

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

# H. R. 5697

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish emergent mental health care to certain individuals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2020

Mr. TAKANO introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish emergent mental health care to certain individuals, 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’ Acute Crisis  
5 Care for Emergent Suicide Symptoms Act of 2020” or the  
6 “Veterans’ ACCESS Act of 2020”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PROVISION**  
2 **OF EMERGENT MENTAL HEALTH CARE.**

3 (a) IN GENERAL.—Subchapter II of chapter 17 of  
4 title 38, United States Code, is amended by adding at the  
5 end the following new section:

6 **“§ 1720J. Emergent mental health care**

7 “(a) IN GENERAL.—(1) The Secretary shall furnish  
8 emergent mental health care to an eligible individual  
9 under this section if the individual seeks such care—

10 “(A) pursuant to a recommendation the indi-  
11 vidual received from the Veterans Crisis Line or a  
12 licensed health care professional; or

13 “(B) in an emergency situation, as determined  
14 by the Secretary.

15 “(2) Emergent mental health care furnished under  
16 this section may be furnished at a Department medical  
17 facility or at a non-Department facility, as determined ap-  
18 propriate by the Secretary or by a licensed health care  
19 professional.

20 “(b) ELIGIBILITY.—For purposes of this section, an  
21 eligible individual is any of the following:

22 “(1) A veteran.

23 “(2) An individual who is enrolled in the health  
24 care system established by section 1705 of this title.

25 “(3) An individual who—

1           “(A) is a former member of the Armed  
2 Forces, including the reserve components;

3           “(B) while serving in the active military,  
4 naval, or air service, was discharged or released  
5 therefrom under a condition other than honor-  
6 able;

7           “(C) is not enrolled in the health care sys-  
8 tem established by section 1705 of this title;  
9 and

10           “(D) served in the Armed Forces for a pe-  
11 riod of more than 90 cumulative days.

12       “(c) DURATION OF CARE.—(1) Emergent mental  
13 health care furnished under this section may be fur-  
14 nished—

15           “(A) in the case of inpatient or residential care,  
16 for a period not to exceed 30 days; or

17           “(B) in the case of outpatient care, for a period  
18 not to exceed 90 days.

19       “(2) If, upon the expiration of the period referred to  
20 in subparagraph (A) of paragraph (1), the Secretary de-  
21 termines that the eligible individual to whom care is fur-  
22 nished is not stable, the Secretary may extend such period  
23 as the Secretary determines appropriate.

1       “(d) OUTREACH REQUIREMENTS.—During any pe-  
2 riod when an eligible individual is receiving emergent men-  
3 tal health care under this section, the Secretary shall—

4           “(1) ensure that, in the case of an individual  
5 referred by the Veterans Crisis Line, the Veterans  
6 Crisis Line notifies the Suicide Prevention Coordi-  
7 nator and the Office of Community Care, as appro-  
8 priate, at the nearest Department facility;

9           “(2) determine the eligibility of the individual  
10 for other programs and benefits under the laws ad-  
11 ministered by the Secretary; and

12           “(3) make referrals for follow-on care, as the  
13 Secretary determines appropriate.

14       “(e) PROHIBITION ON CHARGE.—(1) Notwithstand-  
15 ing section 1784 of this title, if the Secretary furnishes  
16 emergent mental health care to an eligible individual  
17 under this section, the Secretary may not charge the indi-  
18 vidual for such care.

19           “(2) If the Secretary furnishes such care to an eligi-  
20 ble individual at a non-Department facility, the Secretary  
21 shall—

22           “(A) provide for reimbursement of such facility  
23 for the reasonable value of such care; and

1           “(B) ensure that such facility, or any health  
2           care provider working at such facility, does not  
3           charge the individual for the care.

4           “(3) In the case of an eligible individual who receives  
5           emergent mental health care under this section and who  
6           is entitled to care (or payment of the expenses of care)  
7           under a health-plan contract, the Secretary may recover  
8           or collect charges for such care under such contract.

9           “(4) Section 1725 of this title does not apply to any  
10          payment for emergent mental health care furnished under  
11          this section.

12          “(f) ANNUAL REPORT.—Not less frequently than  
13          once each year, the Secretary shall submit to the Com-  
14          mittee on Veterans’ Affairs of the Senate and the Com-  
15          mittee on Veterans’ Affairs of the House of Representa-  
16          tives a report on emergent mental health care furnished  
17          under this section. Each such report shall include, for the  
18          year covered by the report—

19                 “(1) the number of individuals who received  
20                 emergent mental health care under this section; and

21                 “(2) the total cost of furnishing emergent men-  
22                 tal health care under this section.

23          “(g) DEFINITIONS.—In this section:

1           “(1) The term ‘emergent mental health care’  
2 means emergency stabilization care provided to an  
3 individual who—

4           “(A) presents at a Department medical fa-  
5 cility or non-Department facility with an emer-  
6 gent mental health need, including an acute sui-  
7 cidal crisis; or

8           “(B) a licensed health care professional de-  
9 termines presents an imminent danger to the  
10 individual’s self or to others.

11           “(2) The term ‘health-plan contract’ has the  
12 meaning given such term in section 1729(i)(1) of  
13 this title, except that such term includes—

14           “(A) an insurance program described in  
15 section 1811 of the Social Security Act (42  
16 U.S.C. 1395c) or established by section 1831 of  
17 such Act (42 U.S.C. 1395j);

18           “(B) a State plan for medical assistance  
19 approved under title XIX of such Act (42  
20 U.S.C. 1396 et seq.);

21           “(C) a workers’ compensation law or plan  
22 described in subparagraph (A) of subsection  
23 (a)(2) of such section; and

1           “(D) a program, plan, or policy under a  
2           law described in subparagraph (B) or (C) of  
3           such subsection.”.

4           (b) CLERICAL AMENDMENT.—The table of sections  
5           at the beginning of such chapter is amended by inserting  
6           after the item relation to section 1720I the following new  
7           item:

          “1720J. Emergent mental health care.”.

8           (c) EFFECTIVE DATE.—Emergent mental health care  
9           shall be furnished under section 1720J of title 38, United  
10          States Code, as added by subsection (a), beginning on the  
11          date that is 180 days after the date of the enactment of  
12          this Act.

13   **SEC. 3. ELIGIBILITY OF CERTAIN FORMER MEMBERS OF**  
14                           **THE ARMED FORCES FOR DEPARTMENT OF**  
15                           **VETERANS AFFAIRS MENTAL AND BEHAV-**  
16                           **IORAL HEALTH CARE.**

17          (a) IN GENERAL.—Subsection (b) of section 1720I  
18          of title 38, United States Code, is amended—

19               (1) in paragraph (2)—

20                       (A) by striking subparagraphs (A) and  
21                       (B); and

22                       (B) by striking “that is not honorable but  
23                       not—” and inserting “other than honorable;”;  
24                       and

1           (2) by striking paragraph (4) and inserting the  
2 following new paragraph (4):

3           “(4) served in the Armed Forces for a period  
4 of more than 90 cumulative days.”.

5           (b) ADDITIONAL REPORTING REQUIREMENTS.—Sub-  
6 section (f)(2) of such section is amended—

7           (1) by redesignating subparagraph (C) as sub-  
8 paragraph (D);

9           (2) by inserting after subparagraph (B) the fol-  
10 lowing new subparagraph (C):

11           “(C) The total cost of furnishing mental and  
12 behavioral healthcare services under this section.”.

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