AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY M___. ____________

At the appropriate place in subtitle C of title XVIII, insert the following:

SEC. 18__. AUTHORIZATION FOR VETERANS’ SERVICES.

(a) HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE ABROAD.—Section 1724 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) Notwithstanding any other provision of law, the Secretary may furnish hospital care and medical services in the Freely Associated States to a veteran who is otherwise eligible to receive hospital care and medical services.

“(2) In furnishing care and services under paragraph (1), the Secretary may furnish such care through contracts or other agreements, through reimbursement, or through the direct provision of care by health care personnel of the Department.

“(3) In furnishing care and services under paragraph (1), the Secretary may furnish hospital care and medical services for conditions regardless of whether they are con-
nected to the veteran’s service in the Armed Forces of the United States.

“(4) In this subsection, the term ‘Freely Associated States’ means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.”.

(b) BENEFICIARY TRAVEL.—Section 111 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) Notwithstanding any other provision of law, the Secretary may make payments to or for any person traveling in, to, or from the Freely Associated States for receipt of care or services authorized under section 1724(f) of this title.

“(2) The Secretary shall prescribe regulations to carry out this subsection.

“(3) In this subsection, the term ‘Freely Associated States’ means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.”.

(c) LEGAL ISSUES.—(1) The Secretary of Veterans Affairs, in consultation with the Secretary of State, should work with the governments of the Freely Associated States to facilitate the furnishing of health services, including telehealth, under the laws administered by the Secretary
of Veterans Affairs, to veterans in the Freely Associated States, such as by addressing—

(A) licensure, certification, registration, and tort issues relating to health care personnel; and

(B) matters relating to deliveries of pharmaceutical products and medical surgical products, including deliveries of such products through the Consolidated Mail Outpatient Pharmacy of the Department of Veterans Affairs, to the Freely Associated States.

(2)(A)(i) Notwithstanding any other provision of law regarding the licensure of health care professionals or the prescribing of controlled substances, a covered health care professional may practice the health care profession of the health care professional and prescribe controlled substances at any location in any State or in the Freely Associated States, regardless of where the covered health care professional or the patient is located, if the covered health care professional is furnishing health care to a veteran in the Freely Associated States.

(ii) For purposes of this paragraph, the rule of construction set forth in section 1730C(e) of title 38, United States Code, shall not apply to a covered health care professional
when furnishing care pursuant to this paragraph.

(iii) For purposes of this paragraph, the term, “covered health care professional” has the meaning given that term in section 1730C(b) of title 38, United States Code.

(B)(i) The provisions of this paragraph shall supersede any provisions of the law of any State to the extent that such provisions of State law are inconsistent with this paragraph.

(ii) No State shall deny or revoke the license, registration, or certification of a covered health care professional who otherwise meets the qualifications of the State for holding the license, registration, or certification on the basis that the covered health care professional has engaged or intends to engage in activity covered by this paragraph.

(3) Any health care personnel of the Department furnishing hospital care or medical services or providing medical consultation or medical advice to veterans in the Free-ly Associated States under authority granted by this Act shall, to the extent possible under applicable Federal law, be covered by the Federal Tort Claims Act (28 U.S.C.
2671, et seq.) if such care, services, consultation, or advice
is delivered through a remote or telehealth program.

(d) OUTREACH AND ASSESSMENT OF OPTIONS.—
During the 1-year period beginning on the date of enact-
ment of this Act, the Secretary of Veterans Affairs should,
subject to the availability of appropriations—

(1) conduct robust outreach to and engage with
each government of the Freely Associated States;

(2) assess options for the delivery of care
through the use of authorities provided pursuant to
the amendments made by this section; and

(3) increase staffing as necessary to conduct
outreach as required by paragraph (1).

(e) FREELY ASSOCIATED STATES DEFINED.—In this
subsection, the term “Freely Associated States” means
the Federated States of Micronesia, the Republic of the