

Amendment to the Conference Report for S. 524

1 At the end of subtitle B of title IX, add the following:

2 **SEC. 924. ESTABLISHMENT OF OFFICE OF PATIENT ADVO-**
3 **CACY OF THE DEPARTMENT OF VETERANS**
4 **AFFAIRS.**

5 (a) IN GENERAL.—Subchapter I of chapter 73 of title
6 38, United States Code, is amended by adding at the end
7 the following new section:

8 **“§ 7309A. Office of Patient Advocacy**

9 “(a) ESTABLISHMENT.—There is established in the
10 Department within the Office of the Under Secretary for
11 Health an office to be known as the ‘Office of Patient Ad-
12 vocacy’ (in this section referred to as the ‘Office’).

13 “(b) HEAD.—(1) The Director of the Office of Pa-
14 tient Advocacy shall be the head of the Office.

15 “(2) The Director of the Office of Patient Advocacy
16 shall be appointed by the Under Secretary for Health from
17 among individuals qualified to perform the duties of the
18 position and shall report directly to the Under Secretary
19 for Health.

20 “(c) FUNCTION.—(1) The function of the Office is
21 to carry out the Patient Advocacy Program of the Depart-
22 ment.

1 “(2) In carrying out the Patient Advocacy Program
2 of the Department, the Director shall ensure that patient
3 advocates of the Department—

4 “(A) advocate on behalf of veterans with re-
5 spect to health care received and sought by veterans
6 under the laws administered by the Secretary;

7 “(B) carry out the responsibilities specified in
8 subsection (d); and

9 “(C) receive training in patient advocacy.

10 “(d) PATIENT ADVOCACY RESPONSIBILITIES.—The
11 responsibilities of each patient advocate at a medical facil-
12 ity of the Department are the following:

13 “(1) To resolve complaints by veterans with re-
14 spect to health care furnished under the laws admin-
15 istered by the Secretary that cannot be resolved at
16 the point of service or at a higher level easily acces-
17 sible to the veteran.

18 “(2) To present at various meetings and to var-
19 ious committees the issues experienced by veterans
20 in receiving such health care at such medical facility.

21 “(3) To express to veterans their rights and re-
22 sponsibilities as patients in receiving such health
23 care.

24 “(4) To manage the Patient Advocate Tracking
25 System of the Department at such medical facility.

1 “(5) To compile data at such medical facility of
2 complaints made by veterans with respect to the re-
3 ceipt of such health care at such medical facility and
4 the satisfaction of veterans with such health care at
5 such medical facility to determine whether there are
6 trends in such data.

7 “(6) To ensure that a process is in place for the
8 distribution of the data compiled under paragraph
9 (5) to appropriate leaders, committees, services, and
10 staff of the Department.

11 “(7) To identify, not less frequently than quar-
12 terly, opportunities for improvements in the fur-
13 nishing of such health care to veterans at such med-
14 ical facility based on complaints by veterans.

15 “(8) To ensure that any significant complaint
16 by a veteran with respect to such health care is
17 brought to the attention of appropriate staff of the
18 Department to trigger an assessment of whether
19 there needs to be a further analysis of the problem
20 at the facility-wide level.

21 “(9) To support any patient advocacy programs
22 carried out by the Department.

23 “(10) To ensure that all appeals and final deci-
24 sions with respect to the receipt of such health care

1 are entered into the Patient Advocate Tracking Sys-
2 tem of the Department.

3 “(11) To understand all laws, directives, and
4 other rules with respect to the rights and respon-
5 sibilities of veterans in receiving such health care,
6 including the appeals processes available to veterans.

7 “(12) To ensure that veterans receiving mental
8 health care, or the surrogate decision-makers for
9 such veterans, are aware of the rights of veterans to
10 seek representation from systems established under
11 section 103 of the Protection and Advocacy for Men-
12 tally Ill Individuals Act of 1986 (42 U.S.C. 10803)
13 to protect and advocate the rights of individuals with
14 mental illness and to investigate incidents of abuse
15 and neglect of such individuals.

16 “(13) To fulfill requirements established by the
17 Secretary with respect to the inspection of controlled
18 substances.

19 “(14) To document potentially threatening be-
20 havior and report such behavior to appropriate au-
21 thorities.

22 “(e) TRAINING.—In providing training to patient ad-
23 vocates under subsection (c)(2)(C), the Director shall en-
24 sure that such training is consistent throughout the De-
25 partment.

1 “(f) CONTROLLED SUBSTANCE DEFINED.—In this
2 section, the term ‘controlled substance’ has the meaning
3 given that term in section 102 of the Controlled Sub-
4 stances Act (21 U.S.C. 802).”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 73 of such title is amended
7 by inserting after the item relating to section 7309 the
8 following new item:

“7309A. Office of Patient Advocacy.”.

9 (c) DATE FULLY OPERATIONAL.—The Secretary of
10 Veterans Affairs shall ensure that the Office of Patient
11 Advocacy established under section 7309A of title 38,
12 United States Code, as added by subsection (a), is fully
13 operational not later than the date that is one year after
14 the date of the enactment of this Act.