

[DISCUSSION DRAFT]

117TH CONGRESS
2D SESSION

H. R. _____

To increase interagency cooperation and coordination and to require policies and procedures to detect and prevent duplicate payments for the same medical services by the Department of Veterans Affairs, Department of Health and Human Services, and Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To increase interagency cooperation and coordination and to require policies and procedures to detect and prevent duplicate payments for the same medical services by the Department of Veterans Affairs, Department of Health and Human Services, and Department of Defense, 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 “VA Preventing Dupli-
5 cate Payments Act of 2022”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS POLICIES**
2 **AND PROCEDURES TO DETECT AND PREVENT**
3 **DUPLICATE PAYMENTS FOR THE SAME MED-**
4 **ICAL SERVICES.**

5 (a) POLICIES AND PROCEDURES REQUIRED.—

6 (1) IN GENERAL.—The Secretary of Veterans
7 Affairs shall establish policies and procedures for the
8 detection and prevention of duplicate billings and
9 payments by the Secretary of non-Department
10 health care providers under section 1703 of title 38,
11 United States Code, through the comparison of a
12 billing or payment made by the Secretary for a med-
13 ical service to a billing or payment made for the
14 same medical service by—

15 (A) the Administrator of the Centers for
16 Medicare & Medicaid Services under the Medi-
17 care program under title XVIII of the Social
18 Security Act (42 U.S.C. 1395 et seq.); or

19 (B) the Secretary of Defense under the
20 TRICARE program.

21 (2) CAPABILITIES.—The policies and proce-
22 dures required under subsection (a) shall include—

23 (A) the capability to use data exchanges;
24 and

25 (B) the capability to access and share the
26 claims and payment data of other programs

1 and agencies, if permitted pursuant to data-
2 matching agreements entered into pursuant to
3 subsection (b).

4 (3) DEADLINE FOR IMPLEMENTATION.—Not
5 later than 90 days after the date of the enactment
6 of this Act, the Secretary shall establish a plan to
7 comply with the requirements of paragraph (1).

8 (b) DATA-MATCHING AGREEMENTS.—

9 (1) AGREEMENTS REQUIRED.—The Secretary
10 of Veterans Affairs, the Secretary of Defense, and
11 the Administrator of the Centers for Medicare &
12 Medicaid Services shall enter into data-matching
13 agreements under which the Secretary of Defense
14 and the Administrator agree to share and match rel-
15 evant data in the systems of records of the Depart-
16 ment of Defense and the Centers for Medicare &
17 Medicaid Services, respectively, with the Secretary of
18 Veterans Affairs for the purpose of implementing
19 the policies and procedures required under sub-
20 section (a).

21 (2) NONAPPLICABILITY OF CERTAIN REQUIRE-
22 MENTS.—Subsection (o) of section 552a of title 5,
23 United States Code, shall not apply to an agreement
24 described in paragraph (1).

1 (c) IMPLEMENTATION OF POLICY.—The Secretary of
2 Veterans Affairs, in coordination with the Secretary of De-
3 fense and the Administrator of the Centers for Medicare
4 & Medicaid Services, shall establish and implement policies
5 that—

6 (1) clarify which department or agency is finan-
7 cially responsible in a situation in which an indi-
8 vidual is eligible, or potentially eligible, for payment
9 or reimbursement of an expense relating to a med-
10 ical service under the laws administered by the Sec-
11 retary of Veterans Affairs and—

12 (A) the TRICARE program; or

13 (B) the Medicare program under title
14 XVIII of the Social Security Act (42 U.S.C.
15 1395 et seq.);

16 (2) provide for the recoupment of payments if
17 duplicate payments are made for the same medical
18 service.

19 (d) REPORT.—Not later than one year after the date
20 of the enactment of this Act, the Secretary of Veterans
21 Affairs shall submit to the Committees on Veterans' Af-
22 fairs of the Senate and the House of Representatives a
23 report that includes each of the following:

24 (1) A description of the progress the Secretary
25 has made in implementing this Act.

1 (2) An analysis of the effect of any agreements
2 entered into pursuant to subsection (b) on reducing
3 duplicate payments.

4 (3) Any recommendations of the Secretary for
5 legislative action to eliminate duplicate billing and
6 payment for the same medical services.

7 (e) TRICARE PROGRAM DEFINED.—The term
8 “TRICARE program” has the meaning given that term
9 in section 1072 of title 10, United States Code.