

117TH CONGRESS
1ST SESSION

H. R. 845

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to waive the requirement of certain veterans to make copayments for hospital care and medical services in the case of an error by the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2021

Mr. SMUCKER (for himself, Mrs. WALORSKI, Mr. FITZPATRICK, Mr. HIGGINS of Louisiana, Mr. TURNER, Mr. KATKO, and Mr. STAUBER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to waive the requirement of certain veterans to make copayments for hospital care and medical services in the case of an error by the Department of Veterans Affairs, 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 “VA Billing Account-
5 ability Act”.

1 **SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS**
2 **TO WAIVE REQUIREMENT OF CERTAIN VET-**
3 **ERANS TO MAKE COPAYMENTS FOR CARE**
4 **AND SERVICES IN THE CASE OF DEPART-**
5 **MENT OF VETERANS AFFAIRS ERROR.**

6 (a) HOSPITAL CARE, NURSING HOME CARE, AND
7 MEDICAL SERVICES.—Section 1710(f)(3) of title 38,
8 United States Code, is amended by adding at the end the
9 following new subparagraph:

10 “(G) The Secretary may waive the requirement of a
11 veteran to make a payment under this subsection or sub-
12 section (g) if—

13 “(i) an error committed by the Department or
14 an employee of the Department was the cause of de-
15 laying notification sent to the veteran of the require-
16 ment to make the payment; and

17 “(ii) the veteran received such notification later
18 than 180 days after the date on which the veteran
19 received the care or services for which the payment
20 was required.”.

21 (b) MEDICATIONS.—Section 1722A of such title is
22 amended—

23 (1) by redesignating subsection (c) as sub-
24 section (d); and

25 (2) by inserting after subsection (b) the fol-
26 lowing new subsection (c):

1 “(c) The Secretary may waive the requirement of a
2 veteran to make a payment under this section if—

3 “(1) an error committed by the Department or
4 an employee of the Department was the cause of de-
5 laying notification sent to the veteran of the require-
6 ment to make the payment; and

7 “(2) the veteran received such notification later
8 than 180 days after the date on which the veteran
9 received the medication for which the payment was
10 required.”.

11 (c) BILLING PROCEDURES.—

12 (1) IN GENERAL.—Subchapter I of chapter 17
13 of such title is amended by adding at the end the
14 following new section:

15 **“§ 1709D. Procedures for copayments**

16 “(a) CARE AT DEPARTMENT FACILITY.—(1) In re-
17 quiring a veteran to make a payment for care or services
18 provided at a medical facility of the Department pursuant
19 to this chapter, including sections 1710 and 1722A, the
20 Secretary shall provide to such veteran a notification of
21 such required payment by not later than 180 days after
22 the date on which the veteran receives the care or services
23 for which payment is required.

24 “(2) If the Secretary does not provide to a veteran
25 a notification of the required payment by the date required

1 under paragraph (1), the Secretary may not collect such
2 payment, including through a third-party entity, unless
3 the Secretary provides the veteran the following:

4 “(A) Information regarding how to apply for a
5 waiver described in section 1710(f)(3)(G) or section
6 1722A(c) of this title, as appropriate.

7 “(B) Information regarding how to establish a
8 payment plan with the Secretary.

9 “(C) Opportunity to make such a waiver or es-
10 tablish such a payment plan.

11 “(b) CARE AT NON-DEPARTMENT FACILITY.—(1) In
12 requiring a veteran to make a payment for care or services
13 provided at a non-Department facility pursuant to this
14 chapter or other provision of law, the Secretary shall pro-
15 vide to such veteran a notification of such required pay-
16 ment by not later than 18 months after the date on which
17 the veteran receives the care or services for which payment
18 is required.

19 “(2) If the Secretary does not provide to a veteran
20 a notification of the required payment by the date required
21 under paragraph (1), the Secretary may not collect such
22 payment, including through a third-party entity, unless
23 the Secretary provides the veteran the following:

24 “(A) Information regarding how to apply for a
25 waiver described in paragraph (3).

1 “(B) Information regarding how to establish a
2 payment plan with the Secretary.

3 “(C) Opportunity to make such a waiver or es-
4 tablish such a payment plan.

5 “(3) The Secretary may waive the requirement of a
6 veteran to make a payment for care or services provided
7 at a non-Department facility pursuant to this chapter or
8 other provision of law if—

9 “(A) an error committed by the Department, an
10 employee of the Department, or a non-Department
11 facility was the cause of delaying the notification
12 sent to the veteran of the requirement to make the
13 payment; and

14 “(B) the veteran received such notification after
15 the period described in paragraph (1).”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of such chapter is amended
18 by inserting after the item relating to section 1709C
19 the following new item:

“1709D. Procedures for copayments.”.

20 (d) IMPROVEMENT OF PROCEDURES.—Not later than
21 180 days after the date of the enactment of this Act, the
22 Secretary of Veterans Affairs shall—

23 (1) review the copayment billing internal con-
24 trols and notification procedures of the Department
25 of Veterans Affairs; and

1 (2) improve such controls and procedures, in-
2 cluding pursuant to the amendments made by this
3 Act.

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