

117TH CONGRESS  
1ST SESSION

# S. 1863

To amend title 38, United States Code, to improve access to health care for veterans, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 26, 2021

Mr. MORAN (for himself, Mr. BOOZMAN, Mr. CASSIDY, Mr. TILLIS, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. CRAMER, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

---

## A BILL

To amend title 38, United States Code, to improve access to health care for 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Guaranteeing Healthcare Access to Personnel Who  
6 Served Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MISSION ACT PROTECTION

Subtitle A—Access to Community Care

- Sec. 101. Modifications to access standards for care furnished through Community Care Program of Department of Veterans Affairs.
- Sec. 102. Strategic plan to ensure continuity of care in the case of the realignment of a medical facility of the Department.

Subtitle B—Community Care Self-scheduling Pilot Program

- Sec. 111. Definitions.
- Sec. 112. Pilot program establishing a community care self-scheduling appointment system.
- Sec. 113. Capabilities of self-scheduling appointment system.
- Sec. 114. Report.

Subtitle C—Non-Department of Veterans Affairs Providers

- Sec. 121. Credentialing verification requirements for providers of non-Department of Veterans Affairs health care services.
- Sec. 122. Inapplicability of certain providers to provide non-Department of Veterans Affairs care.

TITLE II—IMPROVEMENT OF RURAL HEALTH AND TELEHEALTH

- Sec. 201. Establishment of strategic plan requirement for Office of Connected Care of Department of Veterans Affairs.
- Sec. 202. Comptroller General report on transportation services by third parties for rural veterans.
- Sec. 203. Comptroller General report on telehealth services of the Department of Veterans Affairs.

TITLE III—FOREIGN MEDICAL PROGRAM

- Sec. 301. Analysis of feasibility and advisability of expanding assistance and support to caregivers to include caregivers of veterans in the Republic of the Philippines.
- Sec. 302. Comptroller General report on Foreign Medical Program of Department of Veterans Affairs.

TITLE IV—MENTAL HEALTH CARE

- Sec. 401. Analysis of feasibility and advisability of Department of Veterans Affairs providing evidence-based treatments for the diagnosis of treatment-resistant depression.
- Sec. 402. Modification of resource allocation system to include peer specialists.
- Sec. 403. Gap analysis of psychotherapeutic interventions of the Department of Veterans Affairs.

TITLE V—OTHER MATTERS

- Sec. 501. Online health care education portal.
- Sec. 502. Exclusion of application of Paperwork Reduction Act to research activities of the Veterans Health Administration.

1                   **TITLE I—MISSION ACT**  
2                                   **PROTECTION**  
3       **Subtitle A—Access to Community**  
4                                   **Care**

5       **SEC. 101. MODIFICATIONS TO ACCESS STANDARDS FOR**  
6                                   **CARE FURNISHED THROUGH COMMUNITY**  
7                                   **CARE PROGRAM OF DEPARTMENT OF VET-**  
8                                   **ERANS AFFAIRS.**

9           (a) ACCESS STANDARDS.—

10                   (1) IN GENERAL.—Section 1703B of title 38,  
11           United States Code, is amended—

12                                   (A) by striking subsections (a) through (g)  
13                   and inserting the following:

14           “(a) THRESHOLD ELIGIBILITY STANDARDS FOR AC-  
15           CESS TO COMMUNITY CARE.—(1) A covered veteran shall  
16           receive non-Department hospital care, medical services, or  
17           extended care services through the Veterans Community  
18           Care Program under section 1703 of this title pursuant  
19           to subsection (d)(1)(D) of such section using the following  
20           eligibility access standards:

21                                   “(A) With respect to primary care, mental  
22           health care, or non-institutional extended care serv-  
23           ices, if the Department cannot schedule an appoint-  
24           ment for the covered veteran with a health care pro-  
25           vider of the Department—

1           “(i) within 30 minutes average driving  
2           time from the residence of the veteran; and

3           “(ii) within 20 days of the date of request  
4           for such an appointment unless a later date has  
5           been agreed to by the veteran in consultation  
6           with the health care provider.

7           “(B) With respect to specialty care or specialty  
8           services, if the Department cannot schedule an ap-  
9           pointment for the covered veteran with a health care  
10          provider of the Department—

11          “(i) within 60 minutes average driving  
12          time from the residence of the veteran; and

13          “(ii) within 28 days of the date of request  
14          for such an appointment, unless a later date  
15          has been agreed to by the veteran in consulta-  
16          tion with the health care provider.

17          “(2) For the purposes of determining the eligibility  
18          of a covered veteran for care or services under paragraph  
19          (1), the Secretary shall not take into consideration the  
20          availability of telehealth appointments from the Depart-  
21          ment when determining whether the Department is able  
22          to furnish such care or services in a manner that complies  
23          with the eligibility access standards under such paragraph.

24          “(b) ACCESS TO CARE STANDARDS FOR COMMUNITY  
25          CARE.—(1) Subject to subsection (c), the Secretary shall

1 meet the following access to care standards when fur-  
2 nishing non-Department hospital care, medical services, or  
3 extended care services to a covered veteran through the  
4 Veterans Community Care Program under section 1703  
5 of this title:

6           “(A) With respect to an appointment for pri-  
7           mary care, mental health care, or non-institutional  
8           extended care services—

9                   “(i) within 30 minutes average driving  
10                  time from the residence of the veteran unless a  
11                  longer driving time has been agreed to by the  
12                  veteran; and

13                   “(ii) within 20 days of the date of request  
14                  for such an appointment unless a later date has  
15                  been agreed to by the veteran.

16           “(B) With respect to an appointment for spe-  
17           cialty care or specialty services—

18                   “(i) within 60 minutes average driving  
19                  time from the residence of the veteran unless a  
20                  longer driving time has been agreed to by the  
21                  veteran; and

22                   “(ii) within 28 days of the date of request  
23                  for such an appointment unless a later date has  
24                  been agreed to by the veteran.

1           “(2) The Secretary shall ensure that health care pro-  
2   viders specified under section 1703(c) of this title are able  
3   to comply with the applicable access to care standards  
4   under paragraph (1) for such providers.

5           “(c) WAIVERS TO ACCESS TO CARE STANDARDS FOR  
6   COMMUNITY CARE PROVIDERS.—(1) A Third Party Ad-  
7   ministrators may request a waiver to the access to care  
8   standards under subsection (b) if—

9           “(A)(i) the scarcity of available providers or fa-  
10   cilities in the region precludes the Third Party Ad-  
11   ministrators from meeting those access to care stand-  
12   ards; or

13           “(ii) the landscape of providers or facilities has  
14   changed, and certain providers or facilities are not  
15   available such that the Third Party Administrator is  
16   not able to meet those access to care standards; and

17           “(B) to address the scarcity of available pro-  
18   viders or the change in the provider or facility land-  
19   scape, as the case may be, the Third Party Adminis-  
20   trator has contracted with other providers or facili-  
21   ties that may not meet those access to care stand-  
22   ards but are the currently available providers or fa-  
23   cilities most accessible to veterans within the region  
24   of responsibility of the Third Party Administrator.

1       “(2) Any waiver requested by a Third Party Adminis-  
2 trator under paragraph (1) must be requested in writing  
3 and submitted to the Office of Community Care of the  
4 Department for approval by that office.

5       “(3) As part of any waiver request under paragraph  
6 (1), a Third Party Administrator must include conclusive  
7 evidence and documentation that the access to care stand-  
8 ards under subsection (b) cannot be met because of scar-  
9 city of available providers or changes to the landscape of  
10 providers or facilities.

11       “(4) In evaluating a waiver request under paragraph  
12 (1), the Secretary shall consider the following:

13           “(A) The number and geographic distribution  
14 of eligible health care providers available within the  
15 geographic area and specialty referenced in the waiv-  
16 er request.

17           “(B) The prevailing market conditions within  
18 the geographic area and specialty referenced in the  
19 waiver request, which shall include the number and  
20 distribution of health care providers contracting with  
21 other health care plans (including commercial plans  
22 and the Medicare program under title XVIII of the  
23 Social Security Act (42 U.S.C. 1395 et seq.)) oper-  
24 ating in the geographic area and specialty referenced  
25 in the waiver request.

1           “(C) Whether the service area is comprised of  
2           highly rural, rural, or urban areas or some combina-  
3           tion of such areas.

4           “(D) How significantly the waiver request dif-  
5           fers from the relevant access to care standards  
6           under subsection (b).

7           “(5) The Secretary shall not consider inability to con-  
8           tract as a valid sole rationale for granting a waiver under  
9           paragraph (1).

10          “(d) CALCULATION OF DRIVING TIME.—For pur-  
11          poses of calculating average driving time from the resi-  
12          dence of the veteran under subsections (a) and (b), the  
13          Secretary shall use geographic information system soft-  
14          ware.

15          “(e) PERIODIC REVIEW OF ACCESS STANDARDS.—  
16          Not later than three years after the date of the enactment  
17          of the Guaranteeing Healthcare Access to Personnel Who  
18          Served Act, and not less frequently than once every three  
19          years thereafter, the Secretary shall—

20                 “(1) conduct a review of the eligibility access  
21                 standards under subsection (a) and the access to  
22                 care standards under subsection (b), in consultation  
23                 with—

24                         “(A) such Federal entities as the Secretary  
25                         considers appropriate, including the Depart-



1           ment of Defense, the Department of Health and  
2           Human Services, and the Centers for Medicare  
3           & Medicaid Services;

4                   “(B) entities in the private sector; and

5                   “(C) other entities that are not part of the  
6           Federal Government; and

7           “(2) submit to the appropriate committees of  
8           Congress a report on—

9                   “(A) the findings of the Secretary with re-  
10           spect to the review conducted under paragraph  
11           (1); and

12                   “(B) such recommendations as the Sec-  
13           retary may have with respect to the eligibility  
14           access standards under subsection (a) and the  
15           access to care standards under subsection (b).

16           “(f) PUBLICATION OF ELIGIBILITY ACCESS STAND-  
17           ARDS AND WAIT TIMES.—(1) The Secretary shall publish  
18           on a publicly available internet website of the Department  
19           the eligibility access standards under subsection (a).

20           “(2)(A) The Secretary shall publish on a publicly  
21           available internet website of the Department the average  
22           wait time for a veteran to schedule an appointment at each  
23           medical center of the Department for the receipt of pri-  
24           mary care and specialty care, measured from the date of

1 request for the appointment to the date on which the care  
2 was provided.

3 “(B) The Secretary shall update the wait times pub-  
4 lished under subparagraph (A) not less frequently than  
5 monthly.”;

6 (B) by redesignating subsections (h) and  
7 (i) as subsections (g) and (h), respectively;

8 (C) in subsection (g), as redesignated by  
9 subparagraph (B)—

10 (i) in paragraph (1), by striking “des-  
11 ignated access standards established under  
12 this section” and inserting “eligibility ac-  
13 cess standards under subsection (a)”;

14 (ii) in paragraph (2)(B), by striking  
15 “designated access standards established  
16 under this section” and inserting “eligi-  
17 bility access standards under subsection  
18 (a)”;

19 (D) in subsection (h), as so redesignated,  
20 by adding at the end the following new para-  
21 graphs:

22 “(3) The term ‘inability to contract’, with re-  
23 spect to a Third Party Administrator, means the in-  
24 ability of the Third Party Administrator to success-

1 fully negotiate and establish a community care net-  
2 work contract with a provider or facility.

3 “(4) The term ‘Third Party Administrator’  
4 means an entity that manages a provider network  
5 and performs administrative services related to such  
6 network within the Veterans Community Care Pro-  
7 gram under section 1703 of this title.”.

8 (2) CONFORMING AMENDMENTS.—Section  
9 1703(d) of such title is amended—

10 (A) in paragraph (1)(D), by striking “des-  
11 ignated access standards developed by the Sec-  
12 retary under section 1703B of this title” and  
13 inserting “eligibility access standards under sec-  
14 tion 1703B(a) of this title”; and

15 (B) in paragraph (3), by striking “des-  
16 ignated access standards developed by the Sec-  
17 retary under section 1703B of this title” and  
18 inserting “eligibility access standards under sec-  
19 tion 1703B(a) of this title”.

20 (b) PREVENTION OF SUSPENSION OF VETERANS  
21 COMMUNITY CARE PROGRAM.—Section 1703(a) of such  
22 title is amended by adding at the end the following new  
23 paragraph:

1 “(4) Nothing in this section shall be construed to au-  
2 thorize the Secretary to suspend the program established  
3 under paragraph (1).”; and

4 **SEC. 102. STRATEGIC PLAN TO ENSURE CONTINUITY OF**  
5 **CARE IN THE CASE OF THE REALIGNMENT OF**  
6 **A MEDICAL FACILITY OF THE DEPARTMENT.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the Veterans Health Administration should  
9 work closely with Third Party Administrators to ensure  
10 that veterans do not experience a lapse of care when  
11 transitioning to receiving care or services under the Com-  
12 munity Care Program due to the realignment of a medical  
13 facility of the Department of Veterans Affairs.

14 (b) DEVELOPMENT OF STRATEGIC PLAN.—

15 (1) IN GENERAL.—The Secretary of Veterans  
16 Affairs, acting through the Office of Community  
17 Care and the Office of Veterans Access to Care of  
18 the Department, shall develop and periodically up-  
19 date a strategic plan to ensure continuity of health  
20 care under the Community Care Program for vet-  
21 erans impacted by the realignment of a medical fa-  
22 cility of the Department.

23 (2) ELEMENTS.—The strategic plan required  
24 under paragraph (1) shall include, at a minimum,  
25 the following:

1           (A) An assessment of the progress of the  
2 Department in identifying impending realign-  
3 ments of medical facilities of the Department  
4 and the impact of such realignments on the net-  
5 work of health care providers under the Com-  
6 munity Care Program within the catchment  
7 area of such facilities.

8           (B) An outline of collaborative actions and  
9 processes the Office of Community Care and  
10 the Office of Veterans Access to Care of the  
11 Department can take to address potential gaps  
12 in health care created by the realignment of a  
13 medical facility of the Department.

14           (C) A description of how the Department  
15 can identify to Third Party Administrators  
16 changes in the catchment areas of medical fa-  
17 cilities to be realigned and develop a process  
18 with Third Party Administrators to strengthen  
19 provider coverage in advance of such realign-  
20 ments.

21           (3) SUBMITTAL TO CONGRESS.—Not later than  
22 180 days after the date of the enactment of this Act,  
23 the Under Secretary for Health of the Department  
24 shall submit to the Committee on Veterans' Affairs  
25 of the Senate and the Committee on Veterans' Af-

1       fairs of the House of Representatives the plan devel-  
2       oped under paragraph (1).

3       (c) DEFINITIONS.—In this section:

4             (1) COMMUNITY CARE PROGRAM.—The term  
5       “Community Care Program” means the Veterans  
6       Community Care Program under section 1703 of  
7       title 38, United States Code.

8             (2) REALIGNMENT.—The term “realignment”,  
9       with respect to a facility of the Department of Vet-  
10      erans Affairs, includes—

11             (A) any action that changes the number of  
12      facilities or relocates services, functions, or per-  
13      sonnel positions; and

14             (B) strategic collaborations between the  
15      Department and non-Federal Government enti-  
16      ties, including tribal organizations.

17             (3) THIRD PARTY ADMINISTRATOR.—The term  
18      “Third Party Administrator” means an entity that  
19      manages a provider network and performs adminis-  
20      trative services related to such network within the  
21      Veterans Community Care Program under section  
22      1703 of title 38, United States Code.

23             (4) TRIBAL ORGANIZATION.—The term “tribal  
24      organization” has the meaning given that term in

1 section 4 of the Indian Self-Determination and Edu-  
2 cation Assistance Act (25 U.S.C. 5304).

3 **Subtitle B—Community Care Self-**  
4 **scheduling Pilot Program**

5 **SEC. 111. DEFINITIONS.**

6 In this subtitle:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
8 TEES.—The term “appropriate congressional com-  
9 mittees” means—

10 (A) the Committee on Veterans’ Affairs  
11 and the Committee on Appropriations of the  
12 Senate; and

13 (B) the Committee on Veterans’ Affairs  
14 and the Committee on Appropriations of the  
15 House of Representatives.

16 (2) COVERED VETERAN.—The term “covered  
17 veteran” means a covered veteran under section  
18 1703(b) of title 38, United States Code.

19 (3) PILOT PROGRAM.—The term “pilot pro-  
20 gram” means the pilot program required under sec-  
21 tion 112(a).

22 (4) VETERANS COMMUNITY CARE PROGRAM.—  
23 The term “Veterans Community Care Program”  
24 means the program to furnish hospital care, medical  
25 services, and extended care services to covered vet-

1       erans under section 1703 of title 38, United States  
2       Code.

3       **SEC. 112. PILOT PROGRAM ESTABLISHING A COMMUNITY**  
4                   **CARE SELF-SCHEDULING APPOINTMENT SYS-**  
5                   **TEM.**

6       (a) PILOT PROGRAM.—Not later than 120 days after  
7 the date of the enactment of this Act, the Secretary of  
8 Veterans Affairs shall commence a pilot program under  
9 which covered veterans eligible for hospital care, medical  
10 services, or extended care services under subsection (d)(1)  
11 of section 1703 of title 38, United States Code, may use  
12 an internet website or mobile application that has the ca-  
13 pabilities specified in section 113(a) to request, schedule,  
14 and confirm medical appointments with health care pro-  
15 viders participating in the Veterans Community Care Pro-  
16 gram.

17       (b) SYSTEM EXPANSION OR DEVELOPMENT OF NEW  
18 SYSTEM.—In carrying out the pilot program, the Sec-  
19 retary may expand capabilities of an existing self-sched-  
20 uling appointment system of the Department of Veterans  
21 Affairs or develop a new self-scheduling system mobile ap-  
22 plication or internet website.

23       (c) CONTRACT AUTHORITY FOR DEVELOPING A NEW  
24 SYSTEM.—



1           (1) IN GENERAL.—If the Secretary elects to de-  
2       velop a new self-scheduling system under subsection  
3       (b), the Secretary shall seek to enter into a contract  
4       using competitive procedures with one or more con-  
5       tractors to provide the capabilities specified in sec-  
6       tion 113(a).

7           (2) NOTICE OF COMPETITION.—

8           (A) IN GENERAL.—If the Secretary elects  
9       to develop a new system under subsection (b),  
10      not later than 60 days after the date of the en-  
11      actment of this Act, the Secretary shall issue a  
12      request for proposals to provide the capabilities  
13      specified in section 113(a).

14          (B) OPEN TO ANY CONTRACTOR.—A re-  
15      quest for proposals under subparagraph (A)  
16      shall be full and open to any contractor that  
17      has an existing commercially available, off-the-  
18      shelf, online patient self-scheduling system that  
19      includes the capabilities specified in section  
20      113(a).

21          (3) SELECTION.—If the Secretary elects to de-  
22      velop a new self-scheduling system under subsection  
23      (b), not later than 120 days after the date of the en-  
24      actment of this Act, the Secretary shall award a con-

1       tract to one or more contractors pursuant to the re-  
2       quest for proposals under paragraph (2)(A).

3       (d) SELECTION OF LOCATIONS.—The Secretary shall  
4       select not fewer than five Veterans Integrated Services  
5       Networks of the Department in which to carry out the  
6       pilot program.

7       (e) DURATION OF PILOT PROGRAM.—

8             (1) IN GENERAL.—Except as provided in para-  
9       graph (2), the Secretary shall carry out the pilot  
10       program for an 18-month period.

11            (2) EXTENSION.—The Secretary may extend  
12       the duration of the pilot program and may expand  
13       the selection of Veterans Integrated Services Net-  
14       works under subsection (d) if the Secretary deter-  
15       mines that the pilot program is reducing the wait  
16       times of veterans seeking hospital care, medical serv-  
17       ices, or extended care services under the Veterans  
18       Community Care Program.

19       (f) OUTREACH.—The Secretary shall ensure that vet-  
20       erans participating in the Veterans Community Care Pro-  
21       gram in Veterans Integrated Services Networks in which  
22       the pilot program is being carried out are informed about  
23       the pilot program.

24       (g) MOBILE APPLICATION DEFINED.—In this sec-  
25       tion, the term “mobile application” means a software pro-

1 gram that runs on the operating system of a cellular tele-  
2 phone, tablet computer, or similar portable computing de-  
3 vice that transmits data over a wireless connection.

4 **SEC. 113. CAPABILITIES OF SELF-SCHEDULING APPOINT-**  
5 **MENT SYSTEM.**

6 (a) **MINIMUM CAPABILITIES.**—The Secretary of Vet-  
7 erans Affairs shall ensure that the self-scheduling appoint-  
8 ment system used in the pilot program includes, at a min-  
9 imum, the following capabilities:

10 (1) Capability to request, schedule, modify, and  
11 cancel appointments for primary care, specialty care,  
12 and mental health care under the Veterans Commu-  
13 nity Care Program with regard to each category of  
14 eligibility under section 1703(d)(1) of title 38,  
15 United States Code.

16 (2) Capability to support appointments for the  
17 provision of health care under the Veterans Commu-  
18 nity Care Program regardless of whether such care  
19 is provided in person or through telehealth services.

20 (3) Capability to view appointment availability  
21 in real time to the extent practicable.

22 (4) Capability to load relevant patient informa-  
23 tion from the Decision Support Tool of the Depart-  
24 ment or any other information technology system of  
25 the Department used to determine the eligibility of

1 veterans for health care under section 1703(d)(1) of  
2 title 38, United States Code.

3 (5) Capability to search for providers and facili-  
4 ties participating in the Veterans Community Care  
5 Program based on distance from the residential ad-  
6 dress of a veteran.

7 (6) Capability to provide telephonic and elec-  
8 tronic contact information for all such providers that  
9 do not offer online scheduling at the time.

10 (7) Capability to store and print authorization  
11 letters for veterans for health care under the Vet-  
12 erans Community Care Program.

13 (8) Capability to provide prompts or reminders  
14 to veterans to schedule initial appointments or fol-  
15 low-up appointments.

16 (9) Capability to be used 24 hours per day,  
17 seven days per week.

18 (10) Capability to integrate with the Veterans  
19 Health Information Systems and Technology Archi-  
20 tecture of the Department, or any successor infor-  
21 mation technology system of the Department.

22 (11) Capability to integrate with information  
23 technology systems of Third Party Administrators.

24 (b) INDEPENDENT VALIDATION AND  
25 VERIFICATION.—

1 (1) INDEPENDENT ENTITY.—

2 (A) IN GENERAL.—The Secretary shall  
3 seek to enter into an agreement with an appro-  
4 priate nongovernmental, not-for-profit entity  
5 with expertise in health information technology  
6 to independently validate and verify that the  
7 self-scheduling appointment system used in the  
8 pilot program includes the capabilities specified  
9 in subsection (a).

10 (B) TIMING.—The independent validation  
11 and verification conducted under subparagraph  
12 (A) shall be completed before the fielding of the  
13 self-scheduling appointment system used in the  
14 pilot program to the first Veterans Integrated  
15 Services Network of the Department in which  
16 the pilot program is to be carried out.

17 (2) GAO EVALUATION.—

18 (A) IN GENERAL.—The Comptroller Gen-  
19 eral of the United States shall evaluate the vali-  
20 dation and verification conducted under para-  
21 graph (1).

22 (B) REPORT.—Not later than 30 days  
23 after the date on which the Comptroller General  
24 completes the evaluation under paragraph (1),  
25 the Comptroller General shall submit to the ap-

1           appropriate congressional committees a report on  
2           such evaluation.

3           (c) CERTIFICATION.—

4           (1) CAPABILITIES INCLUDED.—Not later than  
5           May 31, 2022, the Secretary shall certify to the  
6           Committee on Veterans’ Affairs of the Senate and  
7           the Committee on Veterans’ Affairs of the House of  
8           Representatives that the self-scheduling appointment  
9           system used in the pilot program and any other pa-  
10          tient self-scheduling appointment system developed  
11          or used by the Department of Veterans Affairs as of  
12          the date of the certification to schedule appoint-  
13          ments under the Veterans Community Care Pro-  
14          gram includes the capabilities specified in subsection  
15          (a).

16          (2) NEW SYSTEMS.—If the Secretary develops a  
17          new self-scheduling appointment system to schedule  
18          appointments under the Veterans Community Care  
19          Program that is not covered by a certification made  
20          under paragraph (1), the Secretary shall certify to  
21          the Committee on Veterans’ Affairs of the Senate  
22          and the Committee on Veterans’ Affairs of the  
23          House of Representatives that such new system in-  
24          cludes the capabilities specified in subsection (a) by  
25          not later than the date that is 30 days after the date

1 on which the Secretary determines to replace the  
2 previous self-scheduling appointment system.

3 (3) REPLACEMENT OF SYSTEMS NOT CER-  
4 TIFIED.—If the Secretary does not make a timely  
5 certification under paragraph (1) or paragraph (2),  
6 as the case may be, the Secretary shall replace any  
7 self-scheduling appointment system used by the Sec-  
8 retary to schedule appointments under the Veterans  
9 Community Care Program that is in use with a com-  
10 mercially available, off-the-shelf, online self-sched-  
11 uling appointment system that includes the capabili-  
12 ties specified in subsection (a).

13 (d) THIRD PARTY ADMINISTRATOR DEFINED.—In  
14 this section, the term “Third Party Administrator” means  
15 an entity that manages a provider network and performs  
16 administrative services related to such network within the  
17 Veterans Community Care Program under section 1703  
18 of title 38, United States Code.

19 **SEC. 114. REPORT.**

20 Not later than 180 days after the date of the enact-  
21 ment of this Act, and every 180 days thereafter, the Sec-  
22 retary of Veterans Affairs shall submit to the appropriate  
23 congressional committees a report that includes—

1           (1) an assessment by the Secretary of the pilot  
2 program during the 180-day period preceding the  
3 date of the report, including—

4                   (A) the cost of the pilot program;

5                   (B) the volume of usage of the self-sched-  
6 uling appointment system under the pilot pro-  
7 gram;

8                   (C) the quality of the pilot program;

9                   (D) patient satisfaction with the pilot pro-  
10 gram;

11                   (E) benefits to veterans of using the pilot  
12 program;

13                   (F) the feasibility of allowing self-sched-  
14 uling for different specialties under the pilot  
15 program;

16                   (G) participating in the pilot program by  
17 health care providers under the Veterans Com-  
18 munity Care Program; and

19                   (H) such other findings and conclusions  
20 with respect to the pilot program as the Sec-  
21 retary considers appropriate; and

22           (2) such recommendations as the Secretary con-  
23 siders appropriate regarding—



1 (A) extension of the pilot program to other  
 2 or all Veterans Integrated Service Networks of  
 3 the Department of Veterans Affairs; and

4 (B) making the pilot program permanent.

5 **Subtitle C—Non-Department of**  
 6 **Veterans Affairs Providers**

7 **SEC. 121. CREDENTIALING VERIFICATION REQUIREMENTS**  
 8 **FOR PROVIDERS OF NON-DEPARTMENT OF**  
 9 **VETERANS AFFAIRS HEALTH CARE SERV-**  
 10 **ICES.**

11 (a) CREDENTIALING VERIFICATION REQUIRE-  
 12 MENTS.—

13 (1) IN GENERAL.—Subchapter I of chapter 17  
 14 of title 38, United States Code, is amended by in-  
 15 sserting after section 1703E the following new sec-  
 16 tion:

17 **“§ 1703F. Credentialing verification requirements for**  
 18 **providers of non-Department health care**  
 19 **services**

20 “(a) IN GENERAL.—The Secretary shall ensure that  
 21 Third Party Administrators and credentials verification  
 22 organizations comply with the requirements specified in  
 23 subsection (b) to help ensure certain health care providers  
 24 are excluded from providing non-Department health care  
 25 services.

1       “(b) REQUIREMENTS SPECIFIED.—The Secretary  
2 shall require Third Party Administrators and credentials  
3 verification organizations to carry out the following:

4           “(1) Hold and maintain an active credential  
5 verification accreditation from a national health care  
6 accreditation body.

7           “(2) Conduct initial verification of provider his-  
8 tory and license sanctions for all States and United  
9 States territories for a period of time—

10           “(A) that includes the period before the  
11 provider began providing non-Department  
12 health care services; and

13           “(B) dating back not less than 10 years.

14           “(3) Not less frequently than every three years,  
15 perform recredentialing, including verifying provider  
16 history and license sanctions for all States and  
17 United States territories.

18           “(4) Implement continuous monitoring of each  
19 provider through the National Practitioner Data  
20 Bank established pursuant to the Health Care Qual-  
21 ity Improvement Act of 1986 (42 U.S.C. 11101 et  
22 seq.).

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

24           “(1) The term ‘credentials verification organiza-  
25 tion’ means an entity that manages the provider

1       credentialing process and performs credentialing  
2       verification for non-Department providers that par-  
3       ticipate in the Veterans Community Care Program  
4       under section 1703 of this title through a Veterans  
5       Care Agreement.

6               “(2) The term ‘Third Party Administrator’  
7       means an entity that manages a provider network  
8       and performs administrative services related to such  
9       network within the Veterans Community Care Pro-  
10      gram under section 1703 of this title.

11              “(3) The term ‘Veterans Care Agreement’  
12      means an agreement for non-Department health  
13      care services entered into under section 1703A of  
14      this title.

15              “(4) The term ‘non-Department health care  
16      services’ means services—

17                      “(A) provided under this subchapter at  
18                      non-Department facilities (as defined in section  
19                      1701 of this title);

20                      “(B) provided under section 101 of the  
21                      Veterans Access, Choice, and Accountability Act  
22                      of 2014 (Public Law 113–146; 38 U.S.C. 1701  
23                      note);

24                      “(C) purchased through the Medical Com-  
25                      munity Care account of the Department; or

1           “(D) purchased with amounts deposited in  
2           the Veterans Choice Fund under section 802 of  
3           the Veterans Access, Choice, and Accountability  
4           Act of 2014 (Public Law 113–146; 38 U.S.C.  
5           1701 note).”.

6           (2) CLERICAL AMENDMENT.—The table of sec-  
7           tions at the beginning of such subchapter is amend-  
8           ed by inserting after the item relating to section  
9           1703E the following new item:

          “1703F. Credentialing verification requirements for providers of non-Depart-  
          ment health care services.”.

10          (b) DEADLINE FOR IMPLEMENTATION.—Not later  
11         than 180 days after the date of the enactment of this Act,  
12         the Secretary of Veterans Affairs shall commence the im-  
13         plementation of section 1703F of title 38, United States  
14         Code, as added by subsection (a)(1).

15         **SEC. 122. INAPPLICABILITY OF CERTAIN PROVIDERS TO**  
16                         **PROVIDE NON-DEPARTMENT OF VETERANS**  
17                         **AFFAIRS CARE.**

18         Section 108 of the VA MISSION Act of 2018 (Public  
19         Law 115–182; 38 U.S.C. 1701 note) is amended—

20                 (1) by redesignating subsections (d) and (e) as  
21                 subsections (e) and (f), respectively; and

22                 (2) by inserting after subsection (c) the fol-  
23                 lowing new subsection (d):

1       “(d) APPLICATION.—The requirement to deny or re-  
2 voke the eligibility of a health care provider to provide  
3 non-Department health care services to veterans under  
4 subsection (a) shall apply to any removal under paragraph  
5 (1) of such subsection or violation under paragraph (2)  
6 of such subsection that occurred on or after the date that  
7 is five years before the date of the enactment of this Act.”.

8       **TITLE II—IMPROVEMENT OF**  
9       **RURAL HEALTH AND TELE-**  
10       **HEALTH**

11       **SEC. 201. ESTABLISHMENT OF STRATEGIC PLAN REQUIRE-**  
12                               **MENT FOR OFFICE OF CONNECTED CARE OF**  
13                               **DEPARTMENT OF VETERANS AFFAIRS.**

14       (a) FINDINGS.—Congress makes the following find-  
15 ings:

16               (1) The COVID–19 pandemic caused the De-  
17 partment of Veterans Affairs to exponentially in-  
18 crease telehealth and virtual care modalities, includ-  
19 ing VA Video Connect, to deliver health care services  
20 to veteran patients.

21               (2) Between January 2020 and January 2021,  
22 the number of telehealth appointments offered by  
23 the Department increased by 1,831 percent.

24               (3) The Department maintains strategic part-  
25 nerships, such as the Digital Divide Consult, with a

1 goal of ensuring veterans who reside in rural, highly  
2 rural, or medically underserved areas have access to  
3 high-quality telehealth services offered by the De-  
4 partment.

5 (4) As of 2019, veterans who reside in rural  
6 and highly rural areas make up approximately  $\frac{1}{3}$  of  
7 veteran enrollees in the patient enrollment system,  
8 and are on average, older than their veteran peers  
9 in urban areas, experience higher degrees of finan-  
10 cial instability, and live with a greater number of  
11 complex health needs and comorbidities.

12 (5) The Federal Communications Commission  
13 estimated in 2020 that 15 percent of veteran house-  
14 holds do not have an internet connection.

15 (6) Under the Coronavirus Aid, Relief, and  
16 Economic Security Act (Public Law 116–136), Con-  
17 gress granted the Department additional authority  
18 to enter into short-term agreements or contracts  
19 with private sector telecommunications companies to  
20 provide certain broadband services for the purposes  
21 of providing expanded mental health services to iso-  
22 lated veterans through telehealth or VA Video Con-  
23 nect during a public health emergency.

1           (7) The authority described in paragraph (6)  
2 was not utilized to the fullest extent by the Depart-  
3 ment.

4           (8) Though the Department has made signifi-  
5 cant progress in expanding telehealth services of-  
6 fered to veterans who are enrolled in the patient en-  
7 rollment system, significant gaps still exist to ensure  
8 all veterans receive equal and high-quality access to  
9 virtual care.

10          (9) Questions regarding the efficacy of using  
11 telehealth for certain health care services and speci-  
12 alities remain, and should be further studied.

13          (10) The Department continues to expand tele-  
14 health and virtual care offerings for primary care,  
15 mental health care, specialty care, urgent care, and  
16 even remote intensive care units.

17          (b) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that the telehealth services offered by the Depart-  
19 ment of Veterans Affairs should be routinely measured  
20 and evaluated to ensure the telehealth technologies and  
21 modalities delivered to veteran patients to treat a wide va-  
22 riety of health conditions are as effective as in-person  
23 treatment for primary care, mental health care, and other  
24 forms of specialty care.

25          (c) DEVELOPMENT OF STRATEGIC PLAN.—

1           (1) IN GENERAL.—Not later than one year  
2 after the date of the enactment of this Act, the Sec-  
3 retary of Veterans Affairs, acting through the Office  
4 of Connected Care of the Department of Veterans  
5 Affairs, shall develop a strategic plan to ensure the  
6 effectiveness of the telehealth technologies and mo-  
7 dalities delivered by the Department to veterans who  
8 are enrolled in the patient enrollment system.

9           (2) UPDATE.—

10           (A) IN GENERAL.—The Secretary shall up-  
11 date the strategic plan required under para-  
12 graph (1) not less frequently than once every  
13 three years following development of the plan.

14           (B) CONSULTATION.—The Secretary shall  
15 prepare any update required under subpara-  
16 graph (A) in consultation with the following:

17           (i) The Chief Officer of the Office of  
18 Connected Care of the Department.

19           (ii) The Executive Director of Tele-  
20 health Services of the Office of Connected  
21 Care.

22           (iii) The Executive Director of Con-  
23 nected Health of the Office of Connected  
24 Care.



1 (iv) The Executive Director of the Of-  
2 fice of Rural Health of the Department.

3 (v) The Executive Director of Solution  
4 Delivery, IT Operations and Services of  
5 the Office of Information and Technology  
6 of the Department.

7 (3) ELEMENTS.—The strategic plan required  
8 under paragraph (1), and any update to that plan  
9 under paragraph (2), shall include, at a minimum,  
10 the following:

11 (A) A comprehensive list of all health care  
12 specialities the Department is currently deliv-  
13 ering by telehealth or virtual care.

14 (B) An assessment of the effectiveness and  
15 patient outcomes for each type of health care  
16 speciality delivered by telehealth or virtual care  
17 by the Department.

18 (C) An assessment of satisfaction of vet-  
19 erans in receiving care through telehealth or  
20 virtual care disaggregated by age group and by  
21 Veterans Integrated Service Network.

22 (D) An assessment of the percentage of  
23 virtual visits delivered by the Department  
24 through each modality including standard tele-  
25 phone telehealth, VA Video Connect, and the

1           Accessing Telehealth through Local Area Sta-  
2           tions program of the Department.

3           (E) An outline of all current partnerships  
4           maintained by the Department to bolster tele-  
5           health or virtual care services for veterans.

6           (F) An assessment of the barriers faced by  
7           the Department in delivering telehealth or vir-  
8           tual care services to veterans residing in rural  
9           and highly rural areas, and the strategies the  
10          Department is deploying beyond purchasing  
11          hardware for veterans who are enrolled in the  
12          patient enrollment system.

13          (G) A detailed plan illustrating how the  
14          Department is working with other Federal  
15          agencies, including the Department of Health  
16          and Human Services, the Department of Agri-  
17          culture, the Federal Communications Commis-  
18          sion, and the National Telecommunications and  
19          Information Administration, to enhance  
20          connectivity in rural, highly rural, and medi-  
21          cally underserved areas to better reach all vet-  
22          erans.

23          (H) The feasibility and advisability of  
24          partnering with Federally qualified health cen-  
25          ters, rural health clinics, and critical access hos-

1           pitals to fill the gap for health care services  
2           that exists for veterans who reside in rural and  
3           highly rural areas.

4           (I) An evaluation of the number of vet-  
5           erans who are enrolled in the patient enrollment  
6           system who have previously received care under  
7           the Veterans Community Care Program under  
8           section 1703 of title 38, United States Code.

9           (d) SUBMITTAL TO CONGRESS.—Not later than 180  
10          days after the development of the strategic plan under  
11          paragraph (1) of subsection (c), and not later than 180  
12          days after each update under paragraph (2) of such sub-  
13          section thereafter, 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 that includes the following:

17               (1) The completed strategic plan or update, as  
18               the case may be.

19               (2) An identification of areas of improvement  
20               by the Department in the delivery of telehealth and  
21               virtual care services to veterans who are enrolled in  
22               the patient enrollment system, with a timeline for  
23               improvements to be implemented.

24           (e) DEFINITIONS.—

1           (1) PATIENT ENROLLMENT SYSTEM.—The term  
2           “patient enrollment system” means the system of  
3           annual patient enrollment of the Department of Vet-  
4           erans Affairs established and operated under section  
5           1705(a) of title 38, United States Code.

6           (2) RURAL; HIGHLY RURAL.—The terms  
7           “rural” and “highly rural” have the meanings given  
8           those terms in the Rural-Urban Commuting Areas  
9           coding system of the Department of Agriculture.

10          (3) VA VIDEO CONNECT.—The term “VA Video  
11          Connect” means the program of the Department of  
12          Veterans Affairs to connect veterans with their  
13          health care team from anywhere, using encryption to  
14          ensure a secure and private connection.

15          (4) VETERAN.—The term “veteran” has the  
16          meaning given that term in section 101(2) of title  
17          38, United States Code.

18       **SEC. 202. COMPTROLLER GENERAL REPORT ON TRANSPOR-**  
19                               **TATION SERVICES BY THIRD PARTIES FOR**  
20                               **RURAL VETERANS.**

21          (a) REPORT REQUIRED.—Not later than one year  
22          after the date of the enactment of this Act, the Comp-  
23          troller General of the United States shall submit to the  
24          Committee on Veterans’ Affairs of the Senate and the  
25          Committee on Veterans’ Affairs of the House of Rep-

1 representatives a report on the program established under  
2 section 111A(b) of title 38, United States Code.

3 (b) CONTENTS.—The report submitted under sub-  
4 section (a) shall include the following:

5 (1) A description of the program described in  
6 such subsection, including descriptions of the fol-  
7 lowing:

8 (A) The purpose of the program.

9 (B) The activities carried out under the  
10 program.

11 (2) An assessment of the sufficiency of the pro-  
12 gram with respect to the purpose of the program.

13 (3) An assessment of the cost effectiveness of  
14 the program in comparison to alternatives.

15 (4) An assessment of the health benefits for  
16 veterans who have participated in the program.

17 (5) An assessment of the sufficiency of staffing  
18 of employees of the Department of Veterans Affairs  
19 who are responsible for facilitating the maintenance  
20 of the program.

21 (6) An assessment, with respect to the purpose  
22 of the program, of the number of vehicles owned by  
23 and operating in conjunction with the program.

24 (7) An assessment of the awareness and usage  
25 of the program by veterans and their families.

1           (8) An assessment of other options for trans-  
2           portation under the program, such as local taxi com-  
3           panies and ridesharing programs such as Uber and  
4           Lyft.

5 **SEC. 203. COMPTROLLER GENERAL REPORT ON TELE-**  
6                   **HEALTH SERVICES OF THE DEPARTMENT OF**  
7                   **VETERANS AFFAIRS.**

8           (a) IN GENERAL.—Not later than 18 months after  
9           the date of the enactment of this Act, the Comptroller  
10          General of the United States shall submit to the Com-  
11          mittee on Veterans' Affairs of the Senate and the Com-  
12          mittee on Veterans' Affairs of the House of Representa-  
13          tives a report on telehealth services provided by the De-  
14          partment of Veterans Affairs.

15          (b) ELEMENTS.—The report required by subsection  
16          (a) shall include an assessment of the following:

17               (1) The telehealth and virtual health care pro-  
18               grams of the Department of Veterans Affairs, in-  
19               cluding VA Video Connect.

20               (2) The challenges faced by the Department in  
21               delivering telehealth and virtual health care to vet-  
22               erans who reside in rural and highly rural areas due  
23               to lack of connectivity in many rural areas.

1           (3) Any mitigation strategies used by the De-  
2           partment to overcome connectivity barriers for vet-  
3           erans who reside in rural and highly rural areas.

4           (4) The partnerships entered into by the Office  
5           of Connected Care of the Department in an effort to  
6           bolster telehealth services.

7           (5) The extent to which the Department has ex-  
8           amined the effectiveness of health care services pro-  
9           vided to veterans through telehealth in comparison  
10          to in-person treatment.

11          (6) Satisfaction of veterans with respect to the  
12          telehealth services provided by the Department.

13          (7) The use by the Department of telehealth  
14          appointments in comparison to referrals to care  
15          under the Veterans Community Care Program under  
16          section 1703 of title 38, United States Code.

17          (8) Such other areas as the Comptroller Gen-  
18          eral considers appropriate.

1     **TITLE III—FOREIGN MEDICAL**  
2                     **PROGRAM**

3     **SEC. 301. ANALYSIS OF FEASIBILITY AND ADVISABILITY OF**  
4                     **EXPANDING ASSISTANCE AND SUPPORT TO**  
5                     **CAREGIVERS TO INCLUDE CAREGIVERS OF**  
6                     **VETERANS IN THE REPUBLIC OF THE PHIL-**  
7                     **IPPINES.**

8             (a) FINDINGS.—Congress makes the following find-  
9     ings:

10             (1) Although section 161 of the VA MISSION  
11     Act of 2018 (Public Law 115–182; 132 Stat. 1438)  
12     expanded the program of comprehensive assistance  
13     for family caregivers of the Department of Veterans  
14     Affairs under section 1720G(a) of title 38, United  
15     States Code, to veterans of all eras, it did not ex-  
16     pand the program to family caregivers for veterans  
17     overseas.

18             (2) Although caregivers for veterans overseas  
19     can access online resources as part of the program  
20     of support services for caregivers of veterans under  
21     subsection (b) section 1720G of such title, those  
22     caregivers miss out on all of the comprehensive serv-  
23     ices and benefits provided under subsection (a) of  
24     such section.



1           (3) The Department has an outpatient clinic  
2           and a regional benefits office in Manila, Republic of  
3           the Philippines, and the Foreign Medical Program of  
4           the Department under section 1724 of such title is  
5           used heavily in the Republic of the Philippines by  
6           veterans who live in that country.

7           (4) Due to the presence of facilities of the De-  
8           partment in the Republic of the Philippines and the  
9           number of veterans who reside there, that country is  
10          a suitable test case to analyze the feasibility and ad-  
11          visability of expanding caregiver support to care-  
12          givers of veterans overseas.

13          (b) ANALYSIS.—Not later than 180 days after the  
14          date of the enactment of this Act, the Secretary of Vet-  
15          erans Affairs shall complete an analysis of the feasibility  
16          and advisability of making assistance and support under  
17          section 1720G(a) of title 38, United States Code, available  
18          to caregivers of veterans in the Republic of the Phil-  
19          ippines.

20          (c) REPORT.—Not later than 180 days after the con-  
21          clusion of the analysis conducted under subsection (b), the  
22          Secretary shall submit to the Committee on Veterans' Af-  
23          fairs of the Senate and the Committee on Veterans' Af-  
24          fairs of the House of Representatives a report that in-  
25          cludes the following:

1           (1) The results of such analysis.

2           (2) An assessment of the number of veterans  
3 who are enrolled in the patient enrollment system  
4 and reside in the Republic of the Philippines.

5           (3) An assessment of the number of veterans  
6 who are enrolled in the patient enrollment system  
7 and reside in the Republic of the Philippines that  
8 have a caregiver to provide them personal care serv-  
9 ices described in section 1720G(a)(C) of title 38,  
10 United States Code.

11           (4) An assessment of the staffing needs and as-  
12 sociated cost of making assistance and support to  
13 available to caregivers of veterans in the Republic of  
14 the Philippines.

15 (d) DEFINITIONS.—In this section:

16           (1) CAREGIVER.—The term “caregiver” has the  
17 meaning given that term in section 1720G(d) of title  
18 38, United States Code.

19           (2) PATIENT ENROLLMENT SYSTEM.—The term  
20 “patient enrollment system” means the system of  
21 annual patient enrollment of the Department of Vet-  
22 erans Affairs established and operated under section  
23 1705(a) of such title.

1           (3) VETERAN.—The term “veteran” has the  
2           meaning given that term in section 101(2) of such  
3           title.

4 **SEC. 302. COMPTROLLER GENERAL REPORT ON FOREIGN**  
5                           **MEDICAL PROGRAM OF DEPARTMENT OF**  
6                           **VETERANS AFFAIRS.**

7           (a) IN GENERAL.—Not later than two years after the  
8           date of the enactment of this Act, the Comptroller General  
9           of the United States shall submit to the Committee on  
10          Veterans’ Affairs of the Senate and the Committee on Vet-  
11          erans’ Affairs of the House of Representatives a report  
12          on the Foreign Medical Program.

13          (b) ELEMENTS.—The report required by subsection  
14          (a) shall include, for the most recent five fiscal years for  
15          which data are available, an assessment of the following:

16                 (1) The number of veterans who live overseas  
17                 and are eligible for the Foreign Medical Program.

18                 (2) The number of veterans who live overseas,  
19                 are registered for the Foreign Medical Program, and  
20                 use such program.

21                 (3) The number of veterans who live overseas,  
22                 are registered for the Foreign Medical Program, and  
23                 do not use such program.

24                 (4) The number of veterans who are eligible for  
25                 care furnished by the Department of Veterans Af-

1       fairs, live in the United States, including territories  
2       of the United States, and make use of such care, in-  
3       cluding through the Veterans Community Care Pro-  
4       gram under section 1703 of title 38, United States  
5       Code.

6               (5) Any challenges faced by the Department in  
7       administering the Foreign Medical Program, includ-  
8       ing—

9                       (A) outreach to veterans on eligibility for  
10       such program and ensuring veterans who live  
11       overseas are aware of such program;

12                      (B) executing timely reimbursements of  
13       claims by veterans under such program; and

14                      (C) need for and use of translation serv-  
15       ices.

16               (6) Any trends relating to—

17                      (A) the timeliness of processing by the De-  
18       partment of claims under the Foreign Medical  
19       Program and reimbursement of veterans under  
20       such program;

21                      (B) types of care or treatment sought by  
22       veterans who live overseas that is reimbursed  
23       under such program; and

1           (C) types of care or treatment eligible for  
2 reimbursement under such program that vet-  
3 erans have difficulty accessing overseas.

4           (7) Any barriers or obstacles cited by veterans  
5 who live overseas who are registered for the Foreign  
6 Medical Program, including any differences between  
7 veterans who use the program and veterans who do  
8 not.

9           (8) Satisfaction of veterans who live overseas  
10 with the Foreign Medical Program.

11           (9) Such other areas as the Comptroller Gen-  
12 eral considers appropriate.

13           (c) FOREIGN MEDICAL PROGRAM DEFINED.—In this  
14 section, the term “Foreign Medical Program” means the  
15 program under which the Secretary of Veterans Affairs pro-  
16 vides hospital care and medical services under section  
17 1724 of title 38, United States Code.

1           **TITLE IV—MENTAL HEALTH**  
2                                   **CARE**

3   **SEC. 401. ANALYSIS OF FEASIBILITY AND ADVISABILITY OF**  
4                           **DEPARTMENT OF VETERANS AFFAIRS PRO-**  
5                           **VIDING EVIDENCE-BASED TREATMENTS FOR**  
6                           **THE DIAGNOSIS OF TREATMENT-RESISTANT**  
7                           **DEPRESSION.**

8           (a) FINDINGS.—Congress makes the following find-  
9   ings:

10                   (1) A systematic review in 2019 of the econom-  
11           ics and quality of life relating to treatment-resistant  
12           depression summarized that major depressive dis-  
13           order (in this subsection referred to as “MDD”) is  
14           a global public health concern and that treatment-  
15           resistant depression in particular represents a key  
16           unmet need. The findings of that review highlighted  
17           the need for improved therapies for treatment-resist-  
18           ant depression to reduce disease burden, lower med-  
19           ical costs, and improve the quality of life of patients.

20                   (2) The Clinical Practice Guideline for the  
21           Management of MDD (in this subsection referred to  
22           as the “CPG”) developed jointly by the Department  
23           of Veterans Affairs and the Department of Defense  
24           defines treatment-resistant depression as at least

1 two adequate treatment trials and lack of full re-  
2 sponse to each.

3 (3) The CPG recommends electro-convulsive  
4 therapy (in this subsection referred to as “ECT”) as  
5 a treatment strategy for patients who have failed  
6 multiple other treatment strategies.

7 (4) The CPG recommends offering repetitive  
8 transcranial magnetic stimulation (in this subsection  
9 referred to as “rTMS”), an intervention that is indi-  
10 cated by the Food and Drug Administration, for  
11 treatment during a major depressive episode in pa-  
12 tients with treatment-resistant MDD.

13 (5) The final report of the Creating Options for  
14 Veterans’ Expedited Recovery Commission (com-  
15 monly referred to as the “COVER Commission”) es-  
16 tablished under section 931 of the Jason Simcakoski  
17 Memorial and Promise Act (title IX of Public Law  
18 114–198; 38 U.S.C. 1701 note) found that treat-  
19 ment-resistant depression is a major issue through-  
20 out the mental health treatment system, and that an  
21 estimated 50 percent of depressed patients are inad-  
22 equately treated by available interventions.

23 (6) The COVER Commission also reported data  
24 collected from the Department of Veterans Affairs  
25 that found that only approximately 1,166 patients

1 throughout the Department were referred for ECT  
2 in 2018 and only approximately 772 patients were  
3 referred for rTMS during that year.

4 (b) ANALYSIS.—Not later than 180 days after the  
5 date of the enactment of this Act, the Secretary of Vet-  
6 erans Affairs shall complete an analysis of the feasibility  
7 and advisability of making repetitive transcranial mag-  
8 netic stimulation available at all medical facilities of the  
9 Department of Veterans Affairs and electro-convulsive  
10 therapy available at one medical center located within each  
11 Veterans Integrated Service Network for the treatment of  
12 veterans who are enrolled in the patient enrollment system  
13 and have a diagnosis of treatment-resistant depression.

14 (c) INCLUSION OF ASSESSMENT OF REPORT.—The  
15 analysis conducted under subsection (b) shall include an  
16 assessment of the final report of the COVER Commission  
17 submitted under section 931(e)(2) of the Jason  
18 Simcakoski Memorial and Promise Act (title IX of Public  
19 Law 114–198; 38 U.S.C. 1701 note).

20 (d) REPORT.—Not later than 180 days after the con-  
21 clusion of the analysis conducted under subsection (b), the  
22 Secretary shall submit to the Committee on Veterans' Af-  
23 fairs of the Senate and the Committee on Veterans' Af-  
24 fairs of the House of Representatives a report that in-  
25 cludes the following:



1           (1) The results of such analysis.

2           (2) An assessment of the number of veterans  
3 who are enrolled in the patient enrollment system  
4 and who have a diagnosis of treatment-resistant de-  
5 pression per Veterans Integrated Service Network  
6 during the two-year period preceding the date of the  
7 report.

8           (3) An assessment of the number of the vet-  
9 erans who are enrolled in the patient enrollment sys-  
10 tem who have a diagnosis of treatment-resistant de-  
11 pression and who have received or are currently re-  
12 ceiving repetitive transcranial magnetic stimulation  
13 or electro-convulsive therapy as a treatment modality  
14 during the two-year period preceding the date of the  
15 report.

16           (4) An assessment of the number and locations  
17 of medical centers of the Department that currently  
18 provide repetitive transcranial magnetic stimulation  
19 to veterans who are enrolled in the patient enroll-  
20 ment system and who have a diagnosis of treatment-  
21 resistant depression.

22           (5) An assessment of the number and locations  
23 of medical centers of the Department that currently  
24 provide electro-convulsive therapy to veterans who  
25 are enrolled in the patient enrollment system and

1 who have a diagnosis of treatment-resistant depres-  
2 sion.

3 (e) DEFINITIONS.—In this section:

4 (1) PATIENT ENROLLMENT SYSTEM.—The term  
5 “patient enrollment system” means the system of  
6 annual patient enrollment of the Department of Vet-  
7 erans Affairs established and operated under section  
8 1705(a) of title 38, United States Code.

9 (2) VETERAN.—The term “veteran” has the  
10 meaning given that term in section 101(2) of title  
11 38, United States Code.

12 **SEC. 402. MODIFICATION OF RESOURCE ALLOCATION SYS-**  
13 **TEM TO INCLUDE PEER SPECIALISTS.**

14 (a) IN GENERAL.—Not later than one year after the  
15 date of the enactment of this Act, the Secretary of Vet-  
16 erans Affairs shall modify the Veterans Equitable Re-  
17 source Allocation system, or successor system, to ensure  
18 that resource allocations under such system, or successor  
19 system, include peer specialists appointed under section  
20 7402(b)(13) of title 38, United States Code.

21 (b) VETERANS EQUITABLE RESOURCE ALLOCATION  
22 SYSTEM DEFINED.—In this section, the term “Veterans  
23 Equitable Resource Allocation system” means the re-  
24 source allocation system established pursuant to section  
25 429 of the Departments of Veterans Affairs and House

1 and Urban Development, and Independent Agencies Ap-  
2 propriations Act, 1997 (Public Law 104–204; 110 Stat.  
3 2929).

4 **SEC. 403. GAP ANALYSIS OF PSYCHOTHERAPEUTIC INTER-**  
5 **VENTIONS OF THE DEPARTMENT OF VET-**  
6 **ERANS AFFAIRS.**

7 (a) IN GENERAL.—Not later than 270 days after the  
8 date of the enactment of this Act, the Secretary of Vet-  
9 erans Affairs shall complete a gap analysis throughout the  
10 entire health care system of the Veterans Health Adminis-  
11 tration on the use and availability of psychotherapeutic  
12 interventions recommended in widely used clinical practice  
13 guidelines as recommended in the final report of the  
14 COVER Commission submitted under section 931(e)(2) of  
15 the Jason Simcakoski Memorial and Promise Act (title IX  
16 of Public Law 114–198; 38 U.S.C. 1701 note).

17 (b) ELEMENTS.—The gap analysis required under  
18 subsection (a) shall include the following:

19 (1) An assessment of the psychotherapeutic  
20 interventions available and routinely delivered to vet-  
21 erans at medical centers of the Department of Vet-  
22 erans Affairs within each Veterans Integrated Serv-  
23 ice Network of the Department.

24 (2) An assessment of the barriers faced by med-  
25 ical centers of the Department in offering certain

1       psychotherapeutic interventions and why those inter-  
 2       ventions are not widely implemented or are excluded  
 3       from implementation throughout the entire health  
 4       care system of the Veterans Health Administration.

5       (c) REPORT AND PLAN.—Not later than 180 days  
 6       after completing the gap analysis under subsection (a), the  
 7       Secretary shall submit to the Committee on Veterans’ Af-  
 8       fairs of the Senate and the Committee on Veterans’ Af-  
 9       fairs of the House of Representatives—

10               (1) a report on the results of the analysis; and

11               (2) a plan with measurable, time-limited steps  
 12       for the Department to implement—

13                       (A) to address the gaps that limit access of  
 14       veterans to care; and

15                       (B) to treat various mental health condi-  
 16       tions across the entire health care system of the  
 17       Veterans Health Administration.

## 18       **TITLE V—OTHER MATTERS**

### 19       **SEC. 501. ONLINE HEALTH CARE EDUCATION PORTAL.**

20       (a) IN GENERAL.—Not later than 180 days after the  
 21       date of the enactment of this Act, the Secretary of Vet-  
 22       erans Affairs shall establish an online health care edu-  
 23       cation portal to ensure veterans enrolled in the patient en-  
 24       rollment system of the Department of Veterans Affairs  
 25       under section 1705(a) of title 38, United States Code, are

1 aware of the health care services provided by the Depart-  
2 ment and understand their basic health care entitlements  
3 under the laws administered by the Secretary.

4 (b) INTERACTIVE MODULES.—

5 (1) IN GENERAL.—The health care education  
6 portal established under subsection (a) shall include,  
7 at a minimum, interactive online educational mod-  
8 ules on the following:

9 (A) Health care from the Veterans Health  
10 Administration in the community, including  
11 under the Veterans Community Care Program  
12 under section 1703 of title 38, United States  
13 Code.

14 (B) Telehealth services.

15 (C) The appeals process for the Veterans  
16 Health Administration.

17 (D) Patient aligned care teams.

18 (E) Mental health care services.

19 (F) Suicide prevention services.

20 (G) Specialty care services.

21 (H) Dental health services.

22 (I) Women’s health services.

23 (J) Navigating the publicly accessible  
24 internet websites and mobile applications of the  
25 Veterans Health Administration.

1 (K) Vaccinations offered through the Vet-  
2 erans Health Administration.

3 (L) Toxic exposure.

4 (M) Military sexual trauma.

5 (N) Topics set forth under section 121(b)  
6 of the VA MISSION Act of 2018 (Public Law  
7 115–182; 38 U.S.C. 1701 note).

8 (2) MODULE UPDATES.—The Secretary shall  
9 update the curriculum content of the modules de-  
10 scribed in paragraph (1) not less frequently than an-  
11 nually to ensure such modules contain the most cur-  
12 rent information on the module topic.

13 (c) HEALTH CARE EDUCATION PORTAL REQUIRE-  
14 MENTS.—The Secretary shall ensure that the health care  
15 education portal established under subsection (a) meets  
16 the following requirements:

17 (1) The portal is directly accessible from—

18 (A) The main home page of the publicly  
19 accessible internet website of the Department;  
20 and

21 (B) The main home page of the publicly  
22 accessible internet website of each medical cen-  
23 ter of the Department.

24 (2) The portal is easily understandable and usa-  
25 ble by the general public.

1           (d) PRINT MATERIAL.—In developing the health care  
2 education portal established under subsection (a), the Sec-  
3 retary shall ensure that materials included in such portal  
4 are accessible in print format at each medical center of  
5 the Department to veterans who may not have access to  
6 the internet.

7           (e) CONSULTATION AND CONTRACT AUTHORITY.—In  
8 carrying out the health care education portal established  
9 under subsection (a), the Secretary—

10           (1) shall consult with organizations recognized  
11 by the Secretary for the representation of veterans  
12 under section 5902 of title 38, United States Code;  
13 and

14           (2) may enter into a contract with a company,  
15 non-profit entity, or other entity specializing in de-  
16 velopment of educational programs to design the  
17 portal and the curriculum for modules under sub-  
18 section (b).

19           (f) REPORT.—Not later than one year after the es-  
20 tablishment of the health care education portal under sub-  
21 section (a), and annually thereafter, the Secretary shall  
22 submit to the Committee on Veterans' Affairs of the Sen-  
23 ate and the Committee on Veterans' Affairs of the House  
24 of Representatives a report—

- 1           (1) assessing the use by veterans of the portal,  
2           including—  
3                 (A) overall usage of the portal; and  
4                 (B) use of each module under subsection  
5           (b);  
6           (2) assessing the effectiveness of the education  
7           program contained in such portal;  
8           (3) evaluating the curriculum contained in such  
9           portal;  
10           (4) providing such recommendations on modi-  
11           fications to the curriculum contained in such portal  
12           as the Secretary considers appropriate; and  
13           (5) including such other elements the Secretary  
14           considers appropriate.

15 **SEC. 502. EXCLUSION OF APPLICATION OF PAPERWORK RE-**  
16 **DUCTION ACT TO RESEARCH ACTIVITIES OF**  
17 **THE VETERANS HEALTH ADMINISTRATION.**

18           (a) IN GENERAL.—Subchapter II of chapter 73 of  
19 title 38, United States Code, is amended by adding at the  
20 end the following new section:

21 **“SEC. 7330D. INAPPLICABILITY OF PAPERWORK REDUC-**  
22 **TION ACT TO RESEARCH ACTIVITIES.**

23           “Subchapter I of chapter 35 of title 44 (commonly  
24 referred to as the ‘Paperwork Reduction Act’) shall not  
25 apply to the voluntary collection of information during the



1 conduct of research by the Veterans Health Administra-  
2 tion, including the Office of Research and Development,  
3 or individuals or entities affiliated with the Veterans  
4 Health Administration.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
6 at the beginning of such subchapter is amended by insert-  
7 ing after the item relating to section 7330C the following  
8 new item:

“7330D. Inapplicability of Paperwork Reduction Act to research activities.”.

