

117TH CONGRESS  
1ST SESSION

# H. R. 584

To ensure that veterans receive timely and effective emergency treatment during the COVID–19 emergency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. PAPPAS (for himself, Mr. PANETTA, and Ms. KUSTER) introduced the following bill; which was referred to the Committee on Veterans’ Affairs

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## A BILL

To ensure that veterans receive timely and effective emergency treatment during the COVID–19 emergency, 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 “Emergency Care for  
5 Veterans During COVID Act”.

6 **SEC. 2. EMERGENCY TREATMENT FOR VETERANS DURING**  
7 **COVID–19 EMERGENCY PERIOD.**

8 (a) EMERGENCY TREATMENT.—Notwithstanding  
9 section 1725 or 1728 of title 38, United States Code, or  
10 any other provision of law administered by the Secretary

1 of Veterans Affairs pertaining to furnishing emergency  
2 treatment to veterans at non-Department facilities, during  
3 the period of a covered public health emergency, the Sec-  
4 retary of Veterans Affairs shall furnish to an eligible vet-  
5 eran emergency treatment at a non-Department facility in  
6 accordance with this section.

7 (b) AUTHORIZATION NOT REQUIRED.—The Sec-  
8 retary may not require an eligible veteran to seek author-  
9 ization by the Secretary for emergency treatment fur-  
10 nished to the veteran pursuant to subsection (a).

11 (c) PAYMENT RATES.—

12 (1) DETERMINATION.—The rate paid for emer-  
13 gency treatment furnished to eligible veterans pursu-  
14 ant to subsection (a) shall be equal to the rate paid  
15 by the United States to a provider of services (as de-  
16 fined in section 1861(u) of the Social Security Act  
17 (42 U.S.C. 1395x(u))) or a supplier (as defined in  
18 section 1861(d) of such Act (42 U.S.C. 1395x(d)))  
19 under the Medicare program under title XI or title  
20 XVIII of the Social Security Act (42 U.S.C. 1301 et  
21 seq.), including section 1834 of such Act (42 U.S.C.  
22 1395m), for the same treatment.

23 (2) FINALITY.—A payment in the amount pay-  
24 able under paragraph (1) for emergency treatment  
25 furnished to an eligible veteran pursuant to sub-

1 section (a) shall be considered payment in full and  
2 shall extinguish the veteran's liability to the provider  
3 of such treatment, unless the provider rejects the  
4 payment and refunds to the United States such  
5 amount by not later than 30 days after receiving the  
6 payment.

7 (d) CLAIMS PROCESSED BY THIRD-PARTY ADMINIS-  
8 TRATORS.—

9 (1) REQUIREMENT.—Not later than 30 days  
10 after the date of the enactment of this Act, the Sec-  
11 retary shall seek to award a contract to one or more  
12 entities, or to modify an existing contract, to process  
13 claims for payment for emergency treatment fur-  
14 nished to eligible veterans pursuant to subsection  
15 (a).

16 (2) PROMPT PAYMENT STANDARD.—Section  
17 1703D of title 38, United States Code, shall apply  
18 with respect to claims for payment for emergency  
19 treatment furnished to eligible veterans pursuant to  
20 subsection (a).

21 (e) PRIMARY PAYER.—The Secretary shall be the pri-  
22 mary payer with respect to emergency treatment furnished  
23 to eligible veterans pursuant to subsection (a), and with  
24 respect to the transportation of a veteran by ambulance.  
25 In any case in which an eligible veteran is furnished such

1 emergency treatment for a non-service-connected disability  
2 described in subsection (a)(2) of section 1729 of title 38,  
3 United States Code, the Secretary shall recover or collect  
4 reasonable charges for such treatment from a health plan  
5 contract described in such section 1729 in accordance with  
6 such section.

7 (f) APPLICATION.—This section shall apply to emer-  
8 gency treatment furnished to eligible veterans during the  
9 period of a covered public health emergency, regardless of  
10 whether the treatment was furnished before the date of  
11 the enactment of this Act.

12 (g) DEFINITIONS.—In this section:

13 (1) The term “covered public health emer-  
14 gency” means the declaration—

15 (A) of a public health emergency, based on  
16 an outbreak of COVID–19 by the Secretary of  
17 Health and Human Services under section 319  
18 of the Public Health Service Act (42 U.S.C.  
19 247d); or

20 (B) of a domestic emergency, based on an  
21 outbreak of COVID–19 by the President, the  
22 Secretary of Homeland Security, or a State or  
23 local authority.

1           (2) The term “eligible veteran” means a vet-  
2           eran enrolled in the health care system established  
3           under section 1705 of title 38, United States Code.

4           (3) The term “emergency treatment” means  
5           medical care or services rendered in a medical emer-  
6           gency of such nature that a prudent layperson rea-  
7           sonably expects that delay in seeking immediate  
8           medical attention would be hazardous to life or  
9           health.

10          (4) The term “non-Department facility” has  
11          the meaning given that term in section 1701 of title  
12          38, United States Code.

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