

## Union Calendar No.

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1972

[Report No. 115-]

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to waive the requirement of certain veterans to make copayments for hospital care and medical services in the case of an error by the Department of Veterans Affairs, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2017

Mr. SMUCKER (for himself, Mr. EMMER, and Mr. PETERSON) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY --, 2018

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 April 6, 2017]

# **A BILL**

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to waive the requirement of certain veterans to make copayments for hospital care and medical services in the case of an error by the Department of Veterans Affairs, 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 Billing Account-*  
5 *ability Act”.*

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

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

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

18 *“(i) an error committed by the Department or*  
19 *an employee of the Department was the cause of de-*  
20 *laying notification sent to the veteran of the require-*  
21 *ment to make the payment; and*

22 *“(ii) the veteran received such notification later*  
23 *than 180 days after the date on which the veteran re-*  
24 *ceived the care or services for which the payment was*  
25 *required.”.*

1       (b) *MEDICATIONS.*—Section 1722A of such title is  
2 amended—

3           (1) by redesignating subsection (c) as subsection  
4 (d); and

5           (2) by inserting after subsection (b) the following  
6 new subsection (c):

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

9           “(1) an error committed by the Department or  
10 an employee of the Department was the cause of de-  
11 laying notification sent to the veteran of the require-  
12 ment to make the payment; and

13           “(2) the veteran received such notification later  
14 than 180 days after the date on which the veteran re-  
15 ceived the medication for which the payment was re-  
16 quired.”.

17       (c) *BILLING PROCEDURES.*—

18           (1) *IN GENERAL.*—Subchapter I of chapter 17 of  
19 such title is amended by adding at the end the fol-  
20 lowing new section:

21       “§ 1709C. *Procedures for copayments*

22           “(a) *CARE AT DEPARTMENT FACILITY.*—(1) In requir-  
23 ing a veteran to make a payment for care or services pro-  
24 vided at a medical facility of the Department pursuant to  
25 this chapter, including sections 1710 and 1722A, the Sec-

1 *retary shall provide to such veteran a notification of such*  
2 *required payment by not later than 180 days after the date*  
3 *on which the veteran receives the care or services for which*  
4 *payment is required.*

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

10           “(A) *Information regarding how to apply for a*  
11 *waiver described in section 1710(f)(3)(G) or section*  
12 *1722A(c) of this title, as appropriate.*

13           “(B) *Information regarding how to establish a*  
14 *payment plan with the Secretary.*

15           “(C) *Opportunity to make such a waiver or es-*  
16 *tablish such a payment plan.*

17       “(b) *CARE AT NON-DEPARTMENT FACILITY.—(1) In*  
18 *requiring a veteran to make a payment for care or services*  
19 *provided at a non-Department facility pursuant to this*  
20 *chapter or other provision of law, the Secretary shall pro-*  
21 *vide to such veteran a notification of such required payment*  
22 *by not later than 18 months after the date on which the*  
23 *veteran receives the care or services for which payment is*  
24 *required.*

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

6           “(A) *Information regarding how to apply for a*  
7 *waiver described in paragraph (3).*

8           “(B) *Information regarding how to establish a*  
9 *payment plan with the Secretary.*

10           “(C) *Opportunity to make such a waiver or es-*  
11 *tablish such a payment plan.*

12           “(3) *The Secretary may waive the requirement of a*  
13 *veteran to make a payment for care or services provided*  
14 *at a non-Department facility pursuant to this chapter or*  
15 *other provision of law if—*

16           “(A) *an error committed by the Department, an*  
17 *employee of the Department, or a non-Department fa-*  
18 *cility was the cause of delaying the notification sent*  
19 *to the veteran of the requirement to make the pay-*  
20 *ment; and*

21           “(B) *the veteran received such notification after*  
22 *the period described in paragraph (1).”.*

23           (2) *CLERICAL AMENDMENT.—The table of sec-*  
24 *tions at the beginning of such chapter is amended by*

1        *inserting after the item relating to section 1709B the*  
2        *following new item:*

*“1709C. Procedures for copayments.”.*

3        *(d) IMPROVEMENT OF PROCEDURES.—Not later than*  
4        *180 days after the date of the enactment of this Act, the*  
5        *Secretary of Veterans Affairs shall—*

6            *(1) review the copayment billing internal con-*  
7            *trols and notification procedures of the Department of*  
8            *Veterans Affairs; and*

9            *(2) improve such controls and procedures, in-*  
10          *cluding pursuant to the amendments made by this*  
11          *Act.*