AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5697

Offered by M_.

Strike all after the enacting clause and insert the following:

1	SECTION 1. SHORT TITLE.
2	This Act may be cited as the "Veterans' Acute Crisis
3	Care for Emergent Suicide Symptoms Act of 2020" or the
4	"Veterans' ACCESS Act of 2020".
5	SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PROVISION
6	OF EMERGENT SUICIDE CARE.
7	(a) In General.—Subchapter II of chapter 17 of
8	title 38, United States Code, is amended by adding at the
9	end the following new section:
10	"§ 1720J. Emergent suicide care
11	"(a) Furnishing or Payment for Emergent Sui-
12	CIDE CARE.—The Secretary shall furnish or pay for emer-
13	gent suicide care to an eligible individual—
14	"(1) at a Department medical facility; or
15	"(2) at a non-Department facility pursuant
16	to—
17	"(A) access standards under section
18	1703B of this title; or

1	"(B) section 1725 of this title (in which
2	case the emergent suicide care shall be treated
3	as emergency treatment (as that term is de-
4	fined in subsection (f) of that section) and the
5	individual shall be treated as a veteran de-
6	scribed in subsection (b) of that section).
7	"(b) Eligibility.—An individual is eligible for emer-
8	gent suicide care under this section if the individual is in
9	an acute suicidal crisis and is any of the following:
10	"(1) A veteran.
11	"(2) An individual who is enrolled in the pa-
12	tient enrollment system under section 1705 of this
13	title.
14	"(3) An individual who served in the Armed
15	Forces, including the reserve components, for a pe-
16	riod of more than 90 cumulative days.
17	"(c) Period of Care.—(1) Emergent suicide care
18	furnished under this section shall be furnished to an eligi-
19	ble individual—
20	"(A) through inpatient or crisis residential care,
21	for a period not to exceed 30 days; or
22	"(B) if care under subparagraph (A) is unavail-
23	able, as outpatient care for a period not to exceed
24	90 days.

1	"(2) If, upon the expiration of a period under para-
2	graph (1), the Secretary determines that the eligible indi-
3	vidual remains in an acute suicidal crisis, the Secretary
4	may extend such period as the Secretary determines ap-
5	propriate.
6	"(d) Outreach.—During any period when an eligi-
7	ble individual is receiving emergent suicide care furnished
8	under this section, the Secretary shall—
9	"(1) ensure that, in the case of an eligible indi-
10	vidual referred by the Veterans Crisis Line, the Vet-
11	erans Crisis Line notifies the Suicide Prevention Co-
12	ordinator and the Office of Community Care, as ap-
13	propriate, at the Department facility located nearest
14	to the eligible individual;
15	"(2) determine the eligibility of the eligible indi-
16	vidual for other programs and benefits under the
17	laws administered by the Secretary; and
18	"(3) make referrals for care following the pe-
19	riod of such emergent suicide care, as the Secretary
20	determines appropriate.
21	"(e) Prohibition on Charge.—(1) If the Secretary
22	furnishes or pays for emergent suicide care to an eligible
23	individual under paragraph (1) or (2)(A), the Secretary—
24	"(A) may not charge the eligible individual for
25	any cost of such emergent suicide care; and

1	"(B) shall pay for any costs of emergency
2	transportation to a facility for such emergent suicide
3	care.
4	"(2) If the Secretary pays for emergent suicide care
5	to an eligible individual under paragraph (2)(B), the Sec-
6	retary shall—
7	"(A) pay for any emergency transportation to
8	such facility;
9	"(B) reimburse the facility for the reasonable
10	value of such emergent suicide care; and
11	"(C) ensure that such facility, or any health
12	care provider working at such facility, does not
13	charge the eligible individual for such emergent sui-
14	cide care.
15	"(3) In the case of an eligible individual who receives
16	emergent suicide care under this section and who is enti-
17	tled to emergent suicide care (or payment for emergent
18	suicide care) under a health-plan contract, the Secretary
19	may recover the costs of such emergency suicide care pro-
20	vided under this section.
21	"(f) Annual Report.—Not less than once each
22	year, the Secretary shall submit to the Committees on Vet-
23	erans' Affairs of the Senate and the House of Representa-
24	tives a report on emergent suicide care furnished or paid

1	for under this section. Each such report shall include, for
2	the year covered by the report—
3	"(1) the number of eligible individuals who re-
4	ceived emergent suicide care under this section;
5	"(2) demographic information regarding eligible
6	individuals described in paragraph (1);
7	"(3) the types of care furnished or paid for this
8	section; and
9	"(4) the total cost of furnishing and paying for
10	emergent suicide care under this section.
11	"(g) Definitions.—In this section:
12	"(1) The term 'acute suicidal crisis' means that
13	an individual was determined to be at imminent risk
14	of self-harm by a trained crisis responder or health
15	care provider.
16	"(2) The term 'crisis residential care' means
17	crisis stabilization care provided—
18	"(A) on a residential basis; and
19	"(B) in a facility other than a hospital.
20	"(3) The term 'crisis stabilization care' means,
21	with respect to an individual in acute suicidal crisis,
22	care that ensures, to the extent practicable, imme-
23	diate safety and reduces—
24	"(A) the severity of distress;
25	"(B) the need for urgent care; or

1	"(C) the likelihood that the distress under
2	subparagraph (A) or need under subparagraph
3	(B) will increase during the transfer of that in-
4	dividual from a facility at which the individual
5	has received care for that acute suicidal crisis.
6	"(4) The term 'emergent suicide care' means
7	crisis stabilization services provided to an eligible in-
8	dividual—
9	"(A) pursuant to a referral of the eligible
10	individual from the Veterans Crisis Line; or
11	"(B) who presents at a medical facility in
12	an acute suicidal crisis.
13	"(5) The term 'health-plan contract' has the
14	meaning given such term in section 1725 of this
15	title.
16	"(6) The term 'Veterans Crisis Line' means the
17	hotline under section 1720F(h) of this title.".
18	(b) Clerical Amendment.—The table of sections
19	at the beginning of such chapter is amended by inserting
20	after the item relation to section 1720I the following new
21	item:
	"1720J. Emergent suicide care.".
22	(c) Effective Date.—The Secretary shall furnish
23	or pay for emergent suicide care under section 1720J of
24	title 38, United States Code, as added by subsection (a),

1	beginning on the date that is 180 days after the date of
2	the enactment of this Act.
3	SEC. 3. MODIFICATION OF ELIGIBILITY FOR CARE FROM
4	DEPARTMENT OF VETERANS AFFAIRS FOR
5	FORMER MEMBERS OF THE ARMED FORCES
6	WITH OTHER THAN HONORABLE DIS-
7	CHARGES AND REPORT ON SUCH CARE.
8	(a) Information.—Subsection (e) of section 1720I
9	of title 38, United States Code, is amended—
10	(1) in paragraph (3)—
11	(A) in subparagraph (B), by striking
12	"and" at the end;
13	(B) in subparagraph (C), by striking
14	"and" at the end;
15	(C) by redesignating subparagraph (C) as
16	subparagraph (D); and
17	(D) by inserting after subparagraph (B)
18	the following new subparagraph (C):
19	"(C) is displayed prominently on a website
20	of the Department; and";
21	(2) by redesignating paragraph (4) as para-
22	graph (5); and
23	(3) by inserting after paragraph (3) the fol-
24	lowing new paragraph (4):

1	"(4) shall include outreach on Internet search
2	engines; and".
3	(b) Annual Report.—Subsection (f) of such section
4	is amended—
5	(1) in paragraph (1), by striking "Not less fre-
6	quently than once" and inserting "Not later than
7	February 15"; and
8	(2) in paragraph (2)—
9	(A) by redesignating subparagraph (C) as
10	subparagraph (G); and
11	(B) by inserting after subsection (B) the
12	following new subparagraphs:
13	"(C) The types of mental or behavioral
14	health care needs treated under this section.
15	"(D) The demographics of individuals
16	being treated under this section, including—
17	"(i) age;
18	"(ii) era of service in the Armed
19	Forces;
20	"(iii) branch of service in the Armed
21	Forces; and
22	"(iv) geographic location.
23	"(E) The average number of visits for an
24	individual for mental or behavioral health care
25	under this section.

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1	"(F) The costs of mental or behavioral
2	health care furnished under this section.".

