

117TH CONGRESS
1ST SESSION

S. 3163

To improve access to medical examinations required by veterans to obtain disability compensation or pension under laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2021

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

A BILL

To improve access to medical examinations required by veterans to obtain disability compensation or pension under laws administered by the Secretary of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reform and Update
5 Rural Access to Local Exams Act of 2021” or the
6 “RURAL Exams Act of 2021”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) COVERED MEDICAL DISABILITY EXAMINA-
2 TION.—The term “covered medical disability exam-
3 ination” means a medical examination that the Sec-
4 retary of Veterans Affairs determines necessary for
5 the purposes of adjudicating a benefit under chapter
6 11 or 15 of title 38, United States Code, regardless
7 of whether conducted by an employee or a contractor
8 of the Department of Veterans Affairs.

9 (2) HOUSEBOUND.—The term “housebound”,
10 with respect to a veteran, means—

11 (A) the veteran meets the requirement of
12 “permanently housebound” as described in sec-
13 tion 1114(s) of title 38, United States Code;

14 (B) the veteran meets the requirement of
15 “permanently housebound” as described in sec-
16 tion 1502(c) of such title; or

17 (C) the Secretary has determined that the
18 veteran faces significant difficulty in traveling
19 to obtain a covered medical disability examina-
20 tion.

21 (3) RURAL AREA.—The term “rural area”
22 means any non-urban area, within the meaning of
23 the Rural-Urban Commuting Area Codes system of
24 the Department of Agriculture and the Department
25 of Health and Human Services, or successor system.

1 (4) RURAL VETERAN.—The term “rural vet-
2 eran” means a veteran who resides in a rural area.

3 **SEC. 3. IMPROVING DATA COLLECTION BY DEPARTMENT**
4 **OF VETERANS AFFAIRS ON COVERED MED-**
5 **ICAL DISABILITY EXAMINATIONS.**

6 (a) DATA COLLECTION REQUIRED.—Not later than
7 180 days after the date of the enactment of this Act, the
8 Secretary of Veterans Affairs shall begin collecting data
9 to improve access of veterans to covered medical disability
10 examinations.

11 (b) ELEMENTS.—Data collected under subsection (a)
12 shall include data regarding the following:

13 (1) Timeliness, quality, and veteran satisfaction
14 measurements of covered medical disability examina-
15 tions.

16 (2) Proportion of completed covered medical
17 disability examinations determined to be inadequate
18 for the adjudication of a claim for compensation or
19 pension under chapter 11 or 15 of title 38, United
20 States Code.

21 (3) Every performance standard required for
22 eligibility for financial incentives or disincentives in
23 a contract between the Department of Veterans Af-
24 fairs and any contractor for the provision of a cov-
25 ered medical disability examination.

1 (c) DISAGGREGATION OF DATA.—The Secretary shall
 2 disaggregate data collected under subsection (a) by—

3 (1) State;

4 (2) county; and

5 (3) as the case may be—

6 (A) individual contractor with a Depart-
 7 ment of Veterans Affairs contract for the provi-
 8 sion of a covered medical disability examination;
 9 or

10 (B) individual Veterans Health Adminis-
 11 tration facility conducting a covered medical
 12 disability examination.

13 (d) PUBLICATION.—Not later than one year after the
 14 date of the enactment of this Act, the Secretary shall
 15 make publicly available on an internet website, and up-
 16 dated not less frequently than quarterly, all data collected
 17 under subsection (a).

18 **SEC. 4. STUDY ON IMPROVEMENTS TO DEPARTMENT OF**
 19 **VETERANS AFFAIRS COVERED MEDICAL DIS-**
 20 **ABILITY EXAMINATIONS IN RURAL AREAS.**

21 (a) STUDY REQUIRED.—Not later than one year
 22 after the date of the enactment of this Act, the Secretary
 23 of Veterans Affairs shall complete a study on access by
 24 rural veterans to covered medical disability examinations.

25 (b) ELEMENTS.—

1 (1) IN GENERAL.—The study conducted under
2 subsection (a) shall include the following:

3 (A) A comparison of the average number
4 of days to complete covered medical disability
5 examinations for rural veterans compared to
6 the national non-rural average time to complete
7 covered medical disability examinations, by ei-
8 ther contractors or employees of the Depart-
9 ment.

10 (B) A root cause analysis of differences
11 identified pursuant to subparagraph (A).

12 (C) The plan of the Secretary for the fol-
13 lowing year to improve access described in sub-
14 section (a), which shall include a plan for the
15 pursuit of a commercial or industry-standard
16 solution or technology that could enable rural
17 or housebound veterans to receive examinations
18 without traveling long distances.

19 (2) NATIONAL NON-RURAL AVERAGE DE-
20 FINED.—For purposes of paragraph (1)(A), the
21 term “national non-rural average” means the na-
22 tional average of all periods in the previous calendar
23 year—

24 (A) beginning on the date on which a con-
25 tractor received a request from the Secretary to

1 conduct a covered medical disability examina-
2 tion for a veteran who is not a rural veteran;
3 and

4 (B) ending on the date on which the exam-
5 ination was completed.

6 (c) REPORT ON STUDY.—Not later than one year
7 after the date of the enactment of this Act, the Secretary
8 shall submit to the Committee on Veterans' Affairs of the
9 Senate and the Committee on Veterans' Affairs of the
10 House of Representatives a report on the findings of the
11 Secretary with respect to the study completed under sub-
12 section (a).

13 (d) ANNUAL REPORT ON PLANS.—Not later than two
14 years after the date of the enactment of this Act and not
15 less frequently than once each year thereafter, the Sec-
16 retary shall submit to the Committee on Veterans' Affairs
17 of the Senate and the Committee on Veterans' Affairs of
18 the House of Representatives a report evaluating the con-
19 duct of the plans of the Secretary to improve access de-
20 scribed in subsection (a) and a new or revised plan for
21 such improvement in the following year.

1 **SEC. 5. DEPARTMENT OF VETERANS AFFAIRS TIMELINESS**
2 **REQUIREMENTS FOR PROVISION OF COV-**
3 **ERED MEDICAL DISABILITY EXAMINATIONS**
4 **BY CONTRACTORS TO RURAL AND HOUSE-**
5 **BOUND VETERANS.**

6 In each contract entered into by the Secretary of Vet-
7 erans Affairs after the date of the enactment of this Act
8 for the provision by a contractor of a covered medical dis-
9 ability examination, the Secretary shall include the fol-
10 lowing:

11 (1) Such financial incentives as the Secretary
12 considers appropriate to encourage a contractor to
13 provide a covered medical disability examination to
14 a rural veteran or a housebound veteran in a timely
15 manner.

16 (2) Such financial disincentives as the Secretary
17 considers appropriate to discourage a contractor
18 from failing to provide a covered medical disability
19 examination to a rural veteran or a housebound vet-
20 eran in a timely manner.

21 (3) A requirement that the contractor cooperate
22 with inspections conducted under the program re-
23 quired by section 6(a).

1 **SEC. 6. ANNUAL INSPECTIONS BY DEPARTMENT OF VET-**
2 **ERANS AFFAIRS OF FACILITIES USED BY**
3 **CONTRACTORS FOR PROVISION OF COVERED**
4 **MEDICAL DISABILITY EXAMINATIONS.**

5 (a) PROGRAM REQUIRED.—Not later than one year
6 after the date of the enactment of this Act, the Secretary
7 of Veterans Affairs shall establish a program of periodic
8 inspections of sites, locations, and facilities where covered
9 medical disability examinations are provided by contrac-
10 tors of the Department of Veterans Affairs.

11 (b) NUMBER AND PERIODICITY.—

12 (1) IN GENERAL.—Under the program required
13 by subsection (a), the Secretary shall, each year, in-
14 spect not fewer than three percent of all sites, loca-
15 tions, and facilities used by a contractor of the De-
16 partment to provide a covered medical disability ex-
17 amination during the previous one-year period.

18 (2) INITIAL INSPECTIONS.—Paragraph (1) shall
19 apply with respect to the first one-year period begin-
20 ning after the date of the establishment of the pro-
21 gram pursuant to subsection (a) and each year
22 thereafter.

23 (c) SELECTION OF SITES, LOCATIONS, AND FACILI-
24 TIES FOR INSPECTION.—Under the program required by
25 subsection (a), the Secretary shall—

1 (1) use both random and targeted methods of
2 selecting sites, locations, and facilities for inspection;
3 and

4 (2) ensure that the number of inspections of
5 sites, locations, and facilities in rural areas bears the
6 same ratio to the total number of inspections as the
7 number of covered medical disability examinations
8 provided by contractors of the Department to rural
9 veterans bears to the total number of covered med-
10 ical disability examinations provided by contractors
11 of the Department to all veterans.

12 (d) NOTICE AND TIMING.—Each inspection under
13 the program required by subsection (a) shall be conducted
14 during such business hours as the Secretary considers rea-
15 sonable and the Secretary shall provide no more notice
16 than the Secretary considers necessary to ensure the in-
17 spected facility is available for such inspection.

18 (e) ELEMENTS.—Each inspection conducted under
19 the program required by subsection (a) shall include in-
20 spection of a site, location, or facility for the following:

21 (1) Compliance with the terms of any applicable
22 contract.

23 (2) Compliance with the Americans with Dis-
24 abilities Act of 1990 (42 U.S.C. 12101 et seq.).

25 (3) Cleanliness.

1 (4) General fitness for a covered medical dis-
2 ability examination.

3 (5) Such other elements as the Secretary con-
4 siders necessary to ensure that covered medical dis-
5 ability examinations provided on behalf of the De-
6 partment are safe, clean, accessible, and dignified.

7 (f) ANNUAL REPORTS.—Not later than one year after
8 the date of the establishment of the program required by
9 subsection (a), the Secretary shall submit to the Com-
10 mittee on Veterans' Affairs of the Senate and the Com-
11 mittee on Veterans' Affairs of the House of Representa-
12 tives a report on the findings of the Secretary with respect
13 to the inspections conducted under the program during the
14 one-year period ending on the date of the submittal of the
15 report.

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