[117H845]

(Original Signature of Member)

118th CONGRESS 1st Session



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.

IN THE HOUSE OF REPRESENTATIVES

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

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".

1	SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS
2	TO WAIVE REQUIREMENT OF CERTAIN VET-
3	ERANS TO MAKE COPAYMENTS FOR CARE
4	AND SERVICES IN THE CASE OF DEPART-
5	MENT OF VETERANS AFFAIRS ERROR.
6	(a) Hospital Care, Nursing Home Care, and
7	MEDICAL SERVICES.—Section 1710(f)(3) of title 38,
8	United States Code, is amended by adding at the end the
9	following new subparagraph:
10	"(G) The Secretary may waive the requirement of a
11	veteran to make a payment under this subsection or sub-
12	section (g) if—
13	"(i) an error committed by the Department or
14	an employee of the Department was the cause of de-
15	laying notification sent to the veteran of the require-
16	ment to make the payment; and
17	"(ii) the veteran received such notification later
18	than 180 days after the date on which the veteran
19	received the care or services for which the payment
20	was required.".
21	(b) Medications.—Section 1722A of such title is
22	amended—
23	(1) by redesignating subsection (c) as sub-
24	section (d); and
25	(2) by inserting after subsection (b) the fol-
26	lowing new subsection (c):

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1	"(c) The Secretary may waive the requirement of a
2	veteran to make a payment under this section if—
3	"(1) an error committed by the Department or
4	an employee of the Department was the cause of de-
5	laying notification sent to the veteran of the require-
6	ment to make the payment; and
7	((2) the veteran received such notification later
8	than 180 days after the date on which the veteran
9	received the medication for which the payment was
10	required.".
11	(c) BILLING PROCEDURES.—
12	(1) IN GENERAL.—Subchapter I of chapter 17
13	of such title is amended by adding at the end the
14	following new section:
15	"§ 1709D. Procedures for copayments
16	"(a) CARE AT DEPARTMENT FACILITY.—(1) In re-
17	quiring a veteran to make a payment for care or services
18	provided at a medical facility of the Department pursuant
19	to this chapter, including sections 1710 and $1722A$, the
20	Secretary shall provide to such veteran a notification of
21	such required payment by not later than 180 days after
22	the date on which the veteran receives the care or services
23	for which payment is required.
24	((2) If the Secretary does not provide to a veteran
25	a notification of the required payment by the date required

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under paragraph (1), the Secretary may not collect such
 payment, including through a third-party entity, unless
 the Secretary provides the veteran the following:

4 "(A) Information regarding how to apply for a
5 waiver described in section 1710(f)(3)(G) or section
6 1722A(c) of this title, as appropriate.

7 "(B) Information regarding how to establish a8 payment plan with the Secretary.

9 "(C) Opportunity to make such a waiver or es-10 tablish such a payment plan.

11 "(b) CARE AT NON-DEPARTMENT FACILITY.—(1) In 12 requiring a veteran to make a payment for care or services provided at a non-Department facility pursuant to this 13 chapter or other provision of law, the Secretary shall pro-14 15 vide to such veteran a notification of such required payment by not later than 18 months after the date on which 16 17 the veteran receives the care or services for which payment 18 is required.

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

24 "(A) Information regarding how to apply for a25 waiver described in paragraph (3).

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"(B) Information regarding how to establish a
 payment plan with the Secretary.

3 "(C) Opportunity to make such a waiver or es-4 tablish such a payment plan.

5 "(3) The Secretary may waive the requirement of a
6 veteran to make a payment for care or services provided
7 at a non-Department facility pursuant to this chapter or
8 other provision of law if—

9 "(A) an error committed by the Department, an 10 employee of the Department, or a non-Department 11 facility was the cause of delaying the notification 12 sent to the veteran of the requirement to make the 13 payment; and

14 "(B) the veteran received such notification after15 the period described in paragraph (1).".

16 (2) CLERICAL AMENDMENT.—The table of sec17 tions at the beginning of such chapter is amended
18 by inserting after the item relating to section 1709C
19 the following new item:

"1709D. Procedures for copayments.".

20 (d) IMPROVEMENT OF PROCEDURES.—Not later than
21 180 days after the date of the enactment of this Act, the
22 Secretary of Veterans Affairs shall—

(1) review the copayment billing internal controls and notification procedures of the Department
of Veterans Affairs; and

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