

116TH CONGRESS  
1ST SESSION

# S. 629

To require the Secretary of Veterans Affairs to review the processes and requirements of the Department of Veterans Affairs for scheduling appointments for health care and conducting consultations under the laws administered by the Secretary, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2019

Mr. TESTER (for himself, Mrs. MURRAY, Mr. BLUMENTHAL, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To require the Secretary of Veterans Affairs to review the processes and requirements of the Department of Veterans Affairs for scheduling appointments for health care and conducting consultations under the laws administered by the Secretary, 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 “Accountability in De-  
5       partment of Veterans Affairs Scheduling and Consult  
6       Management Act”.

1 **SEC. 2. PROCESSES AND REQUIREMENTS FOR SCHED-**  
2 **ULING APPOINTMENTS FOR HEALTH CARE**  
3 **FROM DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) PROCESSES AND REQUIREMENTS.—

5 (1) IN GENERAL.—Not later than 60 days after  
6 the date of the enactment of this Act, the Secretary  
7 of Veterans Affairs shall submit to the Committee  
8 on Veterans' Affairs of the Senate and the Com-  
9 mittee on Veterans' Affairs of the House of Rep-  
10 resentatives a description of the processes and re-  
11 quirements of the Department of Veterans Affairs  
12 for scheduling appointments for health care from the  
13 Department at the medical facility level.

14 (2) PERIODIC REVISION.—

15 (A) IN GENERAL.—The Secretary may re-  
16 vise the processes and requirements required  
17 under paragraph (1) as the Secretary considers  
18 necessary.

19 (B) SUBMITTAL TO CONGRESS.—Not later  
20 than 30 days before revising the processes and  
21 requirements under subparagraph (A), the Sec-  
22 retary shall submit to the Committee on Vet-  
23 erans' Affairs of the Senate and the Committee  
24 on Veterans' Affairs of the House of Represent-  
25 ative a description of those revised processes  
26 and requirements, including a description of

1           any modifications to the certification and train-  
2           ing under subsection (b).

3           (b) TRAINING ON PROCESSES AND REQUIRE-  
4           MENTS.—

5           (1) CERTIFICATION.—Not later than one year  
6           after the date of the enactment of this Act, the Sec-  
7           retary shall require individuals involved in the sched-  
8           uling of appointments for health care from the De-  
9           partment to certify to the Secretary that the indi-  
10          vidual understands the processes and requirements  
11          described in subsection (a), including the maximum  
12          number of days allowed to complete each step of the  
13          scheduling process.

14          (2) NEW EMPLOYEES.—The Secretary shall re-  
15          quire all employees hired by the Department after  
16          the date of the enactment of this Act who are to be  
17          involved in the scheduling of appointments for health  
18          care from the Department to undergo training on  
19          the processes and requirements described in sub-  
20          section (a) as part of the onboarding process.

21          (c) METHOD TO MONITOR COMPLIANCE.—

22          (1) IN GENERAL.—Not later than 180 days  
23          after the date of the enactment of this Act, the Sec-  
24          retary shall establish or maintain a method or tool  
25          to enable real-time monitoring of and ensure that

1 each medical facility of the Department complies  
2 with the scheduling processes and requirements de-  
3 scribed in subsection (a), including compliance with  
4 policies of the Department relating to the maximum  
5 number of days allowed to complete each step of the  
6 scheduling process.

7 (2) USE THROUGHOUT DEPARTMENT.—

8 (A) IN GENERAL.—The Secretary shall re-  
9 quire each medical facility of the Department to  
10 use the method or tool described in paragraph  
11 (1).

12 (B) CERTIFICATION.—Not later than one  
13 year after the date of the enactment of this Act,  
14 the Secretary shall require the director of each  
15 medical facility of the Department to certify to  
16 the Secretary that the director is using the  
17 method or tool described in paragraph (1).

18 (d) COMPTROLLER GENERAL REPORT.—Not later  
19 than two years after the date of the enactment of this Act,  
20 the Comptroller General of the United States shall submit  
21 to the Committee on Veterans' Affairs of the Senate and  
22 the Committee on Veterans' Affairs of the House of Rep-  
23 resentatives a report on the compliance of the Secretary  
24 with the requirements of this section.

1 **SEC. 3. AUDITS REGARDING SCHEDULING OF APPOINT-**  
2 **MENTS AND MANAGEMENT OF CONSULTA-**  
3 **TIONS FOR HEALTH CARE FROM DEPART-**  
4 **MENT OF VETERANS AFFAIRS.**

5 (a) **IN GENERAL.**—Not later than one year after the  
6 date of the enactment of this Act, and not less frequently  
7 than annually thereafter, the Secretary of Veterans Af-  
8 fairs shall provide for the conduct of facility-level audits  
9 of the scheduling of appointments and the management  
10 of consultations for health care under the laws adminis-  
11 tered by the Secretary.

12 (b) **ELEMENTS.**—Each audit conducted under sub-  
13 section (a) shall include the following:

14 (1) With respect to each medical center of the  
15 Department of Veterans Affairs, an assessment of  
16 any scheduling or consultation management issues  
17 at that medical center, including the following:

18 (A) An assessment of non-compliance with  
19 policies of the Veterans Health Administration  
20 relating to scheduling appointments and man-  
21 aging consultations.

22 (B) An assessment of the extent to which  
23 appointments or consultations are not timely  
24 processed.

1 (C) A description of any backlogs in ap-  
2 pointments or consultations that are awaiting  
3 action.

4 (D) An assessment of whether consulta-  
5 tions are appropriately processed.

6 (E) Data with respect to consultations as  
7 follows:

8 (i) Consultations that were scheduled  
9 within the request window.

10 (ii) Duplicate consultation requests.

11 (iii) Consultations that were discon-  
12 tinued.

13 (iv) Delays in consultations.

14 (v) Consultations that were not prop-  
15 erly closed or discontinued, including a de-  
16 scription of remediation attempts.

17 (F) A review for accuracy with respect to  
18 consultation management as follows:

19 (i) A review of the accuracy of the  
20 type of service, either administrative or  
21 clinical, that is inputted in the electronic  
22 health record.

23 (ii) A review of the accuracy of the  
24 type of consultation setting, either impa-

1                   tient or outpatient, that is inputted in the  
2                   electronic health record.

3                   (iii) A review of the appropriateness  
4                   of the level of urgency of the consultation  
5                   that is inputted in the electronic health  
6                   record.

7                   (iv) A review of any delayed or unre-  
8                   solved consultations.

9                   (2) An identification of such recommendations  
10                  for corrective action as the Secretary considers nec-  
11                  essary, including additional training, increased per-  
12                  sonnel, and other resources.

13                  (3) A certification that the director of each  
14                  medical center of the Department is in compliance  
15                  with the processes and requirements described in  
16                  section 2(a) and such other requirements relating to  
17                  the scheduling of appointments and management of  
18                  consultations as the Secretary considers appropriate.

19                  (4) With respect to referrals for health care be-  
20                  tween health care providers or facilities of the De-  
21                  partment, a measurement of, for each medical facil-  
22                  ity of the Department, the time it takes from the  
23                  date that a clinician of the Department determines  
24                  that a veteran requires care from another health  
25                  care provider or facility to each of the following:

1           (A) The date that the referral for care is  
2 sent to the other health care provider or facil-  
3 ity.

4           (B) The date that the other health care  
5 provider or facility accepts the referral.

6           (C) The date that the appointment with  
7 the other health care provider or at the other  
8 facility is made.

9           (D) The date of the appointment with the  
10 other health care provider or at the other facil-  
11 ity.

12           (E) Any other step that the Secretary de-  
13 termines necessary to measure.

14       (c) CONDUCT OF AUDIT BY THIRD PARTY.—Each  
15 audit conducted under subsection (a) with respect to a  
16 medical facility of the Department shall be conducted by  
17 an individual or entity that is not affiliated with the facil-  
18 ity.

19       (d) TRANSMITTAL TO VHA.—Each audit conducted  
20 under subsection (a) shall be transmitted to the Under  
21 Secretary for Health of the Department so that the Under  
22 Secretary can—

23           (1) strengthen oversight of the scheduling of  
24 appointments and management of consultations  
25 throughout the Department;



1           (2) monitor national policy on such scheduling  
2           and management;

3           (3) determine if a mobile deployment team fur-  
4           nished under the pilot program established under  
5           section 402 of the VA MISSION Act of 2018 (Pub-  
6           lic Law 115–182) is warranted; and

7           (4) develop a remediation plan to address issues  
8           uncovered by those audits.

9           (e) ANNUAL REPORT.—

10           (1) IN GENERAL.—Not later than December 31  
11           of each year, the Secretary shall submit to the Com-  
12           mittee on Veterans’ Affairs of the Senate and the  
13           Committee on Veterans’ Affairs of the House of  
14           Representatives a report on the audits conducted  
15           under subsection (a) during the year ending on that  
16           date.

17           (2) ELEMENTS.—The Secretary shall include in  
18           each report required by paragraph (1)—

19                   (A) a description of the audits conducted  
20                   under subsection (a) with respect to each facil-  
21                   ity of the Department;

22                   (B) an assessment of how the Department  
23                   strengthened oversight of the scheduling of ap-  
24                   pointments and management of consultations at  
25                   that facility as a result of those audits;

1 (C) an assessment of how those audits in-  
2 formed the national policy of the Department  
3 with respect to the scheduling of appointments  
4 and management of consultations; and

5 (D) a description of any remediation plans  
6 to address issues raised by those audits that  
7 were completed.

8 **SEC. 4. ADMINISTRATION OF NON-DEPARTMENT OF VET-**  
9 **ERANS AFFAIRS HEALTH CARE.**

10 (a) CERTIFICATION OF PROPER ADMINISTRATION.—

11 (1) REVIEW.—

12 (A) IN GENERAL.—The Secretary of Vet-  
13 erans Affairs shall conduct a review of the  
14 staffing, training, and other requirements nec-  
15 essary to administer section 101 of the Vet-  
16 erans Access, Choice, and Accountability Act of  
17 2014 (Public Law 113–146; 38 U.S.C. 1701  
18 note), section 1703 of title 38, United States  
19 Code (as in effect on the date specified in sec-  
20 tion 101(b) of the Caring for Our Veterans Act  
21 of 2018 (title I of Public Law 115–182)), and  
22 any other community care program of the De-  
23 partment of Veterans Affairs.

1 (B) ELEMENTS.—The review conducted  
2 under paragraph (1) shall include, with respect  
3 to each medical facility of the Department—

4 (i) an assessment of the type of posi-  
5 tions required to be staffed at the medical  
6 facility;

7 (ii) the number of such positions au-  
8 thorized;

9 (iii) the number of such positions  
10 filled; and

11 (iv) the number of additional such po-  
12 sitions required to be authorized.

13 (2) CERTIFICATION.—Not later than 180 days  
14 after the date of the enactment of this Act, and  
15 every 180 days thereafter, the Secretary of Veterans  
16 Affairs shall submit to the Committee on Veterans'  
17 Affairs of the Senate and the Committee on Vet-  
18 erans' Affairs of the House of Representatives the  
19 results of the review conducted under paragraph (1),  
20 including a certification that all staffing, training,  
21 and other requirements described in paragraph  
22 (1)(A) are fulfilled.

23 (b) SCHEDULING OF APPOINTMENTS.—

24 (1) IN GENERAL.—The Secretary shall be re-  
25 sponsible for ensuring that appointments for health

1 care from non-Department health care providers  
2 under the laws administered by the Secretary are  
3 scheduled.

4 (2) TIMELINESS GOALS.—Not later than 30  
5 days after the date of the enactment of this Act, the  
6 Secretary shall establish timeliness goals for each  
7 step in scheduling an appointment for health care  
8 from a non-Department health care provider set  
9 forth under subparagraphs (A) through (F) of para-  
10 graph (3).

11 (3) MEASUREMENT OF TIMELINESS FOR EACH  
12 FACILITY.—Not later than 120 days after the date  
13 of the enactment of this Act, the Secretary shall  
14 measure, for each medical facility of the Depart-  
15 ment, the time it takes from the date that a clinician  
16 of the Department determines that a veteran re-  
17 quires care from a non-Department health care pro-  
18 vider to each of the following:

19 (A) The date that the referral for care is  
20 sent to the non-Department health care pro-  
21 vider.

22 (B) The date that the non-Department  
23 health care provider accepts the referral.

1 (C) The date that the appointment with  
2 the non-Department health care provider is  
3 made.

4 (D) The date that the appointment with  
5 the non-Department health care provider oc-  
6 curs.

7 (E) The date that the referral to the non-  
8 Department health care provider is completed.

9 (F) Any other step that the Secretary de-  
10 termines necessary to measure.

11 (4) PUBLICATION OF DATA.—

12 (A) IN GENERAL.—Not later than one year  
13 after the date of the enactment of this Act, the  
14 Secretary shall publish the data measured  
15 under paragraph (3), disaggregated by medical  
16 facility, on a publicly available Internet website  
17 of the Department.

18 (B) UPDATE.—Not less frequently than bi-  
19 weekly, the Secretary shall update the data  
20 published under subparagraph (A).

21 (c) COMPTROLLER GENERAL REPORT.—

22 (1) REVIEW.—Beginning not later than one  
23 year after the date of the enactment of this Act, the  
24 Comptroller General of the United States shall re-  
25 view compliance by the Secretary with the require-

1       ments of this section, including a review of the valid-  
2       ity and reliability of data published by the Secretary  
3       under subsection (b)(4).

4               (2) COMPLETION.—Not later than three years  
5       after the date of the enactment of this Act, the  
6       Comptroller General shall submit to the Committee  
7       on Veterans’ Affairs of the Senate and the Com-  
8       mittee on Veterans’ Affairs of the House of Rep-  
9       resentatives the results of the review conducted  
10      under paragraph (1).

11 **SEC. 5. REQUESTS FOR MOBILE DEPLOYMENT TEAMS BY**  
12                       **DIRECTORS OF MEDICAL CENTERS OF DE-**  
13                       **PARTMENT OF VETERANS AFFAIRS.**

14       (a) IN GENERAL.—A director of a medical center of  
15      the Department of Veterans Affairs shall request from the  
16      Secretary of Veterans Affairs a mobile deployment team  
17      under the pilot program established under section 402 of  
18      the VA MISSION Act of 2018 (Public Law 115–182) if  
19      requirements of the Department under sections 2 and 4  
20      have not been met with respect to a facility under the ju-  
21      risdiction of the director.

22       (b) REPORT.—Not less frequently than once every  
23      180 days, the Secretary shall submit to the appropriate  
24      committees of Congress a report setting forth each request  
25      under subsection (a) during the period covered by the re-

1 port, including an explanation of why a mobile deployment  
2 team was or was not provided, as the case may be.

3 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
4 FINED.—In this section, the term “appropriate commit-  
5 tees of Congress” means—

6 (1) the Committee on Veterans’ Affairs and the  
7 Committee on Appropriations of the Senate; and

8 (2) the Committee on Veterans’ Affairs and the  
9 Committee on Appropriations of the House of Rep-  
10 resentatives.

11 **SEC. 6. EXAMINATION OF HEALTH CARE CONSULTATION**  
12 **AND SCHEDULING POSITIONS OF DEPART-**  
13 **MENT OF VETERANS AFFAIRS.**

14 (a) PROPER GRADING OF CONSULTATION AND  
15 SCHEDULING POSITIONS.—

16 (1) IN GENERAL.—The Secretary of Veterans  
17 Affairs shall conduct an examination of health care  
18 positions of the Department of Veterans Affairs to  
19 determine whether health care positions involved in  
20 the consultation and scheduling processes are appro-  
21 priately graded.

22 (2) CONSULTATION.—In conducting the exam-  
23 ination under paragraph (1), the Secretary shall  
24 consult with health care staffing experts in the Fed-  
25 eral Government and the private sector.

1           (3) SUBMITTAL TO CONGRESS.—Not later than  
2           120 days after the date of the enactment of this Act,  
3           the Secretary shall submit to the appropriate com-  
4           mittees of Congress the results of the examination  
5           conducted under paragraph (1).

6           (b) REVIEW OF ONBOARDING PROCESS.—Not later  
7           than 180 days after the date of the enactment of this Act,  
8           the Secretary shall submit to the appropriate committees  
9           of Congress—

10           (1) a review of the onboarding process of indi-  
11           viduals in health care positions described in sub-  
12           section (a), including how long it takes to hire those  
13           individuals; and

14           (2) a description of any changes that the Sec-  
15           retary has made or plans to make to improve that  
16           process.

17           (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
18           FINED.—In this section, the term “appropriate commit-  
19           tees of Congress” means—

20           (1) the Committee on Veterans’ Affairs and the  
21           Committee on Appropriations of the Senate; and

22           (2) the Committee on Veterans’ Affairs and the  
23           Committee on Appropriations of the House of Rep-  
24           resentatives.

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