

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

# S. 1875

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Emergency  
3 Care Claims Parity Act”.

4 **SEC. 2. CLAIMS FOR PAYMENT FROM DEPARTMENT OF**  
5 **VETERANS AFFAIRS FOR EMERGENCY TREAT-**  
6 **MENT FURNISHED TO VETERANS.**

7 (a) TREATMENT FOR NON-SERVICE-CONNECTED  
8 DISABILITIES.—

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

11 (A) by redesignating subsection (f) as sub-  
12 section (h); and

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

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

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

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

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

3                   “(A) an administrative error made by the  
4                   individual or entity, such as submission of the  
5                   claim to the wrong Federal agency, under the  
6                   wrong reimbursement authority (such as section  
7                   1728 of this title), or submission of the claim  
8                   after the deadline; or

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

12           (b) TREATMENT FOR AND IN CONNECTION WITH  
13           SERVICE-CONNECTED DISABILITIES.—Section 1728 of  
14           such title is amended—

15                   (1) by redesignating subsection (c) as sub-  
16                   section (d); and

17                   (2) by inserting after subsection (b) the fol-  
18                   lowing new subsection (c):

19                   “(c) No veteran described in subsection (a) may be  
20                   held liable for payment for emergency treatment described  
21                   in such subsection if—

22                           “(1) a claim for direct payment was submitted  
23                           by an individual or entity under subsection (b)(2);  
24                           and

1 “(2) such claim was submitted after a deadline  
2 established by the Secretary for purposes of this sec-  
3 tion due to—

4 “(A) an administrative error made by the  
5 individual or entity, such as submission of the  
6 claim to the wrong Federal agency or submis-  
7 sion of the claim after the deadline; or

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

11 (c) CONFORMING AMENDMENTS.—Such title is  
12 amended—

13 (1) in section 1705A(d), by striking “section  
14 1725(f)” and inserting “section 1725(h)”;

15 (2) in section 1725(b)(3)(B), by striking “sub-  
16 section (f)(2)(B) or (f)(2)(C)” and inserting “sub-  
17 section (h)(2)(B) or (h)(2)(C)”;

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

21 (4) in section 1781(a)(4), by striking “section  
22 1725(f)” and inserting “section 1725(h)”;

23 (5) in section 1787(b)(3), by striking “section  
24 1725(f)” and inserting “section 1725(h)”.

1 **SEC. 3. PUBLICATION OF CLARIFYING INFORMATION FOR**  
2 **NON-DEPARTMENT OF VETERANS AFFAIRS**  
3 **PROVIDERS.**

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

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

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

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

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

1       (c) CLEAN CLAIMS DEFINED.—In this section, the  
2 term “clean claims” means clean electronic claims and  
3 clean paper claims (as those terms are defined in section  
4 1703D(i) of title 38, United States Code).

Passed the Senate April 7, 2022.

Attest:

*Secretary.*



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