

## Union Calendar No. 492

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2192

[Report No. 110-773]

To amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2007

Mr. HODES introduced the following bill; which was referred to the Committee on Veterans' Affairs

JULY 24, 2008

Additional sponsors: Ms. MOORE of Wisconsin, Mr. CROWLEY, Mr. JONES of North Carolina, Mr. MATHESON, Ms. KAPTUR, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. SHULER, Mr. DOYLE, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mr. BUTTERFIELD, Mr. LARSON of Connecticut, Mr. BOSWELL, Mr. ANDREWS, Mr. COHEN, Mr. YARMUTH, Mr. ALLEN, Mr. MARSHALL, Mr. GONZALEZ, Mr. CONAWAY, Mr. SCOTT of Virginia, Mr. LYNCH, Mr. MOORE of Kansas, Mrs. MCCARTHY of New York, Mrs. GILLIBRAND, Mr. GILCHREST, Mr. McDERMOTT, Mr. WAXMAN, Mr. BRALEY of Iowa, Mr. MURPHY of Connecticut, Mr. CUMMINGS, Mr. FILLNER, Mr. ELLISON, Mr. BISHOP of New York, Ms. WOOLSEY, Ms. HIRONO, Mr. MCINTYRE, Mr. CUELLAR, Mr. HINOJOSA, Mr. CARSON, Mr. MICHAUD, Mr. TIM MURPHY of Pennsylvania, and Mr. BUYER

JULY 24, 2008

Reported with an amendment, 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]

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## A BILL

To amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs.

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. ESTABLISHMENT OF OFFICE OF THE OMBUDS-**  
 4                               **MAN IN DEPARTMENT OF VETERANS AF-**  
 5                               **FAIRS.**

6       (a) ~~ESTABLISHMENT.~~—Chapter 3 of title 38, United  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing new section:

9       **“§ 321. Office of the Ombudsman**

10       “(a) ~~IN GENERAL.~~—There is established in the De-  
 11 partment an Office of the Ombudsman (in this section re-  
 12 ferred to as the Office). The Secretary shall designate an  
 13 Ombudsman to carry out the duties of the Office.

14       “(b) ~~DUTIES.~~—The Office shall act as a liaison for  
 15 veterans and their family members with respect to the re-  
 16 ceipt of health care and benefits administered by the De-  
 17 partment.

18       “(c) ~~AVAILABILITY OF SERVICES.~~—The Secretary  
 19 shall ensure that the services of the Office are available  
 20 to all veterans and their family members.

1       “(d) CONFIDENTIALITY.—Any information provided  
2 by veterans or their family members to the Office may  
3 be disclosed only to the extent necessary to carry out the  
4 duties of the Office.

5       “(e) OUTREACH.—The Secretary shall make available  
6 to each veteran, and to the family members of all veterans,  
7 information on contacting and utilizing the services of the  
8 Office.”.

9       (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of such chapter is amended by adding  
11 at the end the following new item:

“321. Office of the Ombudsman.”.

12 **SECTION 1. ESTABLISHMENT OF OFFICE OF THE OMBUDS-**  
13 **MAN IN VETERANS HEALTH ADMINISTRA-**  
14 **TION.**

15 (a) OFFICE OF THE OMBUDSMAN.—

16 (1) ESTABLISHMENT.—Subchapter I of chapter  
17 73 of title 38, United States Code, is amended by  
18 adding at the end the following new section:

19 **“§ 7309. Office of the Ombudsman**

20 “(a) OFFICE; DIRECTORS.—There is established in the  
21 Veterans Health Administration an Office of the Ombuds-  
22 man (in this section referred to as the ‘Office’). The Office  
23 shall be headed by a Director appointed by the Secretary.  
24 The Director shall report directly to the Secretary.

25 “(b) DUTIES OF OFFICE.—The Office shall—

1           “(1) be responsible for ensuring—

2                   “(A) all matters referred to the Office are  
3 handled in a confidential manner; and

4                   “(B) any action taken by the Administra-  
5 tion with respect to such a matter does not nega-  
6 tively affect the ability of any veteran to receive  
7 health care or benefits under a law administered  
8 by the Secretary; and

9           “(2) serve as a last resort for complaints and  
10 issues that cannot be resolved at a local or regional  
11 level in the Administration.

12           “(c) DUTIES OF DIRECTOR.—The Director shall—

13                   “(1) be responsible for overseeing the efforts of  
14 patient advocates in the Administration;

15                   “(2) develop and make available to local offices  
16 of the Administration tools for monitoring the work  
17 of such patient advocates and standards to evaluate  
18 the work of such patient advocates;

19                   “(3) determine trends, in terms of numbers, top-  
20 ics, and facility locations, in patient issues and com-  
21 plaints;

22                   “(4) participate in such national quality con-  
23 ferences of the Administration as the Under Secretary  
24 for Health may designate;

1           “(5) help coordinate assistance for veterans who  
2           need assistance from the Administration in more than  
3           one region of the Administration; and

4           “(6) maintain a public Web site with links to  
5           contact information for each patient advocate at each  
6           medical center of the Department.

7           “(d) *REGIONAL ADMINISTRATORS.*—The Director shall  
8           appoint three regional administrators to support facilities  
9           of the Administration and veterans integrated service net-  
10          works in their patient advocacy work, to identify best prac-  
11          tices for patient advocacy work and inform such facilities  
12          and networks of such best practices, and to receive and refer  
13          to the board established under subsection (e) appeals from  
14          veterans in their respective regions who are not satisfied  
15          with the efforts of their local medical center of the Depart-  
16          ment and veteran integrated service network.

17          “(e) *BOARD.*—The Director shall establish a board  
18          composed of the Director and the three regional administra-  
19          tors appointed under subsection (d) to hear appeals referred  
20          to the board by a regional administrator under subsection  
21          (d) and issue a letter explaining the board’s decision re-  
22          garding such appeal and outlining possible steps for resolv-  
23          ing issues raised in such appeal.

24          “(f) *LIMITATION ON STATUTORY CONSTRUCTION.*—  
25          Nothing in this section shall be construed as affecting the

1 *authority and responsibility of coordinators of patient ad-*  
2 *vocates for severely injured veterans of Operation of Endur-*  
3 *ing Freedom and severely injured veterans of Operation*  
4 *Iraqi Freedom.”.*

5 (2) *CLERICAL AMENDMENT.—The table of sec-*  
6 *tions at the beginning of such chapter is amended by*  
7 *inserting after the item relating to section 7308 the*  
8 *following new item:*

*“7309. Office of the Ombudsman.”.*

9 (b) *DEADLINE FOR DESIGNATION OF OMBUDSMAN.—*  
10 *Not later than 180 days after the date of the enactment of*  
11 *this Act, the Secretary of Veterans Affairs shall designate*  
12 *an individual to serve as the Ombudsman of the Veterans*  
13 *Health Administration under section 7309 of title 38,*  
14 *United States Code, as added by subsection (a).*



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