20                *ical evidence submitted in support of claims for bene-*  
21                *fits under the laws administered by the Secretary was*  
22                *determined to be unacceptable.*

23                *(3) The types of disabilities for which claims for*  
24                *benefits under the laws administered by the Secretary*

1        *were mostly commonly denied when private medical*  
2        *evidence was submitted.*

Amend the title so as to read: “A bill to direct the Secretary of Veterans Affairs to submit certain reports relating to medical evidence submitted in support of claims for benefits under the laws administered by the Secretary.”.



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1<sup>ST</sup> Session

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