

115TH CONGRESS  
2D SESSION

# S. 2473

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish organ transplant care to veterans at non-Department of Veterans Affairs facilities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2018

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish organ transplant care to veterans at non-Department of Veterans Affairs facilities, 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 Increased  
5       Choice for Transplanted Organs and Recovery Act of  
6       2018” or the “VICTOR Act of 2018”.

1 **SEC. 2. ORGAN TRANSPLANT CARE FOR VETERANS AT NON-**  
2 **DEPARTMENT OF VETERANS AFFAIRS FACILI-**  
3 **TIES.**

4 (a) ORGAN TRANSPLANT CARE.—

5 (1) IN GENERAL.—Subchapter I of chapter 17  
6 of title 38, United States Code, is amended by in-  
7 serting after section 1703 the following new section:

8 **“§ 1703A. Organ transplant care at non-Department**  
9 **facilities**

10 “(a) IN GENERAL.—The Secretary shall furnish  
11 organ transplant care to eligible veterans, at the election  
12 of the eligible veteran, at non-Department facilities that  
13 are in compliance with regulations prescribed by the Cen-  
14 ters for Medicare & Medicaid Services with respect to  
15 transplant centers.

16 “(b) ELIGIBLE VETERANS.—A veteran is an eligible  
17 veteran for purposes of this section if the veteran—

18 “(1) is enrolled in the system of annual patient  
19 enrollment established and operated under section  
20 1705(a) of this title; and

21 “(2) received care under this chapter within the  
22 24-month period preceding the furnishing of organ  
23 transplant care under this section.

24 “(c) PROVIDER AGREEMENTS.—(1) The Secretary  
25 shall enter into provider agreements with non-Department

1 facilities to carry out this section in each Veterans Inte-  
2 grated Service Network region of the Department.

3 “(2) Under provider agreements entered into under  
4 paragraph (1), the Secretary shall pay non-Department  
5 facilities for care furnished under this section an amount  
6 equal to the amount that would otherwise be paid for such  
7 care under title XVIII of the Social Security Act (42  
8 U.S.C. 1395 et seq.).

9 “(3) A provider agreement entered into under para-  
10 graph (1) shall include payment of procurement fees, as  
11 well as payment for the cost of providing the organ trans-  
12 plant care.

13 “(d) PAYMENT FOR TRAVEL AND LODGING.—Not-  
14 withstanding any other provision of law, the Secretary  
15 shall not pay for travel and lodging costs for a veteran  
16 seeking organ transplant care under this section outside  
17 the region of the Organ Procurement and Transplantation  
18 Network (as established under section 372 of the National  
19 Organ Transplantation Act (42 U.S.C. 274)) in which the  
20 veteran resides unless the Secretary authorizes such care  
21 outside such region.

22 “(e) ORGAN TRANSPLANT CARE DEFINED.—In this  
23 section, the term ‘organ transplant’ includes bone marrow  
24 transplants.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of chapter 17 of such title is  
3           amended by inserting after the item relating to sec-  
4           tion 1703 the following new item:

“1703A. Organ transplant care at non-Department facilities.”.

5           (b) INITIAL PROVIDER AGREEMENTS.—The Sec-  
6           retary of Veterans Affairs shall—

7           (1) not later than 30 days after the date of the  
8           enactment of this Act, seek to enter into provider  
9           agreements under section 1703A(c) of title 38,  
10          United States Code, as added by subsection (a); and

11          (2) not later than January 1, 2019, finalize  
12          such provider agreements.

13          (c) REPORTS.—

14          (1) INITIAL REPORT.—Not later than one year  
15          after the date of the enactment of this Act, the Sec-  
16          retary of Veterans Affairs shall submit to Congress  
17          a report on—

18                  (A) the status of provider agreements en-  
19                  tered into under section 1703A(c) of title 38,  
20                  United States Code, as added by subsection (a);  
21                  and

22                  (B) the number of non-Department of Vet-  
23                  erans Affairs facilities with which the Secretary  
24                  has entered into a provider agreement under

1           such section within each Veterans Integrated  
2           Service Network region of the Department.

3           (2) REPORT ON USAGE OF FACILITIES.—Not  
4           later than two years after the date of the enactment  
5           of this Act, the Secretary shall submit to Congress  
6           a report on, for the one-year period preceding the re-  
7           port—

8                   (A) the number of veterans that have  
9                   sought organ transplant care at transplant fa-  
10                  cilities under section 1703A of title 38, United  
11                  States Code, as added by subsection (a); and

12                   (B) the number of veterans that have  
13                   sought organ transplant care at a facility of the  
14                  Department.

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