

118TH CONGRESS
1ST SESSION

S. 280

To ensure that only licensed health care professionals furnish disability examinations under a certain Department of Veterans Affairs pilot program for use of contract physicians for disability examinations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

Mr. RUBIO (for himself, Mr. SCOTT of Florida, Ms. SINEMA, Ms. LUMMIS, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To ensure that only licensed health care professionals furnish disability examinations under a certain Department of Veterans Affairs pilot program for use of contract physicians for disability examinations, 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 “Better Examiner
5 Standards and Transparency for Veterans Act of 2023”
6 or the “BEST for Vets Act of 2023”.

1 **SEC. 2. ENSURING ONLY LICENSED HEALTH CARE PROFES-**
2 **SIONALS FURNISH MEDICAL DISABILITY EX-**
3 **AMINATIONS UNDER CERTAIN DEPARTMENT**
4 **OF VETERANS AFFAIRS PILOT PROGRAM FOR**
5 **USE CONTRACT PHYSICIANS FOR DISABILITY**
6 **EXAMINATIONS.**

7 (a) PROHIBITION ON USE OF CERTAIN HEALTH
8 CARE PROFESSIONALS.—Section 504(a) of the Veterans’
9 Benefits Improvements Act of 1996 (Public Law 104–275;
10 38 U.S.C. 5101 note) is amended—

11 (1) by striking “The Secretary of Veterans Af-
12 fairs” and inserting the following:

13 “(1) IN GENERAL.—The Secretary of Veterans
14 Affairs”; and

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

17 “(2) PROHIBITION.—No examination described
18 in paragraph (1) may be carried out under this sec-
19 tion by any health care professional other than one
20 described in subsection (c)(2).”.

21 (b) REMEDIES.—The Secretary of Veterans Affairs
22 shall take such actions as the Secretary considers appro-
23 priate to ensure that only health care professionals de-
24 scribed in subsection (c)(2) of section 504 of the Veterans’
25 Benefits Improvements Act of 1996 (Public Law 104–275;

1 38 U.S.C. 5101 note) are conducting examinations pursu-
2 ant to contracts entered into under such section.

3 (c) ANNUAL REPORT.—Not later than one year after
4 the date of the enactment of this Act and not less fre-
5 quently than once each year thereafter, the Secretary shall
6 submit to the Committee on Veterans' Affairs of the Sen-
7 ate and the Committee on Veterans' Affairs of the House
8 of Representatives a report on—

9 (1) the conduct of the pilot program established
10 under section 504 of the Veterans' Benefits Im-
11 provements Act of 1996 (Public Law 104–275; 38
12 U.S.C. 5101 note); and

13 (2) the actions of the Secretary under sub-
14 section (b).

15 (d) TECHNICAL CORRECTIONS.—Section 504 of the
16 Veterans' Benefits Improvements Act of 1996 (Public
17 Law 104–275; 38 U.S.C. 5101 note) is amended, in the
18 section heading, by striking “**PHYSICIANS**” and inserting
19 “**HEALTH CARE PROFESSIONALS**”.

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