

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY M . _____

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

1 SEC. 18 . AUTHORIZATION FOR VETERANS' SERVICES.

2 (a) HOSPITAL CARE, MEDICAL SERVICES, AND
3 NURSING HOME CARE ABROAD.—Section 1724 of title
4 38, United States Code, is amended by adding at the end
5 the following new subsection:

6 “(f)(1) Notwithstanding any other provision of law,
7 the Secretary may furnish hospital care and medical serv-
8 ices in the Freely Associated States to a veteran who is
9 otherwise eligible to receive hospital care and medical serv-
10 ices.

11 “(2) In furnishing care and services under paragraph
12 (1), the Secretary may furnish such care through con-
13 tracts or other agreements, through reimbursement, or
14 through the direct provision of care by health care per-
15 sonnel of the Department.

16 “(3) In furnishing care and services under paragraph
17 (1), the Secretary may furnish hospital care and medical
18 services for conditions regardless of whether they are con-

1 nected to the veteran’s service in the Armed Forces of the
2 United States.

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

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

10 “(h)(1) Notwithstanding any other provision of law,
11 the Secretary may make payments to or for any person
12 traveling in, to, or from the Freely Associated States for
13 receipt of care or services authorized under section
14 1724(f) of this title.

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

17 “(3) In this subsection, the term ‘Freely Associated
18 States’ means the Federated States of Micronesia, the Re-
19 public of the Marshall Islands, and the Republic of
20 Palau.”.

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

1 of Veterans Affairs, to veterans in the Freely Associated
2 States, such as by addressing—

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

5 (B) matters relating to deliveries of pharma-
6 ceutical products and medical surgical products, in-
7 cluding deliveries of such products through the Con-
8 solidated Mail Outpatient Pharmacy of the Depart-
9 ment of Veterans Affairs, to the Freely Associated
10 States.

11 (2)(A)(i) Notwithstanding any other provision of law
12 regarding the licensure of health care professionals or the
13 prescribing of controlled substances, a covered health care
14 professional may practice the health care profession of the
15 health care professional and prescribe controlled sub-
16 stances at any location in any State or in the Freely Asso-
17 ciated States, regardless of where the covered health care
18 professional or the patient is located, if the covered health
19 care professional is furnishing health care to a veteran in
20 the Freely Associated States.

21 (ii) For purposes of this paragraph, the
22 rule of construction set forth in section
23 1730C(e) of title 38, United States Code, shall
24 not apply to a covered health care professional

1 when furnishing care pursuant to this para-
2 graph.

3 (iii) For purposes of this paragraph, the
4 term, “covered health care professional” has
5 the meaning given that term in section
6 1730C(b) of title 38, United States Code.

7 (B)(i) The provisions of this paragraph shall
8 supersede any provisions of the law of any State to
9 the extent that such provisions of State law are in-
10 consistent with this paragraph.

11 (ii) No State shall deny or revoke the li-
12 cense, registration, or certification of a covered
13 health care professional who otherwise meets
14 the qualifications of the State for holding the li-
15 cense, registration, or certification on the basis
16 that the covered health care professional has
17 engaged or intends to engage in activity covered
18 by this paragraph.

19 (3) Any health care personnel of the Department fur-
20 nishing hospital care or medical services or providing med-
21 ical consultation or medical advice to veterans in the Free-
22 ly Associated States under authority granted by this Act
23 shall, to the extent possible under applicable Federal law,
24 be covered by the Federal Tort Claims Act (28 U.S.C.

1 2671, et seq.) if such care, services, consultation, or advice
2 is delivered through a remote or telehealth program.

3 (d) OUTREACH AND ASSESSMENT OF OPTIONS.—

4 During the 1-year period beginning on the date of enact-
5 ment of this Act, the Secretary of Veterans Affairs should,
6 subject to the availability of appropriations—

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

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

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

14 (e) FREELY ASSOCIATED STATES DEFINED.—In this
15 subsection, the term “Freely Associated States” means
16 the Federated States of Micronesia, the Republic of the
17 Marshall Islands, and the Republic of Palau.

