

118TH CONGRESS  
1ST SESSION

# H. R. 3176

To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the ability of veterans to access medical care in medical facilities of the Department of Veterans Affairs and in the community by providing the veterans the ability to choose health care providers.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2023

Mr. BIGGS (for himself, Mr. ROSENDALE, Mr. GOOD of Virginia, Mr. GIMENEZ, Ms. SALAZAR, Mr. ROY, Mr. CRANE, Mrs. BOEBERT, Ms. HAGEMAN, Mr. TIFFANY, Mrs. LUNA, Mrs. LESKO, Mr. CLYDE, Mr. OGLES, and Mr. BRECHEEN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the ability of veterans to access medical care in medical facilities of the Department of Veterans Affairs and in the community by providing the veterans the ability to choose health care providers.

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 Health Care  
5 Freedom Act”.

1 **SEC. 2. PILOT PROGRAM ON ABILITY OF VETERANS TO**  
2 **CHOOSE HEALTH CARE PROVIDERS.**

3 (a) PILOT PROGRAM.—

4 (1) REQUIREMENT.—The Secretary of Veterans  
5 Affairs, acting through the Center for Innovation for  
6 Care and Payment, shall carry out a pilot program  
7 to improve the ability of eligible veterans to access  
8 hospital care, medical services, and extended care  
9 services through the covered care system by pro-  
10 viding the eligible veterans the ability to choose  
11 health care providers.

12 (2) LOCATIONS.—The Secretary shall select a  
13 minimum of four Veterans Integrated Service Net-  
14 works in which to carry out the pilot program under  
15 paragraph (1). In making such selection, the Sec-  
16 retary shall ensure that the pilot program is carried  
17 out in varied geographic areas that include both  
18 rural and urban locations.

19 (b) REMOVAL OF CERTAIN REQUIREMENTS TO AC-  
20 CESS CARE.—In carrying out the pilot program under  
21 subsection (a), the Secretary shall furnish hospital care,  
22 medical services, and extended care services to eligible vet-  
23 erans through the covered care system as follows:

24 (1) At medical facilities of the Department of  
25 Veterans Affairs, regardless of whether the facility is

1 in the same Veterans Integrated Service Network as  
2 the Network in which the veteran resides.

3 (2) At non-Department facilities pursuant to,  
4 as appropriate—

5 (A) section 1703 of title 38, United States  
6 Code, without regard to the requirements speci-  
7 fied in subsection (d) of such section; or

8 (B) section 1703A of such title, without re-  
9 gard to the requirements specified in subsection  
10 (a)(1)(C) of such section.

11 (c) ELECTION OF VETERAN.—In accordance with  
12 subsections (d) and (e), an eligible veteran participating  
13 in the pilot program may elect to receive hospital care,  
14 medical services, and extended care services at any pro-  
15 vider in the covered care system.

16 (d) COORDINATION OF CARE.—

17 (1) SELECTION.—Each eligible veteran partici-  
18 pating in the pilot program shall select a primary  
19 care provider in the covered care system. The pri-  
20 mary care provider shall—

21 (A) coordinate with the Secretary and  
22 other health care providers the hospital care,  
23 medical services, and extended care services fur-  
24 nished to the veteran under the pilot program;  
25 and

1 (B) refer the veteran to specialty care pro-  
2 viders in the covered care system, as clinically  
3 necessary.

4 (2) SYSTEMS.—The Secretary shall establish  
5 systems as the Secretary determines appropriate to  
6 ensure that a primary care provider can effectively  
7 coordinate the hospital care, medical services, and  
8 extended care services furnished to a veteran under  
9 the pilot program.

10 (e) SPECIALTY CARE.—

11 (1) ACCESS.—Subject to subsection (d)(1)(B),  
12 an eligible veteran participating in the pilot program  
13 may select any specialty care provider in the covered  
14 care system from which to receive specialty care.

15 (2) DESIGNATION.—The Secretary may des-  
16 ignate a specialty care provider as a primary care  
17 provider of an eligible veteran participating in the  
18 pilot program if the Secretary determines that such  
19 designation is in the health interests of the veteran  
20 (such as an endocrinologist with respect to a veteran  
21 diagnosed with diabetes, a neurologist with respect  
22 to a veteran diagnosed with Parkinson’s disease, or  
23 an obstetrician-gynecologist with respect to a female  
24 veteran).

1 (f) MENTAL HEALTH CARE.—An eligible veteran  
2 participating in the pilot program may select a mental  
3 health care provider in the covered care system from which  
4 to receive mental health care.

5 (g) INFORMATION.—In carrying out the pilot pro-  
6 gram, the Secretary shall furnish to eligible veterans the  
7 information on eligibility, cost sharing, treatments, and  
8 providers required for veterans to make informed decisions  
9 with respect to—

10 (1) selecting primary care providers and spe-  
11 cialty care providers; and

12 (2) treatments available to the veteran.

13 (h) DURATION.—

14 (1) PHASE IN.—The Secretary shall carry out  
15 the pilot program during the three-year period be-  
16 ginning on the date that is one year after the date  
17 of the enactment of this Act.

18 (2) PERMANENT REQUIREMENT.—

19 (A) VETERANS COMMUNITY CARE PRO-  
20 GRAM.—Section 1703(d) of title 38, United  
21 States Code, is amended—

22 (i) in paragraph (1), by striking “The  
23 Secretary shall” and inserting “Except as  
24 provided by paragraph (4), the Secretary  
25 shall”; and

1 (ii) by adding at the end the following  
2 new paragraph:

3 “(4) Beginning on the date that is four years after  
4 the date of the enactment of the Veterans Health Care  
5 Freedom Act—

6 “(A) the requirements under paragraphs (1),  
7 (2), and (3) shall not apply with respect to fur-  
8 nishing hospital care, medical services, and extended  
9 care services to a covered veteran under this section;  
10 and

11 “(B) the Secretary shall furnish hospital care,  
12 medical services, and extended care services to a cov-  
13 ered veteran under this section with the same condi-  
14 tions on the ability of the veteran to choose health  
15 care providers as specified in the pilot program de-  
16 scribed in section 2 of such Act.”.

17 (B) VETERANS CARE AGREEMENTS.—Sec-  
18 tion 1703A(a)(1) of such title is amended—

19 (i) in subparagraph (C), by striking  
20 “For purposes” and inserting “Except as  
21 provided by subparagraph (E), for pur-  
22 poses”; and

23 (ii) by adding at the end the following  
24 new subparagraph:

1       “(E) Beginning on the date that is four years after  
2 the date of the enactment of the Veterans Health Care  
3 Freedom Act—

4           “(i) the requirements under subparagraph (C)  
5 shall not apply with respect to furnishing hospital  
6 care, medical services, and extended care services to  
7 a covered veteran under this section; and

8           “(ii) the Secretary shall furnish hospital care,  
9 medical services, and extended care services to a cov-  
10 ered veteran under this section with the same condi-  
11 tions on the ability of the veteran to choose health  
12 care providers as specified in the pilot program de-  
13 scribed in section 2 of such Act.”.

14           (C) VISNS.—Beginning on the date that is  
15 four years after the date of the enactment of  
16 this Act, the Secretary shall furnish hospital  
17 care, medical services, and extended care serv-  
18 ices to veterans under chapter 17 of title 38,  
19 United States Code, at medical facilities of the  
20 Department of Veterans Affairs, regardless of  
21 whether the facility is in the same Veterans In-  
22 tegrated Service Network as the Network in  
23 which the veteran resides.

24       (i) REPORTS.—

1           (1) IMPLEMENTATION.—On a quarterly basis  
2 during the two-year period beginning on the date of  
3 the enactment of this Act, the Secretary shall submit  
4 to the Committees on Veterans' Affairs of the House  
5 of Representatives and the Senate a report on the  
6 implementation of the pilot program. One such re-  
7 port shall contain a description of the final design  
8 of the pilot program.

9           (2) ANNUAL.—On an annual basis during the  
10 period beginning on the date that is one year after  
11 the date of the submission of the final report under  
12 paragraph (1) and ending on the date of the conclu-  
13 sion of the pilot program, the Secretary shall submit  
14 to the Committees on Veterans' Affairs of the House  
15 of Representatives and the Senate a report on the  
16 results of the pilot program.

17          (j) REGULATIONS.—The Secretary, in consultation  
18 with the Committees on Veterans' Affairs of the House  
19 of Representatives and the Senate, may prescribe regula-  
20 tions to carry out this section.

21          (k) NO ADDITIONAL APPROPRIATIONS.—No addi-  
22 tional funds are authorized to be appropriated to carry  
23 out this section, and this section shall be carried out using  
24 amounts otherwise made available to the Veterans Health  
25 Administration.



1 (l) DEFINITIONS.—In this section:

2 (1) The term “covered care system” means  
3 each—

4 (A) medical facility of the Department;

5 (B) health care provider specified in sub-  
6 section 1703(c) of title 38, United States Code;  
7 and

8 (C) eligible entity or provider that has en-  
9 tered into a Veterans Care Agreement under  
10 section 1703A of such title.

11 (2) The term “eligible veteran” means a vet-  
12 eran who is enrolled in the patient enrollment sys-  
13 tem of the Department of Veterans Affairs under  
14 section 1705 of title 38, United States Code.

15 (3) The term “non-Department facility” has  
16 the meaning given that term in section 1701 of title  
17 38, United States Code.

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