

103^D CONGRESS
1ST SESSION

H. R. 1463

To amend title 38, United States Code, to implement recommendations made by the Commission on the Future Structure of Veterans Health Care.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1993

Mr. MONTGOMERY (by request) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to implement recommendations made by the Commission on the Future Structure of Veterans Health Care.

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 “Veterans Health-Care
5 Reform Act of 1993”.

6 **SEC. 2. RESTRUCTURING OF VETERANS HEALTH CARE.**

7 Chapter 17 of title 38, United States Code, is amend-
8 ed as follows:

9 (1) The heading for subchapter I is amended to
10 read as follows:

1 “SUBCHAPTER I—HEALTH CARE AND HEALTH-
2 CARE RELATED BENEFITS”;

3 (2) The heading for subchapter II is repealed.

4 (3) Subchapters III, IV, V, and VI, are redesign-
5 nated as subchapters II, III, IV, and V, respectively.

6 (4) The heading of subchapter II, as so redesign-
7 nated, is amended to read as follows:

8 “SUBCHAPTER II—MISCELLANEOUS PROVI-
9 SIONS RELATING TO HEALTH CARE AND
10 HEALTH-CARE RELATED BENEFITS”.

11 (5) Sections 1701, 1703, 1710, 1712, 1717,
12 1719, 1720, 1720B, 1720C, 1722, 1722A, and sub-
13 chapter VII are repealed.

14 (6)(A) Section 1702 is transferred to sub-
15 chapter II, as so redesignated, inserted after section
16 1721, and redesignated as section 1722.

17 (B) Sections 1711, 1712A, and 1712B are re-
18 designating as sections 1704, 1705, and 1706, re-
19 spectively.

20 (C) Section 1720A is transferred to appear
21 after section 1706, as so redesignated, and is redesi-
22 gnated as section 1707.

23 (D) Section 1720D is transferred to appear
24 after 1707, as so transferred and redesignated, and
25 is redesignated as section 1708.

1 (E) Sections 1713, 1714, 1715, 1716, and
2 1718 are redesignated as sections 1709, 1710, 1711,
3 1712, and 1713, respectively.

4 (7) Subchapter I is further amended by insert-
5 ing after the subchapter heading (as amended by
6 paragraph (1)) the following new sections:

7 **“§ 1701. Eligibility for health-care benefits**

8 “(a) The Secretary shall provide such care as the Sec-
9 retary determines is needed for any disability of a veteran
10 who meets any of the following conditions:

11 “(1) The veteran has a service-connected dis-
12 ability.

13 “(2) The annual attributable income of the vet-
14 eran does not exceed the amount established under
15 subsection (b).

16 “(3) The discharge or release of the veteran
17 from the active military, naval, or air service was for
18 a disability incurred or aggravated in line of duty.

19 “(4) The veteran is in receipt of, or but for a
20 suspension pursuant to section 1151 of this title (or
21 both such suspension and the receipt of retired pay),
22 would be entitled to disability compensation, but
23 only to the extent that such veteran’s continuing eli-
24 gibility for such care is provided for in the judgment
25 or settlement described in such section.

1 “(b)(1) For purposes of subsection (a)(2), attrib-
2 utable income for the calendar year beginning on
3 January 1, 1993, is—

4 “(A) \$19,408, in the case of a veteran with no
5 dependents; and

6 “(B) \$23,290, in the case of a veteran with one
7 dependent, plus \$1,296 for each additional depend-
8 ent.

9 “(2) Effective on January 1 of each calendar year
10 after 1993, the amounts in effect under paragraph (1)
11 shall be increased by the percentage by which the maxi-
12 mum rates of pension were increased under section
13 1512(a) of this title during the preceding calendar year.

14 “(c)(1) Notwithstanding the attributable income of a
15 veteran, the Secretary may not furnish care under sub-
16 section (a)(2) to a veteran if the corpus of the estate of
17 the veteran is such that, under all the circumstances, it
18 is reasonable that some part of the corpus of the estate
19 be consumed for the veteran’s maintenance.

20 “(2) For the purposes of paragraph (1), the corpus
21 of the estate of a veteran shall be determined in the same
22 manner as the manner in which determinations are made
23 of the corpus of the estates of persons under section 1522
24 of this title.

1 “(3) The term ‘corpus of the estate of the veteran’
2 includes the corpus of the estates of the veteran’s spouse
3 and dependent children, if any.

4 “(d)(1) The term ‘attributable income’ means the in-
5 come of a veteran for the previous calendar year deter-
6 mined in the same manner as the manner in which a de-
7 termination is made of the total amount of income by
8 which the rate of pension of such veteran under section
9 1521 of this title would be reduced if such veteran were
10 eligible for pension under that section.

11 “(2) Notwithstanding paragraph (1), the current pro-
12 jections of a veteran’s income for the current year shall
13 be considered the attributable income if the projected in-
14 come is substantially below the amount determined under
15 paragraph (1).

16 “(e) The Secretary, under such regulations as the
17 Secretary shall prescribe, may provide such care and such
18 health-related benefits under section 1702 of this title, as
19 the Secretary determines are needed for any disability of
20 any veteran who does not meet any of the conditions listed
21 in subsection (a). In prescribing regulations to carry out
22 this subsection, the Secretary may provide for payments
23 at rates prescribed by the Secretary.

24 “(f) The term ‘disability’ means a disease, injury, or
25 other physical or mental defect.

1 **“§ 1702. Eligibility for health-related benefits**

2 “(a) The Secretary shall provide any veteran eligible
3 for care under section 1701 of this title with the following:

4 “(1) Such preventive health care services as the
5 Secretary determines are efficacious.

6 “(2) Social support services, including personal
7 care and homemaker services, if needed to enable
8 the veteran to reside in the home, or another
9 noninstitutional setting, while receiving care under
10 section 1701 of this title.

11 “(3) The opportunity to receive hospital or
12 nursing home care of limited duration on an inter-
13 mittent basis for the purpose of helping a veteran
14 who is suffering from a chronic illness to continue
15 residing primarily at home.

16 “(4) Hospice care services in such cases as the
17 Secretary determines to be clinically appropriate.

18 “(5) Wheelchairs, artificial limbs, and other
19 prosthetic devices, and such medical and rehabilita-
20 tive devices, equipment, and supplies as the Sec-
21 retary determines to be medically indicated.

22 “(6) Improvements and structural alterations to
23 the veteran’s home if necessary to assure the con-
24 tinuation of care under section 1701 of this title or
25 to provide access to the home or to essential lavatory
26 and sanitary facilities.

1 “(b) The cost of improvements and structural alter-
2 ations (or the amount of reimbursement therefor) under
3 subsection (a)(6) may not exceed \$4,100 in the case of
4 veterans eligible for care under paragraphs (1), (3), and
5 (4) of section 1701(a) of this title, or \$1,200 in the case
6 of veterans eligible for care under paragraph (2) of section
7 1701(a) of this title.

8 “(c) The Secretary shall provide any person (includ-
9 ing family members of a veteran or others residing in the
10 same household as the veteran) with (1) counseling, train-
11 ing in the provision of care, or any other service needed
12 for the effective provision of care to the veteran under sec-
13 tion 1701 of this title, and (2) bereavement counseling in
14 connection with the death of a veteran who had been re-
15 ceiving care under section 1701 or section 1702(a)(4) of
16 this title at the time of the death of such veteran.

17 “(d) The Secretary may contract for services author-
18 ized pursuant to this section.

19 **“§ 1703. Contracts for care**

20 “(a) The Secretary shall contract for needed care for
21 veterans eligible for care under section 1701 of this title
22 when Department facilities are geographically inaccessible,
23 lack sufficient capacity, or are otherwise not capable of
24 furnishing needed care.

1 “(b) No veteran may be transferred or admitted to
2 any institution for nursing home care under this chapter,
3 unless such institution is determined by the Secretary to
4 meet such standards as the Secretary may prescribe. The
5 standards prescribed and any report of inspection of insti-
6 tutions furnishing care to veterans under this section
7 made by or for the Secretary shall, to the extent possible,
8 be made available to all Federal, State, and local agencies
9 charged with the responsibility of licensing or otherwise
10 regulating or inspecting such institutions.

11 “(c) In applying the provisions of section 2(b)(1) of
12 the Service Contract Act of 1965 (41 U.S.C. 351(b)(1))
13 with respect to any contract entered into under this sec-
14 tion to provide nursing home care of veterans, the pay-
15 ment of wages not less than those specified in section 6(b)
16 of the Fair Labor Standards Act of 1938 (29 U.S.C.
17 206(b)) shall be deemed to constitute compliance with
18 such provisions.

19 “(d) In arranging to provide adult day health care
20 and other health-related services in noninstitutional set-
21 tings under section 1702 of this title, the Secretary may
22 provide in-kind assistance (through the services of Depart-
23 ment employees and the sharing of other Department re-
24 sources) to a facility furnishing such services to veterans
25 under this chapter. Any such in-kind assistance shall be

1 provided under a contract between the Secretary and the
2 facility concerned. The Secretary may provide such assist-
3 ance only for use solely in the furnishing of adult day
4 health care or other health-related services and only if,
5 under such contract, the Department receives reimburse-
6 ment for the full cost of such assistance, including the cost
7 of services and supplies and normal depreciation and am-
8 ortization of equipment. Such reimbursement may be
9 made by reduction in the charges to the United States
10 or by payment to the United States. Any funds received
11 through such reimbursement shall be credited to funds al-
12 lotted to the Department facility that provided the assist-
13 ance.”.

14 (8) Section 1705 (as redesignated by paragraph
15 (6)) is amended—

16 (A) in subsection (b)—

17 (i) by striking out “under the condi-
18 tions specified in section 1712(a)(5)(B) of
19 this title” in paragraph (1) and inserting
20 in lieu thereof “for a period not in excess
21 of 12 months unless the Secretary deter-
22 mines that a longer period is required by
23 reason of the disability being treated”; and

24 (ii) by striking out “and expenses as
25 are described in section 1701(6)(B) of this

1 title” in paragraph (2) and inserting in
2 lieu thereof “and beneficiary travel ex-
3 penses under section 111 of this title, for
4 the members of the immediate family or
5 legal guardian of a veteran, or the individ-
6 ual in whose household such veteran cer-
7 tifies an intention to live”; and

8 (B) in subsection (e)(1), by striking out
9 “sections 1712(a)(1)(B) and 1703(a)(2)” and
10 inserting in lieu thereof “section 1703”.

11 (9) Section 1707 (as transferred and redesign-
12 ated by paragraph (6)) is amended—

13 (A) by striking out subsections (e) and (g);
14 and

15 (B) by redesignating subsection (f) as sub-
16 section (e).

17 (10)(A) The heading of section 1709 (as redesi-
18 gnated by paragraph (6)) is amended to read as
19 follows:

20 **“§1709. Use of prosthetic appliances; aids for the**
21 **blind and hearing-impaired”.**

22 (B) Such section is amended by adding at the
23 end the following:

24 “(c) The Secretary may repair or replace any artifi-
25 cial limb, truss, brace, hearing aid, spectacles, or similar

1 appliance (not including dental appliances) reasonably
2 necessary to a veteran and belonging to such veteran
3 which was damaged or destroyed by a fall or other acci-
4 dent.

5 “(d) The Secretary may furnish devices for assisting
6 in overcoming the handicap of deafness (including
7 telecaptioning television decoders) to any veteran who is
8 profoundly deaf and is entitled to compensation on ac-
9 count of hearing impairment.”.

10 (11) Section 1712 (as redesignated by para-
11 graph (6)) is amended by striking out subsection (e)
12 and redesignating subsection (f) as subsection (e).

13 (12) Section 1721 is amended—

14 (A) in the first sentence, by striking out
15 “hospital, nursing home, and domiciliary care
16 and medical services” and inserting in lieu
17 thereof “care”; and

18 (B) in the second sentence, by striking out
19 “and services”.

20 (13) Section 1724(d) is amended to read as
21 follows:

22 “(d)(1) Subject to paragraph (2), the Secretary may
23 contract for nursing home care for any veteran who has
24 been furnished hospital care in the Philippines pursuant

1 to this section, and who requires a protracted period of
2 nursing home care.

3 “(2) The Secretary may not furnish care under this
4 subsection for a period in excess of six months unless—

5 “(A) the care is for a service-connected disabili-
6 ty;

7 “(B) the hospitalization of the veteran was for
8 a service-connected disability; or

9 “(C) the Secretary determines that a longer pe-
10 riod of care is warranted.

11 “(3) The cost of nursing home care under this sub-
12 section may not exceed reasonable limits established by the
13 Secretary. The Secretary shall establish standards for
14 nursing homes with which the Department contracts.”.

15 **SEC. 3. BENEFICIARY TRAVEL.**

16 Section 111 of title 38, United States Code, is
17 amended—

18 (1) by striking out subsections (b) and (c);

19 (2) by redesignating subsections (d), (e), (f),
20 (g), and (h) as subsections (b), (c), (d), (e), and (f),
21 respectively; and

22 (3) in paragraph (2) of subsection (e), as so re-
23 designated, by striking out subparagraph (A) and
24 redesignating subparagraphs (B) and (C) as sub-
25 paragraphs (A) and (B), respectively.

1 **SEC. 4. RECOVERY OF COST OF PROVIDING CARE.**

2 Section 1729 of title 38, United States Code, is
3 amended as follows:

4 (1) The heading of such section is amended by
5 striking out “**by the United States**”.

6 (2) Subsections (a) and (b) are amended by
7 striking out “United States” each place it appears
8 and inserting in lieu thereof “Secretary”.

9 (3) Subsection (a)(1) is amended—

10 (A) by striking out “Subject” and insert-
11 ing in lieu thereof “Notwithstanding any other
12 provision of this title or any other law but sub-
13 ject”;

14 (B) by inserting “such care or services, or
15 receive” before “payment”; and

16 (C) by striking out “a department or agen-
17 cy of the United States” and inserting in lieu
18 thereof “the Secretary”.

19 (4) Subsection (a)(2) is amended—

20 (A) by inserting “or” at the end of sub-
21 paragraph (A);

22 (B) by striking out “, or” at the end of
23 subparagraph (D)(ii) and inserting in lieu
24 thereof a period; and

25 (C) by striking out subparagraph (E).

26 (5) Subsection (b)(2) is amended—

1 (A) in subparagraph (A), by inserting
2 “other than a Federal agency” before the pe-
3 riod; and

4 (B) in subparagraph (B), by striking out
5 “against” and inserting in lieu thereof “against
6 a non-Federal”.

7 (6)(A) Subsection (g)(3) is amended—

8 (i) by redesignating subparagraphs (A)
9 and (B) as subparagraphs (B) and (C), respec-
10 tively; and

11 (ii) by inserting before subparagraph (B),
12 as so redesignated, the following new subpara-
13 graph:

14 “(A) Reimbursement for the cost of care or
15 services furnished under this chapter.”; and

16 (B) by striking out paragraph (4).

17 (7) Subsection (i)(1) is amended—

18 (A) in subparagraph (A), by striking out
19 “or similar arrangement,” and inserting in lieu
20 thereof “similar arrangement, or eligibility
21 under a Federal program or the Federal portion
22 of a program of any State or political subdivi-
23 sion of any State”; and

1 (B) in subparagraph (B), by striking out
2 clauses (i) and (ii) and redesignating clauses
3 (iii) and (iv) as clauses (i) and (ii), respectively.

4 (8) Subsection (i)(3) is amended—

5 (A) by redesignating subparagraphs (A),
6 (B), (C), and (D), as subparagraphs (B), (C),
7 (D), and (E), respectively; and

8 (B) by inserting before subparagraph (B),
9 as so redesignated, the following new subpara-
10 graph:

11 “(A) an agency or instrumentality of the
12 United States;”.

13 **SEC. 5. STATE HOMES.**

14 (a) CRITERIA FOR PAYMENT.—(1) Subsection (c) of
15 section 1741 of title 38, United States Code, is amended
16 by striking out “sections 1710 and 1720” and inserting
17 in lieu thereof “section 1701”.

18 (2) Subsection (d) of such section is amended to read
19 as follows:

20 “(d) The Secretary shall periodically determine the
21 cost of care furnished in a general hospital under the di-
22 rect jurisdiction of the Secretary, and if that cost has in-
23 creased, the Secretary may increase the rates paid under
24 subsection (a) by a percentage not greater than the per-

1 centage of the increase in the cost of the care furnished
2 in the general hospital.”.

3 (b) STANDARDS FOR STATE HOMES.—Section 1742
4 of such title is amended by striking out “, which stand-
5 ards” and all that follows through “of this title”.

6 **SEC. 6. CONFORMING AMENDMENT.**

7 The table of sections at the beginning of chapter 17
8 of title 38, United States Code, is amended to read as
9 follows:

“SUBCHAPTER I—HEALTH CARE AND HEALTH-CARE RELATED BENEFITS

“Sec.

“1701. Eligibility for health-care benefits.

“1702. Eligibility for health-related benefits.

“1703. Contracts for care.

“1704. Care during examinations and in emergencies.

“1705. Eligibility for readjustment counseling and related mental health serv-
ices.

“1706. Counseling for former prisoners of war.

“1707. Treatment and rehabilitation for alcohol or drug dependence or abuse
disabilities.

“1708. Counseling to women veterans for sexual trauma.

“1709. Medical care for survivors and dependents of certain veterans.

“1710. Use of prosthetic appliances; aids for the blind and hearing-impaired.

“1711. Tobacco for hospitalized veterans.

“1712. Hospital care by other agencies of the United States.

“1713. Therapeutic and rehabilitative activities.

“SUBCHAPTER II—MISCELLANEOUS PROVISIONS RELATING TO HEALTH CARE
AND HEALTH-CARE RELATED BENEFITS

“1721. Power to make rules and regulations.

“1722. Presumption relating to psychosis.

“1723. Furnishing of clothing.

“1724. Hospital care, medical services, and nursing home care abroad.

“1726. Reimbursement for loss of personal effects by natural disaster.

“1727. Persons eligible under prior law.

“1728. Reimbursement of certain medical expenses.

“1729. Recovery of the cost of certain care and services.

“1730. Community residential care.

“SUBCHAPTER III—HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS
IN THE REPUBLIC OF THE PHILIPPINES

“1731. Assistance to the Republic of the Philippines.

“1732. Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center.

“1733. Supervision of program by the President.

“1734. Hospital and nursing home care and medical services in the United States.

“1735. Definitions.

“SUBCHAPTER IV—PAYMENTS TO STATE HOMES

“1741. Criteria for payment.

“1742. Inspections of such homes; restrictions on beneficiaries.

“1743. Applications.

“SUBCHAPTER VI—SICKLE CELL ANEMIA

“1751. Screening, counseling, and medical treatment.

“1752. Research.

“1753. Voluntary participation; confidentiality.

“1754. Reports.”.



HR 1463 IH—2