

117TH CONGRESS
1ST SESSION

S. 1875

To amend title 38, United States Code, to provide a deadline of 180 days for the filing of claims for payment for emergency treatment furnished to veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

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

A BILL

To amend title 38, United States Code, to provide a deadline of 180 days for the filing of claims for payment for emergency treatment furnished to veterans, 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 Claims Parity Act”.

1 **SEC. 2. CLAIMS FOR PAYMENT FROM DEPARTMENT OF**
2 **VETERANS AFFAIRS FOR EMERGENCY TREAT-**
3 **MENT FURNISHED TO VETERANS.**

4 (a) TREATMENT FOR NON-SERVICE-CONNECTED
5 DISABILITIES.—

6 (1) IN GENERAL.—Section 1725 of title 38,
7 United States Code, is amended—

8 (A) by redesignating subsection (f) as sub-
9 section (h); and

10 (B) by inserting after subsection (e) the
11 following new subsections (f) and (g):

12 “(f) SUBMITTAL OF CLAIMS FOR DIRECT PAY-
13 MENT.—An individual or entity seeking payment under
14 subsection (a)(2) for treatment provided to a veteran in
15 lieu of reimbursement to the veteran shall submit a claim
16 for such payment not later than 180 days after the latest
17 date on which such treatment was provided.

18 “(g) HOLD HARMLESS.—No veteran described in
19 subsection (b) may be held liable for payment for emer-
20 gency treatment described in such subsection if—

21 “(1) a claim for direct payment was submitted
22 by an individual or entity under subsection (f); and

23 “(2) such claim was submitted after the dead-
24 line established by such subsection due to—

1 “(A) an administrative error made by the
2 individual or entity, such as submission of the
3 claim to the wrong Federal agency; or

4 “(B) an administrative error made by the
5 Department, such as misplacement of a paper
6 claim or deletion of an electronic claim.”.

7 (b) TREATMENT FOR AND IN CONNECTION WITH
8 SERVICE-CONNECTED DISABILITIES.—Section 1728(b) of
9 such title is amended—

10 (1) by redesignating paragraphs (1) and (2) as
11 subparagraphs (A) and (B);

12 (2) in the matter preceding subparagraph (A),
13 as redesignated by paragraph (1), by striking “In
14 any case” and inserting “(1) In any case”;

15 (3) by adding at the end the following new
16 paragraph:

17 “(2) An individual or entity seeking payment under
18 paragraph (1) for treatment provided to a veteran in lieu
19 of reimbursement to the veteran shall submit a claim for
20 such payment not later than 180 days after the latest date
21 on which such treatment was provided.”;

22 (4) by redesignating subsection (c) as sub-
23 section (d); and

24 (5) by inserting after subsection (b) the fol-
25 lowing new subsection (c):

1 “(c) No veteran described in subsection (a) may be
2 held liable for payment for emergency treatment described
3 in such subsection if—

4 “(1) a claim for direct payment was submitted
5 by an individual or entity under subsection (b)(2);
6 and

7 “(2) such claim was submitted after the dead-
8 line established by such subsection due to—

9 “(A) an administrative error made by the
10 individual or entity, such as submission of the
11 claim to the wrong Federal agency; or

12 “(B) an administrative error made by the
13 Department, such as misplacement of a paper
14 claim or deletion of an electronic claim.”.

15 (c) CONFORMING AMENDMENTS.—Such title is
16 amended—

17 (1) in section 1705A(d), by striking “section
18 1725(f)” and inserting “section 1725(h)”;

19 (2) in section 1725(b)(3)(B), by striking “sub-
20 section (f)(2)(B) or (f)(2)(C)” and inserting “sub-
21 section (h)(2)(B) or (h)(2)(C)”;

22 (3) in section 1728(d), as redesignated by sub-
23 section (b)(4), by striking “section 1725(f)(1)” and
24 inserting “section 1725(h)(1)”;

1 (4) in section 1781(a)(4), by striking “section
2 1725(f)” and inserting “section 1725(h)”; and

3 (5) in section 1787(b)(3), by striking “section
4 1725(f)” and inserting “section 1725(h)”.

5 **SEC. 3. PUBLICATION OF CLARIFYING INFORMATION FOR**
6 **NON-DEPARTMENT OF VETERANS AFFAIRS**
7 **PROVIDERS.**

8 (a) IN GENERAL.—The Secretary of Veterans Affairs
9 shall publish on one or more publicly available internet
10 websites of the Department of Veterans Affairs, including
11 the main internet website regarding emergency care au-
12 thorization for non-Department providers, the following
13 information:

14 (1) A summary table or similar resource that
15 provides a list of all authorities of the Department
16 to authorize emergency care from non-Department
17 providers and, for each such authority, the cor-
18 responding deadline for submission of claims.

19 (2) An illustrated summary of steps, such as a
20 process map, with a checklist for the submission of
21 clean claims that non-Department providers can fol-
22 low to assure compliance with the claims-filing proc-
23 ess of the Department.

1 (3) Contact information for the appropriate of-
2 fice or service line of the Department to address
3 process questions from non-Department providers.

4 (b) PERIODIC REVIEW.—Not less frequently than
5 once every 180 days, the Secretary shall review the infor-
6 mation published under subsection (a) to ensure that such
7 information is current.

8 (c) CLEAN CLAIMS DEFINED.—In this section, the
9 term “clean claims” means clean electronic claims and
10 clean paper claims (as those terms are defined in section
11 1703D(i) of title 38, United States Code).

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