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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to veterans at community or non-profit mental health providers participating in the Veterans Choice Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to veterans at community or non-profit mental health providers participating in the Veterans Choice 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 “_____ Act of
5 2017”.

1 **SEC. 2. PROVISION OF MENTAL HEALTH CARE TO VET-**
2 **ERANS BY CERTAIN MENTAL HEALTH PRO-**
3 **VIDERS PARTICIPATING IN THE VETERANS**
4 **CHOICE PROGRAM.**

5 (a) IN GENERAL.—Section 1720F of title 38, United
6 States Code, is amended—

7 (1) by redesignating subsection (k) as sub-
8 section (l); and

9 (2) by inserting after subsection (j) the fol-
10 lowing new subsection (k):

11 “(k) ACCESS TO SAME-DAY NON-DEPARTMENT MEN-
12 TAL HEALTH CARE.—(1) The Secretary shall furnish to
13 an eligible veteran experiencing a mental health condition
14 covered medical services at a community or non-profit
15 mental health provider pursuant to agreements entered
16 into under section 101 of the Veterans Access, Choice, and
17 Accountability Act of 2014 (Public Law 113–146; 38
18 U.S.C. 1701 note), or such successor authority.

19 “(2) The Secretary may not require that a veteran
20 receive a referral before receiving covered medical services
21 under this subsection.

22 “(3)(A) An eligible veteran experiencing a mental
23 health condition who receives covered medical services
24 under this subsection may not receive more than eight
25 treatment sessions as part of a single episode of care. The
26 Secretary may approve additional treatment sessions for

1 such veteran pursuant to a treatment plan approved by
2 the Secretary.

3 “(B) In providing covered medical services to a vet-
4 eran under this subsection, a community or non-profit
5 mental health provider may not prescribe opioids to the
6 veteran.

7 “(4)(A) The Secretary shall administer this sub-
8 section through an entity to which the Secretary has en-
9 tered into a contract for the purposes of managing the
10 operations of networks and for the delivery of care pursu-
11 ant to section 101 of the Veterans Access, Choice, and
12 Accountability Act of 2014 (Public Law 113–146; 38
13 U.S.C. 1701 note), or such successor authority.

14 “(B) The Secretary shall ensure that a community
15 or non-profit mental health provider that provides covered
16 medical services to a veteran under this subsection is man-
17 aged and credentialed by the entity specified in subpara-
18 graph (A).

19 “(C) The Secretary shall pay a community or non-
20 profit mental health provider for covered medical services
21 provided to a veteran under this subsection pursuant to
22 agreements entered into under section 101 of the Veterans
23 Access, Choice, and Accountability Act of 2014 (Public
24 Law 113–146; 38 U.S.C. 1701 note), or such successor
25 authority. The community or non-profit mental health

1 provider may not charge the veteran for such covered med-
2 ical services, regardless of the actions of the Secretary.

3 “(D) A community or non-profit mental health pro-
4 vider shall determine the eligibility of a veteran to receive
5 covered medical services under this subsection.

6 “(E) The Secretary shall maintain a toll-free hotline
7 to direct an eligible veteran experiencing a mental health
8 condition to a community or non-profit mental health pro-
9 vider that provides covered medical services under this
10 subsection.

11 “(5) The authority to carry out this subsection shall
12 terminate on January 1, 2022.

13 “(6) In this subsection:

14 “(A) The term ‘covered medical services’ means
15 evidence-based, outpatient mental health care serv-
16 ices provided on the same day such services are re-
17 quested.

18 “(B) The term ‘eligible veteran experiencing a
19 mental health condition’ means a veteran who—

20 “(i) is enrolled in the patient enrollment
21 system under section 1705 of title 38, United
22 States Code; and

23 “(ii) is experiencing a mental health condi-
24 tion that the Secretary determines appropriate
25 to be covered by this subsection.”.

1 (c) REPORTS.—

2 (1) INITIAL REPORT.—Not later than one year
3 after the date of the enactment of this Act, the Sec-
4 retary of Veterans Affairs shall submit to the Com-
5 mittees on Veterans' Affairs of the House of Rep-
6 resentatives and the Senate an initial report on the
7 implementation of subsection (k) of section 1720F
8 of title 38, United States Code, as added by sub-
9 section (a). Such report shall include—

10 (A) the name of each community or non-
11 profit mental health provider that provides cov-
12 ered medical services under such subsection;

13 (B) the number of veterans who received
14 covered medical services under such subsection
15 during the period covered by the report;

16 (C) the average number of treatment ses-
17 sions each such veteran received as part of the
18 episode of care for which the veteran sought
19 such medical services; and

20 (D) how many such veterans received more
21 than eight treatment sessions pursuant to a
22 treatment plan approved by the Secretary.

23 (2) FINAL REPORT.—Not later than June 1,
24 2021, the Secretary shall submit to the Committees
25 on Veterans' Affairs of the House of Representatives

1 and the Senate a final report on the implementation
2 of subsection (k) of section 1720F of title 38,
3 United States Code, as added by subsection (a).

4 Such report shall include—

5 (A) updates to the report submitted under
6 paragraph (1); and

7 (B) the recommendations of the Secretary
8 with respect to extending or making permanent
9 the authority under such subsection.