

110TH CONGRESS
1ST SESSION

H. R. 3819

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2007

Mr. SPACE introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, 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 Care Fairness Act of 2007”.

1 **SEC. 2. MANDATORY REIMBURSEMENT OF VETERANS RE-**
2 **CEIVING EMERGENCY TREATMENT IN NON-**
3 **DEPARTMENT OF VETERANS AFFAIRS FACILI-**
4 **TIES UNTIL TRANSFER TO DEPARTMENT FA-**
5 **CILITIES.**

6 (a) CERTAIN VETERANS WITHOUT SERVICE-CON-
7 NECTED DISABILITY.—Section 1725 of title 38, United
8 States Code, is amended—

9 (1) in subsection (a)(1), by striking “may reim-
10 burse” and inserting “shall reimburse”; and

11 (2) in subsection (f)(1), by striking subpara-
12 graph (C) and inserting the following new subpara-
13 graph (C):

14 “(C) until—

15 “(i) such time as the veteran can be
16 transferred safely to a Department facility
17 or other Federal facility; or

18 “(ii) such time as a Department facil-
19 ity or other Federal facility agrees to ac-
20 cept such transfer if—

21 “(I) at the time described in
22 clause (i), no Department facility or
23 other Federal facility agrees to accept
24 such transfer; and

25 “(II) the non-Department facility
26 in which such medical care or services

1 is furnished makes and documents
2 reasonable attempts to transfer the
3 veteran to a Department facility or
4 other Federal facility.”.

5 (b) CERTAIN VETERANS WITH SERVICE-CONNECTED
6 DISABILITY.—Section 1728 of such title is amended—

7 (1) by striking subsection (a) and inserting the
8 following new subsection (a):

9 “(a) The Secretary shall, under such regulations as
10 the Secretary shall prescribe, reimburse veterans entitled
11 to hospital care or medical services under this chapter for
12 the reasonable value of emergency treatment (including
13 travel and incidental expenses under the terms and condi-
14 tions set forth in section 111 of this title) for which such
15 veterans have made payment, from sources other than the
16 Department, where such emergency treatment was ren-
17 dered to such veterans in need thereof for any of the fol-
18 lowing:

19 “(1) An adjudicated service-connected dis-
20 ability.

21 “(2) A non-service-connected disability associ-
22 ated with and held to be aggravating a service-con-
23 nected disability.

1 “(3) Any disability of a veteran in the veteran
2 has a total disability permanent in nature from a
3 service-connected disability.

4 “(4) Any illness, injury, or dental condition of
5 a veteran who—

6 “(A) is a participant in a vocational reha-
7 bilitation program (as defined in section
8 3101(9) of this title); and

9 “(B) is medically determined to have been
10 in need of care or treatment to make possible
11 the veteran’s entrance into a course of training,
12 or prevent interruption of a course of training,
13 or hasten the return to a course of training
14 which was interrupted because of such illness,
15 injury, or dental condition.”;

16 (2) in subsection (b), by striking “care or serv-
17 ices” both places it appears and inserting “emer-
18 gency treatment”; and

19 (3) by adding at the end the following new sub-
20 section:

21 “(c) In this section, the term ‘emergency treatment’
22 has the meaning given such term in section 1725(f)(1) of
23 this title.”.

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