

113TH CONGRESS
2D SESSION

H. R. 5059

To direct the Secretary of Defense and the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Defense and the Department of Veterans Affairs, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2014

Mr. WALZ (for himself, Mr. MILLER of Florida, Ms. DUCKWORTH, Mr. BARBER, Mr. BENISHEK, Mr. BRALEY of Iowa, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. JOHNSON of Ohio, Ms. KUSTER, Mr. MCNERNEY, Mr. MURPHY of Florida, Mr. STIVERS, Mrs. WALORSKI, Mr. FITZPATRICK, Mr. DAINES, Mrs. KIRKPATRICK, and Mr. ROONEY) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Defense and the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Defense and the Department of Veterans Affairs, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot pro-

gram on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department 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. SHORT TITLE.**

4 This Act may be cited as the “Clay Hunt Suicide Pre-
 5 vention for American Veterans Act” or the “Clay Hunt
 6 SAV Act”.

7 **SEC. 2. EVALUATIONS OF MENTAL HEALTH CARE AND SUI-**
 8 **CIDE PREVENTION PROGRAMS OF DEPART-**
 9 **MENT OF VETERANS AFFAIRS AND DEPART-**
 10 **MENT OF DEFENSE.**

11 (a) EVALUATIONS.—

12 (1) IN GENERAL.—Not less frequently than
 13 once each year, the Secretary concerned shall pro-
 14 vide for the conduct of an evaluation of the mental
 15 health care and suicide prevention programs carried
 16 out under the laws administered by such Secretary.

17 (2) ELEMENTS.—Each evaluation conducted
 18 under paragraph (1) shall—

19 (A) use metrics that are common among
 20 and useful for practitioners in the field of men-
 21 tal health care and suicide prevention;

22 (B) identify the most effective mental
 23 health care and suicide prevention programs

1 conducted by the Secretary concerned, including
2 such programs conducted at a Center of Excel-
3 lence;

4 (C) identify the cost-effectiveness of each
5 programs identified under subparagraph (B);
6 and

7 (D) propose best practices for caring for
8 individuals who suffer from mental health dis-
9 orders or are at risk of suicide.

10 (3) THIRD PARTY.—Each evaluation conducted
11 under paragraph (1) shall be conducted by an inde-
12 pendent third party unaffiliated with the Depart-
13 ment of Veterans Affairs and the Department of De-
14 fense. Such third party shall submit to the Secretary
15 concerned each such evaluation as appropriate.

16 (4) SUBMISSION.—The Secretary concerned
17 shall annually submit to the Committees on Armed
18 Services and the Committees on Veterans' Affairs of
19 the House of Representatives and the Senate a re-
20 port that contains the most recent evaluation sub-
21 mitted to the Secretary under paragraph (3).

22 (b) SECRETARY CONCERNED DEFINED.—In this sec-
23 tion, the term “Secretary concerned” means—

1 (1) the Secretary of Veterans Affairs with re-
2 spect to matters concerning the Department of Vet-
3 erans Affairs; and

4 (2) the Secretary of Defense with respect to
5 matters concerning the Department of Defense.

6 **SEC. 3. REVIEW OF CHARACTERIZATION OR TERMS OF DIS-**
7 **CHARGE FROM THE ARMED FORCES OF INDI-**
8 **VIDUALS WITH MENTAL HEALTH DISORDERS**
9 **ALLEGED TO AFFECT TERMS OF DISCHARGE.**

10 (a) IN GENERAL.—Section 1553(d) of title 10,
11 United States Code, is amended by adding at the end the
12 following new paragraph:

13 “(3)(A) In addition to the requirements of paragraph
14 (1) and (2), in the case of a former member described
15 in subparagraph (B), the Board shall—

16 “(i) review medical evidence of the Secretary of
17 Veterans Affairs or a civilian health care provider
18 that is presented by the former member; and

19 “(ii) review the case with a presumption of ad-
20 ministrative irregularity and place the burden on the
21 Secretary concerned to prove, by a preponderance of
22 the evidence, that no error or injustice occurred.

23 “(B) A former member described in this subpara-
24 graph is a former member described in paragraph (1) or
25 a former member whose application for relief is based in

1 whole or in part on matters relating to post-traumatic
2 stress disorder or traumatic brain injury as supporting ra-
3 tionale or as justification for priority consideration whose
4 post-traumatic stress disorder or traumatic brain injury
5 is related to combat or military sexual trauma, as deter-
6 mined by the Secretary concerned.”.

7 **SEC. 4. PUBLICATION OF INTERNET WEBSITE TO PROVIDE**
8 **INFORMATION REGARDING MENTAL HEALTH**
9 **CARE SERVICES.**

10 (a) IN GENERAL.—The Secretary of Veterans Affairs
11 shall publish an Internet website that serves as a central-
12 ized source to provide veterans with information regarding
13 all of the mental health care services provided by the Sec-
14 retary.

15 (b) ELEMENTS.—The Internet website published
16 under subsection (a) shall provide to veterans information
17 regarding all of the mental health care services available
18 in the Veteran Integrated Service Network that the vet-
19 eran is seeking such services, including, with respect to
20 each medical center and community-based outpatient cen-
21 ter in the Veterans Integrated Service Network—

22 (1) the name and contact information of each
23 social work office;

24 (2) the name and contact information of each
25 mental health clinic;

1 (3) a list of appropriate staff; and

2 (4) any other information the Secretary deter-
3 mines appropriate.

4 (c) UPDATED INFORMATION.—The Secretary shall
5 ensure that the information described in subsection (b)
6 that is published on the Internet website under subsection
7 (a) is updated not less than once every 90 days.

8 (d) OUTREACH.—In carrying out this section, the
9 Secretary shall ensure that the outreach conducted under
10 section 1720F(i) of title 38, United States Code, includes
11 information regarding the Internet website published
12 under subsection (a).

13 **SEC. 5. IMPROVEMENTS TO HEALTH CARE MATTERS.**

14 (a) RESERVE COMPONENTS AND DEPARTMENT OF
15 VETERANS AFFAIRS.—The Secretary of Veterans Affairs
16 and the Secretary of Defense, in consultation with the
17 Chief of the National Guard Bureau, shall enter into for-
18 mal strategic relationships between the Joint Forces
19 Headquarters of each State regional commands of the re-
20 serve components and the Veterans Service Integrated
21 Network, medical facilities of the Department of Veterans
22 Affairs, and other local offices of the Department of Vet-
23 erans Affairs located in the State with respect to facili-
24 tating—

1 (1) the mental health referrals of members of
2 the reserve components who have a service-connected
3 disability and are being discharged or released from
4 the Armed Forces;

5 (2) timely behavioral health services for such
6 members;

7 (3) communication when such members are at
8 risk for behavioral health reasons; and

9 (4) the transfer of documentation for line of
10 duty and fitness for duty determinations.

11 (b) GAO REPORT ON TRANSITION OF CARE.—

12 (1) IN GENERAL.—Not later than April 1,
13 2015, the Comptroller General of the United States
14 shall submit to the congressional defense committees
15 (as defined in section 101(a)(16) of title 10, United
16 States Code) and the Committees on Veterans' Af-
17 fairs of the House of Representatives and the Senate
18 a report that assesses the transition of care for post-
19 traumatic stress disorder or traumatic brain injury.

20 (2) MATTERS INCLUDED.—The report under
21 paragraph (1) shall include the following:

22 (A) The programs, policies, and regula-
23 tions that affect the transition of care, particu-
24 larly with respect to individuals who are taking
25 or have been prescribed antidepressants, stimu-

1 lants, antipsychotics, mood stabilizers,
2 anxiolytic, depressants, or hallucinogens.

3 (B) Upon transitioning to care furnished
4 by the Secretary of Veterans Affairs, the extent
5 to which the pharmaceutical treatment plan of
6 an individual changes, and the factors deter-
7 mining such changes.

8 (C) The extent to which the Secretary of
9 Defense and the Secretary of Veterans Affairs
10 have worked together to identify and apply best
11 pharmaceutical treatment practices.

12 (D) A description of the off-formulary
13 waiver process of the Secretary of Veterans Af-
14 fairs, and the extent to which the process is ap-
15 plied efficiently at the treatment level.

16 (E) The benefits and challenges of com-
17 bining the formularies across the Department
18 of Defense and the Department of Veterans Af-
19 fairs.

20 (F) Any other issues that the Comptroller
21 General determines appropriate.

22 (3) TRANSITION OF CARE DEFINED.—In this
23 subsection, the term “transition of care” means the
24 transition of an individual from receiving treatment

1 furnished by the Secretary of Defense to treatment
2 furnished by the Secretary of Veterans Affairs.

3 **SEC. 6. PILOT PROGRAM FOR REPAYMENT OF EDU-**
4 **CATIONAL LOANS FOR CERTAIN PSYCHIA-**
5 **TRISTS OF VETERANS HEALTH ADMINISTRA-**
6 **TION.**

7 (a) ESTABLISHMENT.—The Secretary of Veterans
8 Affairs shall carry out a pilot program to repay loans of
9 individuals described in subsection (b) that—

10 (1) were used by such individuals to finance
11 education relating to psychiatric medicine, including
12 education leading to—

13 (A) an undergraduate degree;

14 (B) a degree of doctor of medicine; or

15 (C) a degree of doctor of osteopathy; and

16 (2) were obtained from any of the following:

17 (A) A governmental entity.

18 (B) A private financial institution.

19 (C) A school.

20 (D) Any other authorized entity as deter-
21 mined by the Secretary.

22 (b) ELIGIBLE INDIVIDUALS.—

23 (1) IN GENERAL.—Subject to paragraph (2), an
24 individual eligible for participation in the pilot pro-
25 gram is an individual who—

1 (A) either—

2 (i) is licensed or eligible for licensure
3 to practice psychiatric medicine in the Vet-
4 erans Health Administration of the De-
5 partment of Veterans Affairs; or

6 (ii) is enrolled in the final year of a
7 residency program leading to a specialty
8 qualification in psychiatric medicine that is
9 approved by the Accreditation Council for
10 Graduate Medical Education; and

11 (B) demonstrates a commitment to a long-
12 term career as a psychiatrist in the Veterans
13 Health Administration, as determined by the
14 Secretary.

15 (2) PROHIBITION ON SIMULTANEOUS ELIGI-
16 BILITY.—An individual who is participating in any
17 other program of the Federal Government that re-
18 pays the educational loans of the individual is not el-
19 igible to participate in the pilot program.

20 (c) SELECTION.—The Secretary shall select not less
21 than 10 individuals described in subsection (b) to partici-
22 pate in the pilot program for each year in which the Sec-
23 retary carries out the pilot program.

24 (d) PERIOD OF OBLIGATED SERVICE.—The Sec-
25 retary shall enter into an agreement with each individual

1 selected under subsection (c) in which such individual
2 agrees to serve a period of obligated service for the Vet-
3 erans Health Administration in the field of psychiatric
4 medicine, as determined by the Secretary.

5 (e) LOAN REPAYMENTS.—

6 (1) AMOUNTS.—Subject to paragraph (2), a
7 loan repayment under this section may consist of
8 payment of the principal, interest, and related ex-
9 penses of a loan obtained by an individual who is
10 participating in the pilot program for all educational
11 expenses (including tuition, fees, books, and labora-
12 tory expenses) of such individual relating to edu-
13 cation described in subsection (a)(1).

14 (2) LIMIT.—For each year of obligated service
15 that an individual who is participating in the pilot
16 program agrees to serve under subsection (d), the
17 Secretary may pay not more than \$60,000 in loan
18 repayment on behalf of such individual.

19 (f) BREACH.—

20 (1) LIABILITY.—An individual who participates
21 in the pilot program and fails to satisfy the period
22 of obligated service under subsection (d) shall be lia-
23 ble to the United States, in lieu of such obligated
24 service, for the amount that has been paid or is pay-
25 able to or on behalf of the individual under the pilot

1 program, reduced by the proportion that the number
2 of days served for completion of the period of obli-
3 gated service bears to the total number of days in
4 the period of obligated service of such individual.

5 (2) REPAYMENT PERIOD.—Any amount of dam-
6 ages that the United States is entitled to recover
7 under this subsection shall be paid to the United
8 States not later than one year after the date of the
9 breach of the agreement.

10 (g) REPORT.—

11 (1) INITIAL REPORT.—Not later than two years
12 after the date on which the pilot program under sub-
13 section (a) commences, the Secretary shall submit to
14 the Committee on Veterans' Affairs of the Senate
15 and the Committee on Veterans' Affairs of the
16 House of Representatives a report on the pilot pro-
17 gram.

18 (2) ELEMENTS.—The report required by para-
19 graph (1) shall include the following:

20 (A) The number of individuals who partici-
21 pated in the pilot program.

22 (B) The locations in which such individuals
23 were employed by the Department, including
24 how many such locations were rural or urban
25 locations.

1 (C) An assessment of the quality of the
2 work performed by such individuals in the
3 course of such employment.

4 (D) The number of psychiatrists the Sec-
5 retary determines is needed by the Department
6 in the future.

7 (3) FINAL REPORT.—Not later than 90 days
8 after the date on which the pilot program terminates
9 under subsection (i), the Secretary shall submit to
10 the Committee on Veterans' Affairs of the Senate
11 and the Committee on Veterans' Affairs of the
12 House of Representatives an update to the report
13 submitted under paragraph (1).

14 (h) REGULATIONS.—The Secretary shall prescribe
15 regulations to carry out this section, including standards
16 for qualified loans and authorized payees and other terms
17 and conditions for the making of loan repayments.

18 (i) TERMINATION.—The authority to carry out the
19 pilot program shall expire on the date that is three years
20 after the date on which the Secretary commences the pilot
21 program.

1 **SEC. 7. PUBLIC-PRIVATE CONTRIBUTIONS FOR ADDI-**
2 **TIONAL EDUCATIONAL ASSISTANCE FOR**
3 **GRADUATE DEGREES RELATING TO MENTAL**
4 **HEALTH.**

5 (a) IN GENERAL.—Section 3317 of title 38, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(f) GRADUATE DEGREE IN MENTAL HEALTH.—(1)
9 As part of the Yellow Ribbon G.I. Education Enhance-
10 ment Program carried out under this section, the Sec-
11 retary shall carry out a program under which the Sec-
12 retary and a college or university that enters into an
13 agreement described in subsection (a) may make contribu-
14 tions pursuant to this subsection with respect to the full
15 cost of established charges of a veteran described in para-
16 graph (2).

17 “(2) A veteran described in this paragraph is a vet-
18 eran who—

19 “(A) is eligible for the program under sub-
20 section (a);

21 “(B) holds a bachelor’s degree;

22 “(C) is pursuing an advanced degree in mental
23 health at an institution of higher learning that par-
24 ticipates in the program under subsection (a); and

1 “(D) is pursuing such a degree with the inten-
2 tion of seeking employment as a mental health pro-
3 fessional in the Department of Veterans Affairs.

4 “(3) In determining the intention of a veteran under
5 paragraph (2)(D), the Secretary may not require the vet-
6 eran to enter into any binding agreement with respect to
7 such intention.

8 “(4) In determining the amount of matching con-
9 tributions pursuant to subsection (d)(1) for assistance
10 provided under paragraph (1), the Secretary shall—

11 “(A) substitute ‘66 percent’ for ‘up to 50 per-
12 cent’; and

13 “(B) substitute ‘34 percent’ for ‘an equal per-
14 centage’.

15 “(5) In accordance with section 7406 of this title, the
16 Secretary may establish residencies and internships at
17 medical facilities of the Department for veterans partici-
18 pating in the program under subsection (a).

19 “(6) If the Secretary employs a veteran who partici-
20 pates in the program under subsection (a) as a mental
21 health professional following such participation, to the
22 maximum extent practicable, the Secretary shall ensure
23 that—

1 “(A) the veteran is employed in a rural area or
2 an area that the Secretary determines is in greatest
3 need of mental health professionals; and

4 “(B) the veteran is employed in a position that
5 directly relates to the treatment of veterans rather
6 than a research position.

7 “(7) In this subsection, the term ‘advanced degree
8 in mental health’ means a master’s degree, doctoral de-
9 gree, or other graduate or professional degree that the
10 Secretary determines would lead an individual to be em-
11 ployed as any of the following positions:

12 “(A) Psychiatrist.

13 “(B) Psychologist.

14 “(C) Mental health nurse.

15 “(D) Nurse assistant.

16 “(E) Physician assistant.

17 “(F) Pharmacist.

18 “(G) Social worker.

19 “(H) Licensed professional mental health coun-
20 selor.

21 “(I) Licensed marriage and family therapist.

22 “(J) Addiction therapist.

23 “(K) Occupational therapist.

24 “(L) Recreational therapist.

25 “(M) Vocational rehabilitation therapist.

1 “(N) Health science specialist.

2 “(O) Health technician.

3 “(P) Any other position the Secretary deter-
4 mines appropriate.”.

5 (b) PROHIBITION ON TRANSFER OF ELIGIBILITY.—
6 Section 3319(h) of such title is amended by adding at the
7 end the following new paragraph:

8 “(8) PROHIBITION ON CERTAIN CONTRIBU-
9 TIONS.—Entitlement transferred under this section
10 may not include eligibility for contributions under
11 section 3317(f) of this title.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply with respect to a quarter, semester,
14 or term that begins on or after July 1, 2015.

15 **SEC. 8. REVIEW OF STAFFING REQUIREMENTS FOR STATE**
16 **DIRECTORS OF PSYCHOLOGICAL HEALTH.**

17 Not later than 18 months after the date of the enact-
18 ment of this Act, the Secretary of Defense shall submit
19 to the Committees on Armed Services and the Committees
20 on Veterans’ Affairs of the House of Representatives and
21 the Senate a zero-based review, conducted in coordination
22 with the Chief of the National Guard Bureau, of the staff-
23 ing requirements for individual State National Guard
24 Commands with respect to Directors of Psychological
25 Health.

1 **SEC. 9. PILOT PROGRAM ON COMMUNITY OUTREACH.**

2 (a) IN GENERAL.—The Secretary of Veterans Affairs
3 shall establish a pilot program to assist veterans
4 transitioning from serving on active duty and to improve
5 the access of veterans to mental health services.

6 (b) LOCATIONS.—The Secretary shall carry out the
7 pilot program under subsection (a) at not less than five
8 Veterans Integrated Service Networks that have a large
9 population of veterans who—

10 (1) served in the reserve components of the
11 Armed Forces; or

12 (2) are transitioning into communities with an
13 established population of veterans after having re-
14 cently separated from the Armed Forces.

15 (c) FUNCTIONS.—The pilot program at each Vet-
16 erans Integrated Service Network described in subsection
17 (b) shall include the following:

18 (1) A community oriented veteran peer support
19 network, carried out in partnership with an appro-
20 priate entity with experience in peer support pro-
21 grams, that—

22 (A) establishes peer support training
23 guidelines;

24 (B) develops a network of veteran peer
25 support counselors to meet the demands of the

1 communities in the Veterans Integrated Service
2 Network;

3 (C) conducts training of veteran peer sup-
4 port counselors;

5 (D) with respect to each medical center in
6 such Veterans Integrated Service Network,
7 has—

8 (i) a designated peer support spe-
9 cialist who acts as a liaison to the commu-
10 nity oriented veteran peer network; and

11 (ii) a certified mental health profes-
12 sional designated as the community ori-
13 ented veteran peer network mentor; and

14 (E) is readily available to veterans, includ-
15 ing pursuant to the Veterans Integrated Service
16 Network cooperating and working with State
17 and local governments and appropriate entities.

18 (2) A community outreach team for each med-
19 ical center in such Veterans Integrated Service Net-
20 work that—

21 (A) assists veterans transitioning into com-
22 munities;

23 (B) establishes a veteran transition advi-
24 sory group to facilitate outreach activities;

1 (C) includes the participation of appro-
2 priate community organizations, State and local
3 governments, colleges and universities, and or-
4 ganizations that provide legal aid or advice; and

5 (D) coordinates with the Veterans Inte-
6 grated Service Network regarding the Veterans
7 Integrated Service Network carrying out an an-
8 nual mental health summit to assess the status
9 of veteran mental health care in the community
10 and to develop new or innovative means to pro-
11 vide mental health services to veterans.

12 (d) REPORTS.—

13 (1) INITIAL REPORT.—Not later than 18
14 months after the date on which the pilot program
15 under subsection (a) commences, the Secretary shall
16 submit to the Committee on Veterans' Affairs of the
17 Senate and the Committee on Veterans' Affairs of
18 the House of Representatives a report on the pilot
19 program. With respect to each Veterans Integrated
20 Service Network described in subsection (b), the re-
21 port shall include—

22 (A) a full description of the peer support
23 model implemented under the pilot program,
24 participation data, and data pertaining to past

1 and current mental health related hospitaliza-
2 tions and fatalities;

3 (B) recommendations on implementing
4 peer support networks throughout the Depart-
5 ment;

6 (C) whether the mental health resources
7 made available under the pilot program for
8 members of the reserve components of the
9 Armed Forces is effective; and

10 (D) a full description of the activities and
11 effectiveness of community outreach coordi-
12 nating teams under the pilot program, including
13 partnerships that have been established with
14 appropriate entities.

15 (2) FINAL REPORT.—Not later than 90 days
16 after the date on which the pilot program terminates
17 under subsection (e), the Secretary shall submit to
18 the Committee on Veterans' Affairs of the Senate
19 and the Committee on Veterans' Affairs of the
20 House of Representatives an update to the report
21 submitted under paragraph (1).

22 (e) TERMINATION.—The authority of the Secretary
23 to carry out the pilot program under subsection (a) shall

- 1 terminate on the date that is three years after the date
- 2 on which the pilot program commences.

