

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1972  
OFFERED BY MR. RUTHERFORD OF FLORIDA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “VA Billing Account-  
3 ability Act”.

**4 SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS  
5                   TO WAIVE REQUIREMENT OF CERTAIN VET-  
6                   ERANS TO MAKE COPAYMENTS FOR CARE  
7                   AND SERVICES IN THE CASE OF DEPART-  
8                   MENT OF VETERANS AFFAIRS ERROR.**

9       (a) HOSPITAL CARE, NURSING HOME CARE, AND  
10 MEDICAL SERVICES.—Section 1710(f)(3) of title 38,  
11 United States Code, is amended by adding at the end the  
12 following new subparagraph:

13       “(G) The Secretary may waive the requirement of a  
14 veteran to make a payment under this subsection or sub-  
15 section (g) if—

16               “(i) an error committed by the Department or  
17       an employee of the Department was the cause of de-

1       laying notification sent to the veteran of the require-  
2       ment to make the payment; and

3               “(ii) the veteran received such notification later  
4       than 180 days after the date on which the veteran  
5       received the care or services for which the payment  
6       was required.”.

7       (b) MEDICATIONS.—Section 1722A of such title is  
8       amended—

9               (1) by redesignating subsection (c) as sub-  
10       section (d); and

11              (2) by inserting after subsection (b) the fol-  
12       lowing new subsection (c):

13       “(c) The Secretary may waive the requirement of a  
14       veteran to make a payment under this section if—

15              “(1) an error committed by the Department or  
16       an employee of the Department was the cause of de-  
17       laying notification sent to the veteran of the require-  
18       ment to make the payment; and

19              “(2) the veteran received such notification later  
20       than 180 days after the date on which the veteran  
21       received the medication for which the payment was  
22       required.”.

23       (c) BILLING PROCEDURES.—

1           (1) IN GENERAL.—Subchapter I of chapter 17  
2           of such title is amended by adding at the end the  
3           following new section:

4   **“§ 1709C. Procedures for copayments**

5           “(a) CARE AT DEPARTMENT FACILITY.—(1) In re-  
6           quiring a veteran to make a payment for care or services  
7           provided at a medical facility of the Department pursuant  
8           to this chapter, including sections 1710 and 1722A, the  
9           Secretary shall provide to such veteran a notification of  
10          such required payment by not later than 180 days after  
11          the date on which the veteran receives the care or services  
12          for which payment is required.

13          “(2) If the Secretary does not provide to a veteran  
14          a notification of the required payment by the date required  
15          under paragraph (1), the Secretary may not collect such  
16          payment, including through a third-party entity, unless  
17          the Secretary provides the veteran the following:

18                 “(A) Information regarding how to apply for a  
19                 waiver described in section 1710(f)(3)(G) or section  
20                 1722A(c) of this title, as appropriate.

21                 “(B) Information regarding how to establish a  
22                 payment plan with the Secretary.

23                 “(C) Opportunity to make such a waiver or es-  
24                 tablish such a payment plan.

1           “(b) CARE AT NON-DEPARTMENT FACILITY.—(1) In  
2 requiring a veteran to make a payment for care or services  
3 provided at a non-Department facility pursuant to this  
4 chapter or other provision of law, the Secretary shall pro-  
5 vide to such veteran a notification of such required pay-  
6 ment by not later than 18 months after the date on which  
7 the veteran receives the care or services for which payment  
8 is required.

9           “(2) If the Secretary does not provide to a veteran  
10 a notification of the required payment by the date required  
11 under paragraph (1), the Secretary may not collect such  
12 payment, including through a third-party entity, unless  
13 the Secretary provides the veteran the following:

14                 “(A) Information regarding how to apply for a  
15 waiver described in paragraph (3).

16                 “(B) Information regarding how to establish a  
17 payment plan with the Secretary.

18                 “(C) Opportunity to make such a waiver or es-  
19 tablish such a payment plan.

20           “(3) The Secretary may waive the requirement of a  
21 veteran to make a payment for care or services provided  
22 at a non-Department facility pursuant to this chapter or  
23 other provision of law if—

24                 “(A) an error committed by the Department, an  
25 employee of the Department, or a non-Department

1 facility was the cause of delaying the notification  
2 sent to the veteran of the requirement to make the  
3 payment; and

4 “(B) the veteran received such notification after  
5 the period described in paragraph (1).”.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of such chapter is amended  
8 by inserting after the item relating to section 1709B  
9 the following new item:

“1709C. Procedures for copayments.”.

10 (d) IMPROVEMENT OF PROCEDURES.—Not later than  
11 180 days after the date of the enactment of this Act, the  
12 Secretary of Veterans Affairs shall—

13 (1) review the copayment billing internal con-  
14 trols and notification procedures of the Department  
15 of Veterans Affairs; and

16 (2) improve such controls and procedures, in-  
17 cluding pursuant to the amendments made by this  
18 Act.

