

Union Calendar No.

114TH CONGRESS
2^D SESSION

H. R. 3471

[Report No. 114-]

To amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2015

Mrs. WALORSKI (for herself, Ms. BROWNLEY of California, Mr. RUIZ, Mr. DUNCAN of Tennessee, Mr. BARR, and Mr. CURBELO of Florida) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY --, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on September 10, 2015]

A BILL

To amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

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 “Veterans Mobility Safety*
5 *Act of 2016”.*

6 **SEC. 2. PERSONAL SELECTIONS OF AUTOMOBILES AND**
7 **ADAPTIVE EQUIPMENT.**

8 *Section 3903(b) of title 38, United States Code, is*
9 *amended—*

10 *(1) by striking “Except” and inserting “(1) Ex-*
11 *cept”; and*

12 *(2) by adding at the end the following new para-*
13 *graph:*

14 *“(2) The Secretary shall ensure that to the extent prac-*
15 *ticable an eligible person who is provided an automobile*
16 *or other conveyance under this chapter is given the oppor-*
17 *tunity to make personal selections relating to such auto-*
18 *mobile or other conveyance.”.*

19 **SEC. 3. COMPREHENSIVE POLICY FOR THE AUTOMOBILES**
20 **ADAPTIVE EQUIPMENT PROGRAM.**

21 *(a) COMPREHENSIVE POLICY.—The Secretary of Vet-*
22 *erans Affairs shall develop a comprehensive policy regard-*
23 *ing quality standards for providers who provide modifica-*
24 *tion services to veterans under the automobile adaptive*
25 *equipment program.*

1 (b) *SCOPE.*—*The policy developed under subsection (a)*
2 *shall cover each of the following:*

3 (1) *The Department of Veterans Affairs-wide*
4 *management of the automobile adaptive equipment*
5 *program.*

6 (2) *The development of standards for safety and*
7 *quality of equipment and installation of equipment*
8 *through the automobile adaptive equipment program,*
9 *including with respect to the defined differentiations*
10 *in levels of modification complexity.*

11 (3) *The consistent application of standards for*
12 *safety and quality of both equipment and installation*
13 *throughout the Department.*

14 (4) *The certification of a provider by a third*
15 *party organization or manufacturer if the Secretary*
16 *designates the quality standards of such organization*
17 *or manufacturer as meeting or exceeding the stand-*
18 *ards developed under this section.*

19 (5) *The education and training of personnel of*
20 *the Department who administer the automobile*
21 *adaptive equipment program.*

22 (6) *The compliance of the provider with the*
23 *Americans with Disabilities Act of 1990 (42 U.S.C.*
24 *12101 et seq.) when furnishing automobile adaptive*
25 *equipment at the facility of the provider.*

1 (7) *The allowance, where technically appro-*
2 *prate, for veterans to receive modifications at their*
3 *residence or location of choice.*

4 (c) *UPDATES.*—*Not later than one year after the date*
5 *of the enactment of this Act, the Secretary shall update Vet-*
6 *erans Health Administration Handbook 1173.4, or any suc-*
7 *cessor handbook or directive, in accordance with the policy*
8 *developed under subsection (a). Not less frequently than*
9 *once every six years thereafter, the Secretary shall update*
10 *such handbook, or any successor handbook or directive.*

11 (d) *CONSULTATION.*—*The Secretary shall develop the*
12 *policy under subsection (a), and revise such policy under*
13 *subsection (c), in consultation with veterans service organi-*
14 *zations, the National Highway Transportation Administra-*
15 *tion, industry representatives, manufacturers of automobile*
16 *adaptive equipment, and other entities with expertise in in-*
17 *stalling, repairing, replacing, or manufacturing mobility*
18 *equipment or developing mobility accreditation standards*
19 *for automobile adaptive equipment.*

20 (e) *CONFLICTS.*—*In developing and implementing the*
21 *policy under subsection (a), the Secretary shall—*

22 (1) *minimize the possibility of conflicts of inter-*
23 *est, to the extent practicable; and*

24 (2) *establish procedures that ensure against the*
25 *use of a certifying entity referred to in subsection*

1 **(b)(4)** *that has a financial conflict of interest regard-*
2 *ing the certification of an eligible provider.*

3 **(f)** *BIENNIAL REPORT.*—

4 **(1)** *IN GENERAL.*—*Not later than one year after*
5 *the date on which the Secretary updates Veterans*
6 *Health Administration Handbook 1173.4, or any suc-*
7 *cessor handbook or directive, under subsection (c), and*
8 *biennially thereafter through 2022, the Secretary shall*
9 *submit to the Committees on Veterans' Affairs of the*
10 *House of Representatives and the Senate a report on*
11 *the implementation and facility compliance with the*
12 *policy developed under subsection (a).*

13 **(2)** *CONTENTS.*—*The report required by para-*
14 *graph (1) shall include the following:*

15 **(A)** *A description of the implementation*
16 *plan for the policy developed under subsection*
17 *(a) and any revisions to such policy under sub-*
18 *section (c).*

19 **(B)** *A description of the performance meas-*
20 *ures used to determine the effectiveness of such*
21 *policy in ensuring the safety of veterans enrolled*
22 *in the automobile adaptive equipment program.*

23 **(C)** *An assessment of safety issues due to*
24 *improper installations based on a survey of re-*

1 *ipients of adaptive equipment from the Depart-*
2 *ment.*

3 *(D) An assessment of the adequacy of the*
4 *adaptive equipment services of the Department*
5 *based on a survey of recipients of adaptive*
6 *equipment from the Department.*

7 *(E) An assessment of the training provided*
8 *to the personnel of the Department with respect*
9 *to administering the program.*

10 *(F) An assessment of the certified providers*
11 *of the Department of adaptive equipment with*
12 *respect to meeting the minimum standards devel-*
13 *oped under subsection (b)(2).*

14 *(g) DEFINITIONS.—In this section:*

15 *(1) The term “automobile adaptive equipment*
16 *program” means the program administered by the*
17 *Secretary of Veterans Affairs pursuant to chapter 39*
18 *of title 38, United States Code.*

19 *(2) The term “veterans service organization”*
20 *means any organization recognized by the Secretary*
21 *for the representation of veterans under section 5902*
22 *of title 38, United States Code.*

1 **SEC. 4. APPOINTMENT OF LICENSED HEARING AID SPE-**
2 **CIALISTS IN VETERANS HEALTH ADMINIS-**
3 **TRATION.**

4 (a) *LICENSED HEARING AID SPECIALISTS.*—

5 (1) *APPOINTMENT.*—Section 7401(3) of title 38,
6 *United States Code, is amended by inserting “licensed*
7 *hearing aid specialists,” after “Audiologists,”.*

8 (2) *QUALIFICATIONS.*—Section 7402(b)(14) of
9 *such title is amended by inserting “, hearing aid spe-*
10 *cialist” after “dental technologist”.*

11 (b) *REQUIREMENTS.*—*With respect to appointing*
12 *hearing aid specialists under sections 7401 and 7402 of title*
13 *38, United States Code, as amended by subsection (a), and*
14 *providing services furnished by such specialists, the Sec-*
15 *retary shall ensure that—*

16 (1) *a hearing aid specialist may only perform*
17 *hearing services consistent with the hearing aid spe-*
18 *cialist’s State license related to the practice of fitting*
19 *and dispensing hearing aids without excluding other*
20 *qualified professionals, including audiologists, from*
21 *rendering services in overlapping practice areas;*

22 (2) *services provided to veterans by hearing aid*
23 *specialists shall be provided as part of the non-med-*
24 *ical treatment plan developed by an audiologist; and*

25 (3) *the medical facilities of the Department of*
26 *Veterans Affairs provide to veterans access to the full*

1 *range of professional services provided by an audiologist.*
2

3 *(c) CONSULTATION.—In determining the qualifications*
4 *required for hearing aid specialists and in carrying out*
5 *subsection (b), the Secretary shall consult with veterans*
6 *service organizations, audiologists, otolaryngologists, hear-*
7 *ing aid specialists, and other stakeholder and industry*
8 *groups as the Secretary determines appropriate.*

9 *(d) ANNUAL REPORT.—*

10 *(1) IN GENERAL.—Not later than one year after*
11 *the date of the enactment of this Act, and annually*
12 *thereafter during the five-year period beginning on*
13 *the date of the enactment of this Act, the Secretary of*
14 *Veterans Affairs shall submit to Congress a report on*
15 *the following:*

16 *(A) Timely access of veterans to hearing*
17 *health services through the Department of Vet-*
18 *erans Affairs.*

19 *(B) Contracting policies of the Department*
20 *with respect to providing hearing health services*
21 *to veterans in facilities that are not facilities of*
22 *the Department.*

23 *(2) TIMELY ACCESS TO SERVICES.—Each report*
24 *shall, with respect to the matter specified in para-*

1 *graph (1)(A) for the one-year period preceding the*
2 *submittal of such report, include the following:*

3 *(A) The staffing levels of audiologists, hear-*
4 *ing aid specialists, and health technicians in*
5 *audiology in the Veterans Health Administra-*
6 *tion.*

7 *(B) A description of the metrics used by the*
8 *Secretary in measuring performance with respect*
9 *to appointments and care relating to hearing*
10 *health.*

11 *(C) The average time that a veteran waits*
12 *to receive an appointment, beginning on the date*
13 *on which the veteran makes the request, for the*
14 *following:*

15 *(i) A disability rating evaluation for a*
16 *hearing-related disability.*

17 *(ii) A hearing aid evaluation.*

18 *(iii) Dispensing of hearing aids.*

19 *(iv) Any follow-up hearing health ap-*
20 *pointment.*

21 *(D) The percentage of veterans whose total*
22 *wait time for appointments described in sub-*
23 *paragraph (C), including an initial and follow-*
24 *up appointment, if applicable, is more than 30*
25 *days.*

1 (3) *CONTRACTING POLICIES.*—*Each report shall,*
2 *with respect to the matter specified in paragraph*
3 *(1)(B) for the one-year period preceding the submittal*
4 *of such report, include the following:*

5 (A) *The number of veterans that the Sec-*
6 *retary refers to non-Department audiologists for*
7 *hearing health care appointments.*

8 (B) *The number of veterans that the Sec-*
9 *retary refers to non-Department hearing aid spe-*
10 *cialists for follow-up appointments for a hearing*
11 *aid evaluation, the dispensing of hearing aids, or*
12 *any other purpose relating to hearing health.*