

115TH CONGRESS
1ST SESSION

S. 1153

To prohibit or suspend certain health care providers from providing non-Department of Veterans Affairs health care services to veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2017

Ms. BALDWIN (for herself and Mr. MORAN) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To prohibit or suspend certain health care providers from providing non-Department of Veterans Affairs health care services to veterans, 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 Acquiring
5 Community Care Expect Safe Services Act of 2017” or
6 the “Veterans ACCESS Act”.

1 **SEC. 2. PREVENTION OF CERTAIN HEALTH CARE PRO-**
2 **VIDERS FROM PROVIDING NON-DEPARTMENT**
3 **HEALTH CARE SERVICES TO VETERANS.**

4 (a) **IN GENERAL.**—On and after the date that is one
5 year after the date of the enactment of this Act, the Sec-
6 retary of Veterans Affairs shall deny or revoke the eligi-
7 bility of a health care provider to provide non-Department
8 health care services to veterans if the Secretary determines
9 that the health care provider—

10 (1) was removed from employment with the De-
11 partment of Veterans Affairs due to conduct that
12 violated a policy of the Department relating to the
13 delivery of safe and appropriate health care;

14 (2) violated the requirements of a medical li-
15 cense of the health care provider;

16 (3) had a Department credential revoked and
17 the grounds for such revocation impacts the ability
18 of the health care provider to deliver safe and appro-
19 priate health care; or

20 (4) violated a law for which a term of imprison-
21 ment of more than one year may be imposed.

22 (b) **PERMISSIVE ACTION.**—On and after the date that
23 is one year after the date of the enactment of this Act,
24 the Secretary may deny, revoke, or suspend the eligibility
25 of a health care provider to provide non-Department
26 health care services if the Secretary has reasonable belief

1 that such action is necessary to immediately protect the
2 health, safety, or welfare of veterans and—

3 (1) the health care provider is under investiga-
4 tion by the medical licensing board of a State in
5 which the health care provider is licensed or prac-
6 tices;

7 (2) the health care provider has entered into a
8 settlement agreement for a disciplinary charge relat-
9 ing to the practice of medicine by the health care
10 provider; or

11 (3) the Secretary otherwise determines that
12 such action is appropriate under the circumstances.

13 (c) SUSPENSION.—The Secretary shall suspend the
14 eligibility of a health care provider to provide non-Depart-
15 ment health care services to veterans if the health care
16 provider is suspended from serving as a health care pro-
17 vider of the Department.

18 (d) INITIAL REVIEW OF DEPARTMENT EMPLOY-
19 MENT.—Not later than one year after the date of the en-
20 actment of this Act, with respect to each health care pro-
21 vider providing non-Department health care services, the
22 Secretary shall review the status of each such health care
23 provider as an employee of the Department and the his-
24 tory of employment of each such health care provider with

1 the Department to determine whether the health care pro-
2 vider is described in any of subsections (a) through (c).

3 (e) COMPTROLLER GENERAL REPORT.—Not later
4 than two years after the date of the enactment of this Act,
5 the Comptroller General of the United States shall submit
6 to Congress a report on the implementation by the Sec-
7 retary of this section, including the following:

8 (1) The aggregate number of health care pro-
9 viders denied or suspended under this section from
10 participation in providing non-Department health
11 care services.

12 (2) An evaluation of any impact on access to
13 health care for patients or staffing shortages in pro-
14 grams of the Department providing non-Department
15 health care services.

16 (3) An explanation of the coordination of the
17 Department with the medical licensing boards of
18 States in implementing this section, the amount of
19 involvement of such boards in such implementation,
20 and efforts by the Department to address any con-
21 cerns raised by such boards with respect to such im-
22 plementation.

23 (4) Such recommendations as the Comptroller
24 General considers appropriate regarding harmo-
25 nizing eligibility criteria between health care pro-

1 viders of the Department and health care providers
2 eligible to provide non-Department health care serv-
3 ices.

4 (f) NON-DEPARTMENT HEALTH CARE SERVICES DE-
5 FINED.—In this section, the term “non-Department
6 health care services” means services—

7 (1) provided under subchapter I of chapter 17
8 of title 38, United States Code, at non-Department
9 facilities (as defined in section 1701 of such title);

10 (2) provided under section 101 of the Veterans
11 Access, Choice, and Accountability Act of 2014
12 (Public Law 113–146; 38 U.S.C. 1701 note);

13 (3) purchased through the Medical Community
14 Care account of the Department; or

15 (4) purchased with amounts deposited in the
16 Veterans Choice Fund under section 802 of the Vet-
17 erans Access, Choice, and Accountability Act of
18 2014.

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