

114TH CONGRESS
1ST SESSION

H. R. 3978

To amend title 38, United States Code, to establish an Ombudsman within the Veterans Health Administration of the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2015

Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself, Mr. MCKINLEY, Mr. BEN RAY LUJÁN of New Mexico, and Mr. PEARCE) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish an Ombudsman within the Veterans Health Administration of the Department of Veterans Affairs.

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 “Ensuring Fair Access
5 to Veterans Healthcare Act”.

6 **SEC. 2. ESTABLISHMENT OF OFFICE OF THE OMBUDSMAN.**

7 (a) ESTABLISHMENT.—Subchapter I of chapter 73 of
8 title 38, United States Code, is amended by adding at the
9 end the following new section:

1 **“§ 7310. Office of the Ombudsman**

2 “(a) ESTABLISHMENT.—There is established in the
3 Veterans Health Administration an Office of the Ombuds-
4 man (in this section referred to as the ‘Office’). The Office
5 shall be headed by an Ombudsman appointed by the Sec-
6 retary. The Ombudsman shall report directly to and be
7 under the general supervision of the Secretary, but shall
8 not report to, or be subject to supervision by, any other
9 officer of the Department of Veterans Affairs. Neither the
10 Secretary nor any other such officer may prevent or pro-
11 hibit the Ombudsman from carrying out the duties of the
12 Ombudsman.

13 “(b) DUTIES OF OFFICE.—The Office shall carry out
14 the following duties:

15 “(1) Identify, investigate, and resolve com-
16 plaints that—

17 “(A) are made by, or on behalf of, covered
18 patients; and

19 “(B) relate to action, inaction, or decisions
20 made by employees of the Department that may
21 adversely affect the health, safety, welfare, or
22 rights of covered patients.

23 “(2) Assist covered patients in finding patient
24 advocates, veterans service organizations, or other
25 similar entities to represent and advocate for the

1 health, safety, welfare, and rights of the covered pa-
2 tient.

3 “(3) Inform covered patients of the means of
4 obtaining assistance described in paragraph (2).

5 “(4) Ensure that covered patients have regular
6 and timely access to the services provided by the Of-
7 fice, including with respect to receiving timely re-
8 sponses to complaints.

9 “(5) Analyze, monitor, and provide comments
10 and suggestions to the Secretary with respect to the
11 development and implementation of actions made by
12 the Secretary relating to the health, safety, welfare,
13 and rights of covered patients.

14 “(6) Administer the reporting system described
15 in subsection (d).

16 “(7) Provide training to local ombudsmen and
17 volunteers described in subsection (c).

18 “(8) Other activities that the Secretary con-
19 siders appropriate.

20 “(c) LOCAL OMBUDSMEN.—(1) Using amounts oth-
21 erwise authorized to be appropriated for the medical facili-
22 ties of the Department, each medical facility shall have
23 a local ombudsman responsible for carrying out the duties
24 of the Office at such location.

25 “(2) A local ombudsman shall—

1 “(A) carry out the assistance described in para-
2 graph (2) of subsection (b) to ensure the protection
3 of the health, safety, welfare, or rights of covered
4 patients;

5 “(B) ensure that covered patients have regular,
6 timely access to the Office, including with respect to
7 receiving timely responses to complaints described in
8 paragraph (1) of such subsection;

9 “(C) identify, investigate, and determine how to
10 resolve such complaints; and

11 “(D) train local volunteers from civic organiza-
12 tions to assist the local ombudsman by working di-
13 rectly with covered patients to develop individual ac-
14 tion plans relating to the health, safety, welfare, and
15 rights of the covered patient.

16 “(d) REPORTING SYSTEM.—The Ombudsman shall
17 establish and administer a uniform reporting system to
18 collect and analyze data relating to complaints described
19 in subsection (b)(1) in order to identify to the Secretary
20 and determine how to resolve significant problems in the
21 medical facilities of the Department.

22 “(e) COOPERATION.—The Secretary shall ensure that
23 each medical facility of the Department cooperates with
24 the Office in carrying out this section.

1 “(f) ANNUAL REPORT.—The Ombudsman shall sub-
2 mit to the Secretary and Congress an annual report that
3 contains the following with respect to the year covered by
4 the report:

5 “(1) A description of the activities carried out
6 by the Office.

7 “(2) An analysis of the data described in sub-
8 section (d).

9 “(3) An evaluation of the problems experienced
10 by, and the complaints made by or on behalf of, cov-
11 ered patients.

12 “(4) Recommendations for—

13 “(A) improving the quality of care and life
14 of covered patients; and

15 “(B) protecting the health, safety, welfare,
16 and rights of covered patients.

17 “(5) An analysis of the success of the Office,
18 including—

19 “(A) a description of the services provided
20 to covered patients as described in subsection
21 (b)(2); and

22 “(B) an identification of barriers to the
23 Office for better carrying out the duties of the
24 Office.

1 “(6) Any comments and suggestions described
2 in subsection (b)(5).

3 “(7) Any other information the Ombudsman
4 considers appropriate.

5 “(g) COVERED PATIENT DESCRIBED.—In this sec-
6 tion, the term ‘covered patient’ means an individual who
7 is receiving medical care or hospital services at a medical
8 facility of the Department.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 7309 the following new
12 item:

“7310. Office of the Ombudsman.”.

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