

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2619

To amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 10 (legislative day, OCTOBER 2), 1998

Mr. DASCHLE introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities.

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’ Access to  
5 Emergency Care Act of 1998”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS ENROLL-**  
2 **MENT SYSTEM DECLARED TO BE A HEALTH**  
3 **CARE PLAN.**

4 Section 1705 of title 38, United States Code, is  
5 amended by adding at the end the following new sub-  
6 section:

7 “(d) The enrollment system under subsection (a) is  
8 a health care plan, and the veterans enrolled in that sys-  
9 tem are enrollees and participants in a health care plan.”.

10 **SEC. 3. EMERGENCY HEALTH CARE IN NON-DEPARTMENT**  
11 **OF VETERANS AFFAIRS FACILITIES FOR EN-**  
12 **ROLLED VETERANS.**

13 (a) **CONTRACT CARE.**—Section 1703(a)(3) of title  
14 38, United States Code, is amended by inserting “who is  
15 enrolled under section 1705 of this title or who is” after  
16 “health of a veteran”.

17 (b) **DEFINITION OF MEDICAL SERVICES.**—Section  
18 1701(6) of such title is amended—

19 (1) by striking out “and” at the end of sub-  
20 paragraph (A);

21 (2) by striking out the period at the end of sub-  
22 paragraph (B) and inserting in lieu thereof “; and”;  
23 and

24 (3) by inserting after subparagraph (B) the fol-  
25 lowing new subparagraph:

1           “(C) emergency care, or reimbursement for  
2           such care, as described in sections 1703(a)(3) and  
3           1728(a)(2)(E) of this title.”.

4           (c) REIMBURSEMENT OF EXPENSES FOR EMER-  
5 GENCY CARE.—Section 1728(a)(2) of such title is amend-  
6 ed—

7           (1) by striking out “or” before “(D)”; and

8           (2) by inserting before the semicolon at the end  
9           the following: “, or (E) for any medical emergency  
10           which poses a serious threat to the life or health of  
11           a veteran enrolled under section 1705 of this title”.

12           (d) PAYMENT PRIORITY.—Section 1705 of such title,  
13 as amended by section 2, is further amended by adding  
14 at the end the following new subsection:

15           “(e) The Secretary shall require in a contract under  
16 section 1703(a)(3) of this title, and as a condition of pay-  
17 ment under section 1728(a)(2) of this title, that payment  
18 by the Secretary for treatment under such contract, or  
19 under such section, of a veteran enrolled under this section  
20 shall be made only after any payment that may be made  
21 with respect to such treatment under part A or part B  
22 of the Medicare program and after any payment that may  
23 be made with respect to such treatment by a third-party  
24 insurance provider.”.

1       (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to care or services  
3 provided on or after the date of the enactment of this Act.

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