

ASSURING QUALITY CARE FOR VETERANS ACT

MAY 20, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FILNER, from the Committee on Veterans' Affairs, submitted the following

R E P O R T

[To accompany H.R. 5145]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 5145) to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for Legislation	2
Hearings	2
Subcommittee Consideration	3
Committee Consideration	3
Committee Votes	3
Committee Oversight Findings	3
Statement of General Performance Goals and Objectives	3
New Budget Authority, Entitlement Authority, and Tax Expenditures	3
Earmarks and Tax and Tariff Benefits	4
Committee Cost Estimate	4
Congressional Budget Office Estimate	4
Federal Mandates Statement	5
Advisory Committee Statement	5
Constitutional Authority Statement	5
Applicability to Legislative Branch	5
Section-by-Section Analysis of the Legislation	6
Changes in Existing Law Made by the Bill as Reported	6

PURPOSE AND SUMMARY

H.R. 5145 was introduced by Representative Jerry McNerney of California on April 27, 2010. This legislation would increase the amount of reimbursement for continuing professional education needed to maintain licensure beyond doctors and dentists to other U.S. Department of Veterans Affairs (VA) employed health care professionals.

BACKGROUND AND NEED FOR LEGISLATION

Section 103 of Public Law 102-40 (105 Stat. 187), the Department of Veterans Affairs Health-Care Personnel Act of 1991, directed the Secretary to reimburse up to \$1,000 per year for continuing professional education expenses for any full-time board-certified physician or dentist employed by the Veterans Health Administration (VHA).

The Committee recognizes that the reimbursement for continuing education has not been updated since 1991. As such, H.R. 5145 increases the reimbursement to \$1,600 to reflect the effects of inflation. The Committee also recognizes that the reimbursement for continuing education is an important tool in the VA's recruitment and retention efforts for health care professionals. In the 2009 Workforce Succession Strategic Plan, VHA identified the top ten occupational priorities for recruitment and retention. This list included key health care professionals such as nurses, pharmacists, physical therapists, and occupational therapists. Similar to physicians and dentists, these health care professionals require continuing professional education in order to maintain their licensure. H.R. 5145 corrects this inequity by extending continuing education expenses to health care professionals other than physicians and dentists who need to maintain licensure. In addition to making continuing professional education more accessible for additional VA health professionals, this bill also helps them update their knowledge and skills so that veterans receive higher quality health care.

Finally, studies have shown that organizational efforts that focus on improving access to opportunity, information, and resources have the potential to empower staff and increase the level of job satisfaction. H.R. 5145 provides the VA with a tool to recruit, retain, and empower key health professionals.

HEARINGS

On March 25, 2010, the Subcommittee on Health held a legislative hearing on a number of bills introduced during the 111th Congress including draft legislation on continuing medical education reimbursements which was later introduced as H.R. 5145. The following witnesses testified: The Honorable Bob Filner of California; The Honorable Steve Scalise of Louisiana; The Honorable Gabrielle Giffords of Arizona; The Honorable Ann Kirkpatrick of Arizona; The Honorable Leonard L. Boswell of Iowa; The Honorable Ginny Brown-Waite of Florida; Ms. Denise A. Williams, Assistant Director, Veterans Affairs and Rehabilitation Commission, The American Legion; Mr. Blake C. Ortner, Senior Associate Legislative Director, Paralyzed Veterans of America; Mr. Eric A. Hilleman, Director National Veterans Service, Veterans of Foreign Wars of the United States; Ms. Joy J. Ilem, Deputy National Legislative Direc-

tor, Disabled American Veterans; Gerald M. Cross, M.D., FAAFP, Deputy Chief for Patient Care Services and Chief Consultant for Primary Care, Veterans Health Administration, U.S. Department of Veterans Affairs who was accompanied by Mr. Walter A. Hall, Assistant General Counsel, Office of General Counsel, U.S. Department of Veterans Affairs; Mr. Brian McVeigh, Chief Consultant, Human Resources Management, Veterans Health Administration, U.S. Department of Veterans Affairs; and, Patricia Vandenberg, MHA, BS, Assistant Deputy Under Secretary for Health for Policy and Planning, Veterans Health Administration, U.S. Department of Veterans Affairs. Those submitting for the record included: the American Federation of Government Employees AFL-CIO; Mr. David J. Holway, National President, National Association of Government Employees (SEIU-NAGE); and, Mr. William R. Dougan, National President, National Federation of Federal Employees.

SUBCOMMITTEE CONSIDERATION

On April 29, 2010, the Subcommittee on Health met in open markup session and ordered favorably forwarded to the full Committee H.R. 5145.

COMMITTEE CONSIDERATION

On May 12, 2010, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 5145 reported favorably to the House of Representatives, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report the legislation and amendments thereto. There were no record votes taken on amendments or in connection with ordering H.R. 5145 reported to the House. A motion by Mr. Stearns of Florida to order H.R. 5145 reported favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by

the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 5145 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 5145 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 5145 provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 2010.

Hon. BOB FILNER,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5145, the Assuring Quality Care for Veterans Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 5145—Assuring Quality Care for Veterans Act

H.R. 5145 would expand an existing program at the Veterans Health Administration (VHA) to reimburse employees for the expenses of continuing professional education. CBO estimates that implementing the bill would cost \$41 million over the 2011–2015 period, assuming appropriation of the necessary amounts. Enacting this legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 5145 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The estimated budgetary impact of H.R. 5145 is shown in the following table. The costs of this legislation fall within budget function 700 (veterans benefits and services).

	By fiscal year, in millions of dollars—					
	2011	2012	2013	2014	2015	2011– 2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	4	9	9	10	10	42
Estimated Outlays	4	8	9	10	10	41

Under current law, VHA is required to reimburse board-certified dentists and physicians, up to \$1,000 a year, for the expenses they incur in taking courses to maintain their professional credentials. According to VHA, there are over 9,500 employees eligible for the program but few request reimbursements because many such educational opportunities are provided free at VHA facilities.

The bill would expand the pool of eligible employees to include several other occupations and would increase the maximum reimbursement to \$1,600 a year. It also would give VHA discretion in deciding whether to reimburse employees. Based on information from VHA, CBO estimates that almost 94,000 employees would be eligible under the bill but that, on average, VHA would reimburse \$1,000 each to about 9,300 employees a year. Assuming appropriation of the necessary amounts, a two-year phase-in period, and annual adjustments for inflation, CBO estimates that implementing the bill would cost \$4 million in 2011, growing to \$10 million a year by 2014.

The CBO staff contact for this estimate is Sunita D'Monte. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 5145 prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 5145.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. 5145 is provided by Article I, section 8 of the Constitution of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title of H.R. 5145 as the “Assuring Quality Care for Veterans Act.”

Section 2. Improvement of continuing professional education reimbursement for health professionals employed by the Department of Veterans Affairs

This section requires the Department of Veterans Affairs to increase the reimbursement for continuing professional education from \$1,000 to \$1,600 to reflect inflationary adjustments since 1991. This section also expands VA’s authority to offer continuing professional education reimbursements beyond physicians and dentists to other health care professionals employed by the VA who need such education in order to maintain their licensure. Finally, this section ensures that VA health professionals may not be reimbursed for the same continuing education expenses provided by a VA medical center.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

PART V—BOARDS, ADMINISTRATIONS, AND SERVICES

* * * * *

CHAPTER 74—VETERANS HEALTH ADMINISTRATION - PERSONNEL

SUBCHAPTER I—APPOINTMENTS

Sec.

7401. Appointments in Veterans Health Administration.

* * * * *

【7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses.】

7411. Full-time health professionals: reimbursement of continuing professional education expenses.

* * * * *

SUBCHAPTER I—APPOINTMENTS

* * * * *

§ 7411. [Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses] *Full-time health professionals: reimbursement of continuing professional education expenses*

The Secretary [shall] *may* reimburse any full-time [board-certified physician or dentist appointed under section 7401(1) of this title] *health professional appointed under paragraph (1) or (3) of section 7401 of this title* for expenses incurred, up to [\\$1,000] *\\$1,600* per year, for continuing professional education *required to maintain licensure*. *No such health professional may receive reimbursement under this section and reimbursement for the same expenses incurred for continuing professional education provided by a Department medical center.*

* * * * *