

104TH CONGRESS
2D SESSION

H. R. 3561

To provide greater authority for the Secretary of Veterans Affairs to share health-care resources of the Department of Veterans Affairs, to provide enhanced administrative flexibility in carrying out health-care resources sharing agreements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 30, 1996

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To provide greater authority for the Secretary of Veterans Affairs to share health-care resources of the Department of Veterans Affairs, to provide enhanced administrative flexibility in carrying out health-care resources sharing agreements, 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 “Department of Veter-
5 ans Affairs Health Care Expansion Act of 1996”.

1 **SEC. 2. IMPROVED EFFICIENCY IN HEALTH CARE RE-**
2 **SOURCE MANAGEMENT.**

3 (a) **REPEAL OF SUNSET PROVISION.**—Section 204 of
4 the Veterans Health Care Act of 1992 (Public Law 102–
5 585; 106 Stat. 4950) is repealed.

6 (b) **COST RECOVERY.**—Title II of such Act is further
7 amended by adding at the end the following new section:

8 **“SEC. 207. AUTHORITY TO BILL HEALTH-PLAN CONTRACTS.**

9 “(a) **RIGHT TO RECOVER.**—In the case of a primary
10 beneficiary (as described in section 201(2)(B)) who has
11 coverage under a health-plan contract, as defined in sec-
12 tion 1729(i)(1)(A) of title 38, United States Code, and
13 who is furnished care or services by a Department medical
14 facility pursuant to this title, the United States shall have
15 the right to recover or collect charges for such care or
16 services from such health-plan contract to the extent that
17 the beneficiary (or the provider of the care or services)
18 would be eligible to receive payment for such care or serv-
19 ices from such health-plan contract if the care or services
20 had not been furnished by a department or agency of the
21 United States. Any funds received from such health-plan
22 contract shall be credited to funds that have been allotted
23 to the facility that furnished the care or services.

24 “(b) **ENFORCEMENT.**—The right of the United
25 States to recover under such a beneficiary’s health-plan
26 contract shall be enforceable in the same manner as that

1 provided by subsections (a)(3), (b), (c)(1), (d), (f), (h),
2 and (i) of section 1729 of title 38, United States Code.”.

3 **SEC. 3. SHARING AGREEMENTS FOR HEALTH CARE RE-**
4 **SOURCES.**

5 (a) REPEAL OF SECTION 8151.—(1) Subchapter IV
6 of chapter 81 of title 38, United States Code, is amend-
7 ed—

8 (A) by striking out section 8151; and

9 (B) by redesignating sections 8152, 8153,
10 8154, 8155, 8156, 8157, and 8158 as sections 8151,
11 8152, 8153, 8154, 8155, 8156, and 8157, respec-
12 tively.

13 (2) The table of sections at the beginning of such
14 chapter is amended—

15 (A) by striking out the item relating to section
16 8151; and

17 (B) by revising the items relating to sections
18 8152, 8153, 8154, 8155, 8156, 8157, and 8158 to
19 reflect the redesignations by paragraph (1)(B).

20 (b) REVISED AUTHORITY FOR SHARING AGREE-
21 MENTS.—Section 8152 of such title (as redesignated by
22 subsection (a)(1)(B)) is amended—

23 (1) in subsection (a)(1)(A)—

1 (A) by striking out “specialized medical re-
2 sources” and inserting in lieu thereof “health-
3 care resources”; and

4 (B) by striking out “other” and all that
5 follows through “medical schools” and inserting
6 in lieu thereof “any medical school, health-care
7 provider, health-care plan, insurer, or other en-
8 tity or individual”;

9 (2) in subsection (a)(2) by striking out “only”
10 and all that follows through “are not” and inserting
11 in lieu thereof “if such resources are not, or would
12 not be,”;

13 (3) in subsection (b), by striking out “reciprocal
14 reimbursement” in the first sentence and all that
15 follows through the period at the end of that sen-
16 tence and inserting in lieu thereof “payment to the
17 Department in accordance with procedures that pro-
18 vide appropriate flexibility to negotiate payment
19 which is in the best interest of the Government.”;

20 (4) in subsection (d), by striking out “preclude
21 such payment, in accordance with—” and all that
22 follows through “to such facility therefor” and in-
23 serting in lieu thereof “preclude such payment to
24 such facility for such care or services”;

1 (5) by redesignating subsection (e) as sub-
2 section (f); and

3 (6) by inserting after subsection (d) the follow-
4 ing new subsection (e):

5 “(e) The Secretary may make an arrangement that
6 authorizes the furnishing of services by the Secretary
7 under this section to individuals who are not veterans only
8 if the Secretary determines—

9 “(1) that such an arrangement will not result
10 in the denial of, or a delay in providing access to,
11 care to any veteran at that facility; and

12 “(2) that such an arrangement—

13 “(A) is necessary to maintain an accept-
14 able level and quality of service to veterans at
15 that facility; or

16 “(B) will result in the improvement of
17 services to eligible veterans at that facility.”.

18 (c) CROSS-REFERENCE AMENDMENTS.—(1) Section
19 8110(c)(3)(A) of such title is amended by striking out
20 “8153” and inserting in lieu thereof “8152”.

21 (2) Subsection (b) of section 8154 of such title (as
22 redesignated by subsection (a)(1)(B)) is amended by strik-
23 ing out “section 8154” and inserting in lieu thereof “sec-
24 tion 8153”.

1 (3) Section 8156 of such title (as redesignated by
2 subsection (a)(1)(B)) is amended—

3 (A) in subsection (a), by striking out “section
4 8153(a)” and inserting in lieu thereof “section
5 8152(a)”; and

6 (B) in subsection (b)(3), by striking out “sec-
7 tion 8153” and inserting in lieu thereof “section
8 8152”.

9 (4) Subsection (a) of section 8157 of such title (as
10 redesignated by subsection (a)(1)(B)) is amended—

11 (A) in the matter preceding paragraph (1), by
12 striking out “section 8157” and “section 8153(a)”
13 and inserting in lieu thereof “section 8156” and
14 “section 8152(a)”, respectively; and

15 (B) in paragraph (1), by striking out “section
16 8157(b)(4)” and inserting in lieu thereof “section
17 8156(b)(4)”.

18 **SEC. 4. PERSONNEL FURNISHING SHARED RESOURCES.**

19 Section 712(b)(2) of title 38, United States Code, is
20 amended—

21 (1) by striking out “the sum of—” and insert-
22 ing in lieu thereof “the sum of the following:”;

23 (2) by capitalizing the first letter of the first
24 word of each of subparagraphs (A) and (B);

1 (3) by striking out “; and” at the end of sub-
2 paragraph (A) and inserting in lieu thereof a period;
3 and

4 (4) by adding at the end the following:

5 “(C) The number of such positions in the
6 Department during that fiscal year held by per-
7 sons involved in providing health-care resources
8 under section 8111 or 8152 of this title.”.

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