

108TH CONGRESS  
1ST SESSION

# H. R. 3094

To amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2003

Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. PEARCE, Mr. GREEN of Wisconsin, Mr. PAUL, Mr. BRADLEY of New Hampshire, Mr. FROST, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. RENZI, Mr. COLE, Mr. MICA, Mr. FOLEY, Mr. MARIO DIAZ-BALART of Florida, Mr. GUTKNECHT, and Mr. JONES of North Carolina) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from 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 "Veterans Timely Ac-  
5 cess to Health Care Act".

1 **SEC. 2. STANDARDS FOR ACCESS TO CARE.**

2 (a) **REQUIRED STANDARDS FOR ACCESS TO CARE.**—

3 Section 1703 of title 38, United States Code, is amended  
4 by adding at the end the following new subsection:

5 “(d)(1) For a veteran seeking primary care from the  
6 Department, the standard for access to care, determined  
7 from the date on which the veteran contacts the Depart-  
8 ment seeking an appointment until the date on which a  
9 visit with a primary-care provider is completed, is 30 days.

10 “(2)(A) The Secretary shall prescribe an appropriate  
11 standard for access to care applicable to waiting times at  
12 Department health-care facilities, determined from the  
13 time at which a veteran’s visit is scheduled until the time  
14 at which the veteran is seen by the provider with whom  
15 the visit is scheduled.

16 “(B) The Secretary shall periodically review the per-  
17 formance of Department health-care facilities compared to  
18 the standard prescribed under subparagraph (B). The  
19 Secretary shall submit to the Committees on Veterans’ Af-  
20 fairs of the Senate and House of Representatives an an-  
21 nual report providing an assessment of the Department’s  
22 performance in meeting that standard.

23 “(3) Effective on the first day of the first fiscal year  
24 beginning after the date of the enactment of this section,  
25 but subject to paragraph (4), in a case in which the Sec-  
26 retary is unable to meet the standard for access to care

1 applicable under paragraph (1) or (2), the Secretary shall,  
2 or with respect to a veteran described in section  
3 1705(a)(8) of this title may, use the authority of sub-  
4 section (a) to furnish health care and services for that vet-  
5 eran in a non-Department facility. In any such case—

6           “(A) payments by the Secretary may not exceed  
7           the reimbursement rate for similar outpatient serv-  
8           ices paid by the Secretary of Health and Human  
9           Services under part B of the medicare program (as  
10          defined in section 1781(d)(4)(A) of this title); and

11          “(B) the non-Department facility may not bill  
12          the veteran for any difference between the facility’s  
13          billed charges and the amount paid by the Secretary  
14          under subparagraph (A).

15          “(4) Paragraph (3) shall not apply to a veteran en-  
16          rolled or seeking care at a Department facility within a  
17          Department geographic service area that has a compliance  
18          rate, determined over the first quarter of the first cal-  
19          endar-year beginning after the date of the enactment of  
20          this Act, for the standards for access to care under para-  
21          graphs (1) and (2) of 90 percent or more. The Secretary  
22          shall make the determination of the compliance rate for  
23          each Department geographic service area for purposes of  
24          the preceding sentence not later than July 1 of the first

1 calendar-year beginning after the date of the enactment  
2 of this Act.

3 “(5)(A) The Secretary shall submit to the Commit-  
4 tees on Veterans’ Affairs of the Senate and House of Rep-  
5 resentatives for each calendar-year quarter, not later than  
6 60 days after the end of the quarter, a comprehensive re-  
7 port on the experience of the Department during the quar-  
8 ter covered by the report with respect to waiting times  
9 for veterans seeking appointments with a Department  
10 health-care provider.

11 “(B) Each report under subparagraph (A) shall in-  
12 clude the total number of veterans waiting, shown for each  
13 geographic service area by the following categories:

14 “(i) Those waiting under 30 days for scheduled  
15 appointments.

16 “(ii) Those waiting over 30 days but less than  
17 60 days.

18 “(iii) Those waiting over 60 days but less than  
19 4 months.

20 “(iv) Those waiting over 4 months but cannot  
21 be scheduled within 6 months.

22 “(v) Those who are waiting over 6 months but  
23 cannot be scheduled within 9 months of seeking  
24 care.

1           “(vi) Those who cannot be scheduled within one  
2           year of seeking care.

3           “(vii) Any remaining veterans who cannot be  
4           scheduled, with the reasons therefor.

5           “(C) For each category set forth in subparagraph  
6 (B), the report shall distinguish between—

7           “(i) waiting times for primary care and spe-  
8           cialty care; and

9           “(ii) waiting times for veterans who are newly  
10          enrolled versus those who were enrolled before Octo-  
11          ber 1, 2001.

12          “(D) Each such report shall also set forth the number  
13 of veterans who have enrolled in the Department’s health  
14 care system but have not since such enrollment sought  
15 care at a Department health care facility.

16          “(E) The final report under this paragraph shall be  
17 for the quarter ending on December 31, 2010.”.

18          (b) EFFECTIVE DATE.—Subsection (d) of section  
19 1703 of title 38, United States Code, as added by sub-  
20 section (a), shall take effect on the first day of the first  
21 month beginning more than six months after the date of  
22 the enactment of this Act. The first report under para-  
23 graph (5) of that subsection shall be submitted for the

- 1 quarter ending on December 31 of the first calendar year
- 2 beginning after the date of the enactment of this Act.

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