

103^D CONGRESS
1ST SESSION

H. R. 1778

To amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under medicare.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1993

Mr. CUNNINGHAM (for himself and Mr. HUNTER) introduced the following bill; which was referred jointly to the Committees on Armed Services, Ways and Means, and Energy and Commerce

A BILL

To amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under medicare.

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 “Military Retiree and
5 Veteran Health Care Act of 1993”.

1 **SEC. 2. DEFINITION OF MEDICARE SUBVENTION FUNDING.**

2 Section 1072 of title 10, United States Code, is
3 amended by adding at the end the following new para-
4 graph:

5 “(6) The term ‘medicare subvention funding’
6 means funds or funding authority of any program
7 authorized under title XVIII of the Social Security
8 Act (42 U.S.C. 1395 et seq.), which is made avail-
9 able to a department or agency for the provision of
10 health care services, and wherein funds are provided
11 directly to a military treatment facility operated by
12 the Department of Defense or Department of Veter-
13 ans’ Affairs for the purpose of payment for care pro-
14 vided to authorized personnel treated in that par-
15 ticular facility; and further wherein the funds pro-
16 vided would otherwise be utilized for the same pur-
17 pose in a nonmilitary treatment facility.”.

18 **SEC. 3. MEDICAL AND DENTAL CARE FOR MEMBERS AND**
19 **CERTAIN FORMER MEMBERS.**

20 Section 1074(b) of title 10, United States Code, is
21 amended—

22 (1) by inserting “(1)” after “(a)”; and

23 (2) by adding at the end the following new
24 paragraphs:

25 “(2) If a member or former member eligible for care
26 under paragraph (1) is also eligible for health insurance

1 payments under title XVIII of the Social Security Act (42
2 U.S.C. 1395 et seq.), the member or former member shall
3 be entitled to and given medical and dental care in any
4 medical facility of any uniformed service. The facility of
5 the uniformed service that provides such care will recover
6 the cost for the care provided from medicare subvention
7 funding by direct billing of the appropriate program ad-
8 ministering the health insurance program defined under
9 title XVIII of the Social Security Act (42 U.S.C. 1395
10 et seq.) and appropriate for the particular recipient of the
11 care. Medicare subvention funding payments to the provid-
12 ing military treatment facility will be at fixed rates ap-
13 proved by the President.

14 “(3) Payments received by a military treatment facil-
15 ity or Department of Veterans’ Affairs facility for medical
16 services provided, whether the funds originated as Depart-
17 ment of Defense appropriated funds or from medicare sub-
18 vention funding shall be deposited to the credit of the op-
19 erating and maintenance fund of the particular medical
20 facility that provided the service, and as direct reimburse-
21 ment for services rendered; without any requirement of
22 equal or reciprocal reduction of the operating and mainte-
23 nance budget of the providing facility.”.

1 **SEC. 4. MEDICAL AND DENTAL CARE FOR DEPENDENTS.**

2 Section 1076(a) of title 10, United States Code, is
3 amended by striking out paragraph (1) and inserting in
4 lieu thereof the following new paragraph:

5 “(1) A dependent described in paragraph (2) is enti-
6 tled, upon request, to the medical and dental care pre-
7 scribed by section 1077 of this title in facilities of the uni-
8 formed services. If the dependent is also entitled to hos-
9 pital insurance benefits under title XVIII of the Social Se-
10 curity Act (42 U.S.C. 1395 et seq.), then the facility of
11 the uniformed service will still provide authorized care, but
12 will recover the cost for providing the care from medicare
13 subvention funding by direct billing of the appropriate
14 program administering the health insurance program de-
15 fined under that Act, and appropriate for the particular
16 recipient of the care. Medicare subvention funding pay-
17 ments to the providing military treatment facility will be
18 at fixed rates approved by the President; and will be used,
19 deposited, and credited as specified in section 1074 of this
20 title.”

21 **SEC. 5. CONFORMING AMENDMENT REGARDING MEDICARE**
22 **SUBVENTION FUNDING.**

23 Section 1086(d) of title 10, United States Code, is
24 amended by adding at the end the following new para-
25 graph:

1 “(4) A covered beneficiary who is entitled to hospital
2 insurance benefits under title XVIII of the Social Security
3 Act (42 U.S.C. 1395 et seq.), and who elects to receive
4 care in a military treatment facility, as authorized by sec-
5 tion 1076 of this title, may do so. The insurance benefits
6 of the Social Security Act may then be utilized to reim-
7 burse the military treatment facility for the care given,
8 in the manner and rate as specified in sections 1074(b)
9 and 1076(a)(1).”.

10 **SEC. 6. COLLECTION FROM THIRD-PARTY PAYERS.**

11 Section 1095 of title 10, United States Code, is
12 amended by striking out subsection (d) and inserting in
13 lieu thereof the following new subsection:

14 “(d) Collection may be made from any third-party
15 payer, including the appropriate program administering
16 the health insurance program defined under title XVIII
17 or XIX of the Social Security Act (42 U.S.C. 1395 et seq.)
18 pursuant to medicare subvention funding.”.

19 **SEC. 7. DETERMINATION OF INABILITY TO PROVIDE MEDI-**
20 **CAL AND DENTAL SERVICES.**

21 Section 1076 of title 10, United States Code, is
22 amended by striking out subsection (c) and inserting in
23 lieu thereof the following new subsection:

24 “(c) Medical or dental care may be denied to a person
25 who is otherwise eligible for such care at a military treat-

1 ment facility only if the senior officer-in-charge or com-
2 manding officer of the military treatment facility makes
3 a determination that the treatment facility, or subunit
4 thereof, cannot provide the particular care required. This
5 determination may be made, if, and only if, that particular
6 military treatment facility, or subunit thereof, does not,
7 at that particular time, have space or facilities available
8 to provide the treatment due solely to the then actual ex-
9 isting requirements to utilize all existing space or facilities
10 for active duty members; or does not, at that particular
11 time, and under any circumstances, provide the type of
12 care required. Authority to make such determination may
13 not be delegated. The administering Secretary will be ad-
14 vised immediately in all instances where a determination
15 to deny treatment, under this subsection, is made, with
16 a verifiable date as to when the restriction will be re-
17 moved.”.

18 **SEC. 8. MEDICARE PROCEDURE FOR PAYMENT OF CLAIMS**

19 **OF PROVIDERS OF SERVICES.**

20 (a) IN GENERAL.—Section 1835 of the Social Secu-
21 rity Act (42 U.S.C. 1395n) is amended by striking out
22 subsection (d) and inserting in lieu thereof the following:

23 “(d) PAYMENTS TO FEDERAL PROVIDER OF SERV-
24 ICES OR OTHER FEDERAL AGENCIES PROHIBITED.—Sub-
25 ject to sections 1880, 1890, and 1890A, no payment may

1 be made under this part (42 U.S.C. 1395j et seq.) to any
2 Federal provider of services or other Federal agency, ex-
3 cept a provider of services which the Secretary determines
4 is providing services to the public generally as a commu-
5 nity institution or agency; and no such payment may be
6 made to any provider of services or other person for any
7 item or service which such person or persons is obligated
8 by a law of, or a contract with, the United States to render
9 at public expense.”.

10 (b) EXCEPTION FOR MILITARY AND VETERANS
11 TREATMENT FACILITIES.—Title XVIII of the Social Secu-
12 rity Act is amended by inserting after section 1889 the
13 following:

14 **“SEC. 1890. MILITARY TREATMENT FACILITIES.**

15 “(a) ELIGIBILITY FOR PAYMENTS; CONDITIONS AND
16 REQUIREMENTS.—A military treatment facility operated
17 by a uniformed service of the Department of Defense shall
18 be eligible for payments under this title notwithstanding
19 sections 1814(c) and 1835(d) if and for so long as that
20 military treatment facility meets all of the conditions and
21 requirements for such payments which are applicable to
22 hospitals and skilled nursing facilities under this title.

23 “(b) DEFINITION.—Such payments under this sec-
24 tion shall be referred to as medicare subvention funding,

1 as that term is defined in section 1072(6) of title 10, Unit-
2 ed States Code.

3 **“SEC. 1890A. DEPARTMENTS OF VETERANS AFFAIRS MEDI-**
4 **CAL TREATMENT FACILITY.**

5 “(a) ELIGIBILITY FOR PAYMENTS; CONDITIONS AND
6 REQUIREMENTS.—A medical treatment facility operated
7 by the Department of Veterans Affairs shall be eligible
8 for payments under this title notwithstanding sections
9 1814(c) and 1835(d) if and for so long as that medical
10 treatment facility meets all of the conditions and require-
11 ments for such payments which are applicable to hospitals
12 and skilled nursing facilities under this title.

13 “(b) DEFINITION.—Such payments under this sec-
14 tion shall be referred to as medicare subvention funding,
15 as that term is defined in section 1072(6) of title 10, Unit-
16 ed States Code.”.

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