

110TH CONGRESS
2^D SESSION

H. R. 3819

IN THE SENATE OF THE UNITED STATES

MAY 22, 2008

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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 2008”.

6 **SEC. 2. MANDATORY REIMBURSEMENT OF VETERANS RE-**
7 **CEIVING EMERGENCY TREATMENT IN NON-**
8 **DEPARTMENT OF VETERANS AFFAIRS FACILI-**
9 **TIES UNTIL TRANSFER TO DEPARTMENT FA-**
10 **CILITIES.**

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

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

16 (2) in subsection (f)(1), by striking subpara-
17 graph (C) and inserting the following new subpara-
18 graph (C):

19 “(C) until—

20 “(i) such time as the veteran can be
21 transferred safely to a Department facility
22 or other Federal facility; or

23 “(ii) such time as a Department facil-
24 ity or other Federal facility agrees to ac-
25 cept such transfer if—

1 “(I) at the time described in
2 clause (i), no Department facility or
3 other Federal facility agrees to accept
4 such transfer; and

5 “(II) the non-Department facility
6 in which such medical care or services
7 is furnished makes and documents
8 reasonable attempts to transfer the
9 veteran to a Department facility or
10 other Federal facility.”.

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

13 (1) by striking subsection (a) and inserting the
14 following new subsection (a):

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

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

3 “(2) A non-service-connected disability associ-
4 ated with and held to be aggravating a service-con-
5 nected disability.

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

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

11 “(A) is a participant in a vocational reha-
12 bilitation program (as defined in section
13 3101(9) of this title); and

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

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

24 (3) by adding at the end the following new sub-
25 section:

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

Passed the House of Representatives May 21, 2008.

Attest: LORRAINE C. MILLER,
Clerk.