

115TH CONGRESS  
1ST SESSION

# S. 1261

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to pay the reasonable costs of urgent care provided to certain veterans, to establish cost-sharing amounts for veterans receiving care at an emergency room of the Department of Veterans Affairs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 25, 2017

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to pay the reasonable costs of urgent care provided to certain veterans, to establish cost-sharing amounts for veterans receiving care at an emergency room of 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 “Veterans Emergency  
5 Room Relief Act of 2017”.

1 **SEC. 2. COVERAGE OF URGENT CARE AND EMERGENCY**  
2 **ROOM TREATMENT OF VETERANS BY THE DE-**  
3 **PARTMENT OF VETERANS AFFAIRS.**

4 (a) PAYMENT OF REASONABLE COSTS OF URGENT  
5 CARE.—

6 (1) IN GENERAL.—Subchapter III of chapter  
7 17 of title 38, United States Code, is amended by  
8 inserting after section 1725 the following new sec-  
9 tion:

10 **“§ 1725A. Payment of reasonable costs of urgent care**

11 “(a) IN GENERAL.—The Secretary shall enter into  
12 contracts with urgent care providers under which the Sec-  
13 retary pays the urgent care provider the reasonable costs  
14 of urgent care provided to eligible veterans by the urgent  
15 care provider.

16 “(b) ELIGIBLE VETERANS.—A veteran is an eligible  
17 veteran for purposes of this section if the veteran—

18 “(1) is enrolled in the system of annual patient  
19 enrollment established and operated under section  
20 1705(a) of this title; and

21 “(2) has received health care under this chapter  
22 during the two-year period preceding the date on  
23 which the veteran receives urgent care under this  
24 section.

25 “(c) COST SHARING.—(1) Except as provided in  
26 paragraph (2), the Secretary shall establish a cost-sharing

1 amount that eligible veterans shall pay to the Secretary  
2 to receive urgent care from an urgent care provider under  
3 this section.

4 “(2) The cost-sharing amount established under  
5 paragraph (1) shall not apply to an eligible veteran—

6 “(A) if the eligible veteran is admitted to a hos-  
7 pital for treatment or observation after receiving ur-  
8 gent care under this section; or

9 “(B) if the eligible veteran is receiving urgent  
10 care under this section for the treatment of a serv-  
11 ice-connected disability or condition.

12 “(d) TREATMENT OF DEPARTMENT.—Notwith-  
13 standing the coverage of an eligible veteran under a  
14 health-plan contract, the Secretary shall be considered the  
15 primary payer for any urgent care provided to the eligible  
16 veteran under this section.

17 “(e) TYPES OF PROVIDERS.—The Secretary shall en-  
18 sure that all types of urgent care providers, including local  
19 urgent care providers, have an opportunity to enter into  
20 a contract with the Secretary under this section.

21 “(f) DEFINITIONS.—In this section:

22 “(1) The term ‘health-plan contract’ has the  
23 meaning given that term in section 1725(f) of this  
24 title.

1           “(2) The term ‘urgent care’ has the meaning  
2 given that term by the Secretary.

3           “(3) The term ‘urgent care provider’ means a  
4 health care provider that provides urgent care at a  
5 non-Department facility.”.

6           (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of chapter 17 of such title is  
8 amended by inserting after the item relating to sec-  
9 tion 1725 the following new item:

“1725A. Payment of reasonable costs of urgent care.”.

10           (3) SENSE OF CONGRESS.—It is the sense of  
11 Congress that the Secretary of Veterans Affairs is  
12 encouraged to contract with urgent care centers that  
13 are accredited by a nationally recognized accrediting  
14 body or organization to carry out section 1725A of  
15 title 38, United States Code, as added by paragraph  
16 (1).

17           (b) ESTABLISHMENT OF COST-SHARING AMOUNT  
18 FOR VETERANS RECEIVING EMERGENCY ROOM CARE  
19 FROM DEPARTMENT.—

20           (1) IN GENERAL.—Except as provided in para-  
21 graph (2), the Secretary of Veterans Affairs shall es-  
22 tablish a cost-sharing amount that veterans shall  
23 pay to the Secretary to receive care at an emergency  
24 room of the Department of Veterans Affairs.

1           (2) EXCEPTION.—The cost-sharing amount es-  
2           tablished under paragraph (1) shall not apply to a  
3           veteran if the veteran—

4                   (A) receives care for a service-connected  
5                   (as defined in section 101 of title 38, United  
6                   States Code) disability or condition;

7                   (B) meets a hardship exception established  
8                   by the Secretary for purposes of this subsection;  
9                   or

10                   (C) is admitted to a hospital for treatment  
11                   or observation after receiving care at an emer-  
12                   gency room of the Department.

13           (c) LIMITATION ON COST-SHARING AMOUNTS.—The  
14           Secretary of Veterans Affairs may not require a veteran  
15           to pay multiple cost-sharing amounts if the veteran seeks  
16           urgent care under section 1725A of title 38, United States  
17           Code, as added by subsection (a)(1), and care at an emer-  
18           gency room of the Department of Veterans Affairs for the  
19           same condition during a period determined by the Sec-  
20           retary for purposes of this subsection.

21           (d) REPORT ON USE BY VETERANS OF URGENT AND  
22           EMERGENCY ROOM CARE.—Not later than two years after  
23           the date of the enactment of this Act, and not less fre-  
24           quently than once every two years thereafter, the Sec-  
25           retary of Veterans Affairs shall submit to the Committee

1 on Veterans' Affairs of the Senate and the Committee on  
2 Veterans' Affairs of the House of Representatives a report  
3 on the use by veterans eligible for health care under the  
4 laws administered by the Secretary of—

5           (1) urgent care facilities; and

6           (2) emergency room facilities of the Depart-  
7           ment of Veterans Affairs.

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