

115TH CONGRESS
1ST SESSION

S. 2131

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish medically necessary transportation for newborn children of certain women veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2017

Mrs. MURRAY (for herself and Mr. TESTER) 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 authorize the Secretary of Veterans Affairs to furnish medically necessary transportation for newborn children of certain women veterans, 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 “VA Newborn Emer-
5 gency Treatment Act”.

1 **SEC. 2. AUTHORITY FOR SECRETARY OF VETERANS AF-**
 2 **FAIRS TO FURNISH MEDICALLY NECESSARY**
 3 **TRANSPORTATION FOR NEWBORN CHILDREN**
 4 **OF CERTAIN WOMEN VETERANS.**

5 (a) IN GENERAL.—Section 1786 of title 38, United
 6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) in the matter before paragraph (1)—

9 (i) by inserting “and transportation
 10 necessary to receive such services” after
 11 “described in subsection (b)”;

12 (ii) by inserting “, except as provided
 13 in subsection (e),” after “seven days”;

14 (B) in paragraph (1), by striking “or”;

15 (C) in paragraph (2), by striking the pe-
 16 riod at the end and inserting “; or”;

17 (D) by adding at the end the following new
 18 paragraph:

19 “(3) another location if the veteran is unable to
 20 deliver the child in a facility described in paragraph
 21 (1) or (2).”;

22 (2) in subsection (b), by inserting before the pe-
 23 riod at the end the following “, including necessary
 24 health care services provided by a facility other than
 25 the facility where the newborn child was delivered
 26 (including a specialty pediatric hospital) that accepts

1 transfer of the newborn child and responsibility for
2 treatment of the newborn child”; and

3 (3) by adding at the end the following new sub-
4 sections:

5 “(c) TRANSPORTATION.—(1) Transportation fur-
6 nished under subsection (a) to, or between, care settings
7 to meet the needs of a newborn child includes costs for
8 either or both the child and parents.

9 “(2) Transportation furnished under subsection (a)
10 includes transportation by ambulance, including air ambu-
11 lance, or other appropriate modes of transportation—

12 “(A) to another health care facility (including a
13 specialty pediatric hospital) that accepts transfer of
14 the newborn child or otherwise provides post-delivery
15 care services when the original treating facility is
16 not capable of furnishing the care or services re-
17 quired; or

18 “(B) to a health care facility in a medical emer-
19 gency of such nature that a prudent layperson rea-
20 sonably expects that delay in seeking immediate
21 medical attention would be hazardous to life or
22 health.

23 “(3) The Secretary shall directly reimburse a pro-
24 vider of ambulance or air ambulance services for transpor-
25 tation services provided under this section.

1 “(4) Amounts paid by the Department for transpor-
 2 tation under this section shall be derived from the Medical
 3 Services appropriations account of the Department.

4 “(d) PAYMENT FOR TREATMENT OR TRANSPOR-
 5 TATION.—(1) Payment by the Secretary under this section
 6 on behalf of a veteran to a covered entity shall, unless
 7 rejected and refunded by the covered entity within 30 days
 8 of receipt, extinguish any liability on the part of the vet-
 9 eran for that treatment or transportation.

10 “(2) Neither the absence of a contract or agreement
 11 between the Secretary and a covered entity nor any provi-
 12 sion of a contract, agreement, or assignment to the con-
 13 trary shall operate to modify, limit, or negate the require-
 14 ments of paragraph (1).

15 “(3) In this subsection, the term ‘covered entity’
 16 means any individual, transportation carrier, organization,
 17 or other entity that furnished or paid for health care or
 18 transportation services under this section.

19 “(e) EXCEPTION.—The Secretary may furnish more
 20 than seven days of health care services described in sub-
 21 section (b) to a newborn child based on medical necessity
 22 if the child is in need of additional care.”.

23 (b) TREATMENT OF CERTAIN DEBTS ALREADY IN-
 24 CURRED.—The Secretary of Veterans Affairs may waive
 25 a debt for or reimburse a veteran billed for the cost of

1 transportation that was furnished in order for a newborn
2 child to receive health care services under section 1786
3 of title 38, United States Code, before the date of the en-
4 actment of this Act.

