

[DISCUSSION DRAFT]

119TH CONGRESS
2D SESSION

H. R. _____

To direct the Secretary of Veterans Affairs to seek to enter into a memorandum of understanding with the Secretary of Health and Human Services and to provide for coordination between the Secretaries in the administration of the Veterans Community Care Program and certain health plans under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To direct the Secretary of Veterans Affairs to seek to enter into a memorandum of understanding with the Secretary of Health and Human Services and to provide for coordination between the Secretaries in the administration of the Veterans Community Care Program and certain health plans under the Medicare program, 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 **[_____]**.

1 **SEC. 2. MEMORANDUM OF UNDERSTANDING FOR RECIP-**
2 **ROCAL ACCESS TO CERTAIN HEALTH CARE**
3 **DATA BETWEEN THE SECRETARY OF VET-**
4 **ERANS AFFAIRS AND THE SECRETARY OF**
5 **HEALTH AND HUMAN SERVICES.**

6 (a) IN GENERAL.—Not later than one year after the
7 date of the enactment of this Act, the Secretary of Vet-
8 erans Affairs shall, for purposes of avoiding duplicative,
9 improper, or erroneous billings or payments for hospital
10 care and medical services furnished under the laws admin-
11 istered by the Secretary of Veterans Affairs, seek to enter
12 into a memorandum of understanding with the Secretary
13 of Health and Human Services with respect to reciprocal
14 access between the Veterans Health Administration and
15 the Centers for Medicare and Medicaid Services to data
16 and information on veterans who are concurrently enrolled
17 in the patient enrollment system under section 1705(a)
18 of title 38, United States Code, and—

- 19 (1) the Medicare program; or
20 (2) a Medicare Advantage plan.

21 (b) AGREEMENT.—The memorandum of under-
22 standing required under subsection (a) shall include an
23 agreement through which—

- 24 (1) the Secretary of Veterans Affairs transmits
25 to the Secretary of Health and Human Services—

1 (A) information relating to veterans who
2 are—

3 (i) enrolled in such system for patient
4 enrollment; and

5 (ii) in receipt of hospital care or med-
6 ical services under laws administered by
7 the Secretary of Veterans Affairs; and

8 (B) such other information as the Sec-
9 retary of Veterans Affairs determines appro-
10 priate, including billing codes and diagnostic
11 codes for such hospital care or medical services;
12 and

13 (2) the Secretary of Health and Human Serv-
14 ices—

15 (A) uses information transmitted pursuant
16 to paragraph (1) to identify veterans who are
17 concurrently enrolled in such system for patient
18 enrollment and—

19 (i) the Medicare program; or

20 (ii) a Medicare Advantage plan; and

21 (B) transmits to the Secretary of Veterans
22 Affairs—

23 (i) a list of the veterans identified
24 pursuant to subparagraph (A); and

1 (ii) such other information as the Sec-
2 retary of Health and Human Services de-
3 termines appropriate.

4 **[(c) CALCULATION OF BENCHMARK PAYMENTS.—**
5 Section 1853(c)(1)(D)(iii) of the Social Security Act (42
6 U.S.C. 1395w–23(c)(1)(D)(iii)) is amended by adding at
7 the end the following new sentence: “In developing the es-
8 timate described in the preceding sentence, the Secretary
9 shall use the information transmitted to the Secretary by
10 the Secretary of Veterans Affairs pursuant to the memo-
11 randum of understanding required under **[short title]**.”.]

12 **[(d) REPORT.—**Not later than one year after the
13 date on which the Secretary of Veterans Affairs enters
14 into the memorandum of understanding required under
15 subsection (a), and on an biennial basis thereafter during
16 the period such memorandum is effective, the Secretary
17 shall submit to the Committees on Veterans’ Affairs of
18 the House of Representatives and the Senate a report that
19 includes—**]**

20 **[(1)** a summary of the activities of the Sec-
21 retary carried out pursuant to such memorandum;
22 and**]**

23 **[(2)** an assessment of the Secretary with re-
24 spect to the effectiveness of such memorandum in
25 avoiding duplicative, improper, or erroneous billings

1 or payments for hospital care and medical services
2 furnished under the laws administered by the Sec-
3 retary.】

4 **SEC. 3. COORDINATION WITH RESPECT TO ADMINISTRA-**
5 **TION OF VETERANS COMMUNITY CARE PRO-**
6 **GRAM.**

7 (a) VETERANS COMMUNITY CARE PROGRAM.—In ad-
8 ministering the Veterans Community Care Program under
9 section 1703 of title 38, United States Code, the Secretary
10 of Veterans Affairs, acting through the Office of Inte-
11 grated Veteran Care of the Veterans Health Administra-
12 tion, shall use the information transmitted to the Sec-
13 retary by the Secretary of Health and Human Services
14 pursuant to the memorandum of understanding required
15 under section 2 to—

16 (1) ensure, with respect to veterans who are
17 concurrently enrolled in the patient enrollment sys-
18 tem under section 1705(a) of such title and the
19 Medicare program, that the Department of Veterans
20 Affairs does not—

21 (A) furnish duplicative health care to such
22 veterans; or

23 (B) make erroneous or duplicative pay-
24 ments for health care furnished to such vet-
25 erans; and

1 (2) identify specialized MA plans for special
2 needs individuals that the Secretary determines offer
3 benefits important for veteran health care, includ-
4 ing—

5 (A) adaptive sports equipment;

6 (B) hearing aids and related audiology
7 services;

8 (C) integrated traumatic brain injury reha-
9 bilitation;

10 (D) hyperbaric oxygen therapy;

11 (E) massage therapy;

12 (F) residential rehabilitation;

13 (G) complementary and integrative health
14 services; and

15 (H) other services the Secretary deter-
16 mines are effective in improving health out-
17 comes for veterans.

18 (b) COORDINATION OFFICES.—

19 (1) VETERANS HEALTH ADMINISTRATION.—The
20 Secretary of Veterans Affairs, acting through the
21 Office of Integrated Veteran Care of the Veterans
22 Health Administration, may coordinate with the Sec-
23 retary of Health and Human Services to establish an
24 office (to be known as the “Veterans Affairs-Medi-

1 care Dual Eligibility Coordination Office”) within
2 the Office of Integrated Veteran Care.

3 (2) CENTERS FOR MEDICARE AND MEDICAID
4 SERVICES.—The Secretary of Health and Human
5 Services, acting through the Director of the Centers
6 for Medicare and Medicaid Services, may coordinate
7 with the Secretary of Veterans Affairs, to establish
8 a office (to be known as the “Medicare-Veterans Af-
9 fairs Dual Eligibility Coordination Office”) within
10 the Centers for Medicare and Medicaid Services.

11 **SEC. 4. DEFINITIONS.**

12 In this Act:

13 (1) The term “Medicare Advantage plan”
14 means a Medicare Advantage plan under the pro-
15 gram established under part C of title XVIII of the
16 Social Security Act (42 U.S.C. 1395w–21 et seq.).

17 (2) The term “Medicare program” means the
18 Medicare program under such title.

19 (3) The terms “specialized MA plan for special
20 needs individuals” and “special needs individual”
21 have the meaning given such terms in section
22 1859(b)(6) of the Social Security Act (42 U.S.C.
23 1395w–28(b)(6)).