

117TH CONGRESS
2D SESSION

S. 3603

To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the ability of veterans to access medical care in medical facilities of the Department of Veterans Affairs and in the community by providing veterans the ability to choose health care providers.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 3), 2022

Mrs. BLACKBURN (for herself and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the ability of veterans to access medical care in medical facilities of the Department of Veterans Affairs and in the community by providing veterans the ability to choose health care providers.

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 Health Care
5 Freedom Act”.

1 **SEC. 2. PILOT PROGRAM ON ABILITY OF VETERANS TO**
2 **CHOOSE HEALTH CARE PROVIDERS.**

3 (a) PILOT PROGRAM.—

4 (1) REQUIREMENT.—The Secretary of Veterans
5 Affairs, acting through the Center for Innovation for
6 Care and Payment of the Department of Veterans
7 Affairs, shall carry out a pilot program to improve
8 the ability of eligible veterans to access hospital care,
9 medical services, and extended care services through
10 the covered care system by providing eligible vet-
11 erans the ability to choose health care providers.

12 (2) LOCATIONS.—The Secretary shall select a
13 minimum of four Veterans Integrated Service Net-
14 works in which to carry out the pilot program.

15 (b) REMOVAL OF CERTAIN REQUIREMENTS TO AC-
16 CESS CARE.—In carrying out the pilot program, the Sec-
17 retary shall furnish hospital care, medical services, and ex-
18 tended care services to eligible veterans through the cov-
19 ered care system as follows:

20 (1) At medical facilities of the Department of
21 Veterans Affairs, regardless of whether the facility is
22 in the same Veterans Integrated Service Network as
23 the Network in which the veteran resides.

24 (2) At non-Department facilities pursuant to,
25 as appropriate—

1 (A) section 1703 of title 38, United States
2 Code, without regard to the requirements speci-
3 fied in subsection (d) of such section; or

4 (B) section 1703A of such title, without re-
5 gard to whether the care or service is not fea-
6 sibly available to the eligible veteran from a fa-
7 cility of the Department or through a contract
8 or sharing agreement entered into pursuant to
9 a provision of law other than such section as re-
10 quired under subparagraphs (A) and (C) of
11 subsection (a)(1) of such section.

12 (c) ELECTION OF VETERAN.—In accordance with
13 subsections (d) and (e), an eligible veteran participating
14 in the pilot program may elect to receive hospital care,
15 medical services, and extended care services at any pro-
16 vider in the covered care system.

17 (d) COORDINATION OF CARE.—

18 (1) SELECTION.—Each eligible veteran partici-
19 pating in the pilot program shall select a primary
20 care provider in the covered care system.

21 (2) COORDINATION.—The primary care pro-
22 vider of an eligible veteran selected under paragraph
23 (1) shall—

24 (A) coordinate with the Secretary and
25 other health care providers the hospital care,

1 medical services, and extended care services fur-
2 nished to the veteran under the pilot program;
3 and

4 (B) refer the veteran to specialty care pro-
5 viders in the covered care system, as clinically
6 necessary.

7 (3) SYSTEMS.—The Secretary shall establish
8 systems as the Secretary determines appropriate to
9 ensure that a primary care provider can effectively
10 coordinate the hospital care, medical services, and
11 extended care services furnished to a veteran under
12 the pilot program.

13 (e) SPECIALTY CARE.—

14 (1) ACCESS.—Subject to subsection (d)(2)(B),
15 an eligible veteran participating in the pilot program
16 may select any specialty care provider in the covered
17 care system from which to receive specialty care.

18 (2) DESIGNATION.—The Secretary may des-
19 ignate a specialty care provider as a primary care
20 provider of an eligible veteran participating in the
21 pilot program if the Secretary determines that such
22 designation is in the health interests of the veteran
23 (such as an endocrinologist with respect to a veteran
24 diagnosed with diabetes, a neurologist with respect
25 to a veteran diagnosed with Parkinson’s disease, or

1 an obstetrician-gynecologist with respect to a female
2 veteran).

3 (f) MENTAL HEALTH CARE.—An eligible veteran
4 participating in the pilot program may select a mental
5 health care provider in the covered care system from which
6 to receive mental health care.

7 (g) INFORMATION.—In carrying out the pilot pro-
8 gram, the Secretary shall furnish to eligible veterans the
9 information on eligibility, cost sharing, treatments, and
10 providers required for veterans to make informed decisions
11 with respect to—

12 (1) selecting primary care providers and spe-
13 cialty care providers; and

14 (2) treatments available to the veteran.

15 (h) DURATION.—

16 (1) PHASE IN.—The Secretary shall carry out
17 the pilot program during the three-year period be-
18 ginning on the date that is one year after the date
19 of the enactment of this Act.

20 (2) PERMANENT REQUIREMENT.—

21 (A) VETERANS COMMUNITY CARE PRO-
22 GRAM.—Section 1703(d) of title 38, United
23 States Code, is amended—

24 (i) in paragraph (1), by striking “The
25 Secretary shall” and inserting “Except as

1 provided by paragraph (4), the Secretary
2 shall”; and

3 (ii) by adding at the end the following
4 new paragraph:

5 “(4) Beginning on the date that is four years after
6 the date of the enactment of the Veterans Health Care
7 Freedom Act—

8 “(A) the requirements under paragraphs (1),
9 (2), and (3) shall not apply with respect to fur-
10 nishing hospital care, medical services, and extended
11 care services to a covered veteran under this section;
12 and

13 “(B) the Secretary shall furnish hospital care,
14 medical services, and extended care services to a cov-
15 ered veteran under this section with the same condi-
16 tions on the ability of the veteran to choose health
17 care providers as specified in the pilot program de-
18 scribed in section 2 of such Act.”.

19 (B) VETERANS CARE AGREEMENTS.—Sec-
20 tion 1703A(a)(1) of such title is amended—

21 (i) in subparagraph (C), by striking
22 “For purposes” and inserting “Except as
23 provided by subparagraph (E), for pur-
24 poses”; and

1 (ii) by adding at the end the following
2 new subparagraph:

3 “(E) Beginning on the date that is four years after
4 the date of the enactment of the Veterans Health Care
5 Freedom Act—

6 “(i) the requirement under subparagraph (A)
7 and (C) that care or services may only be furnished
8 under this section to covered individuals when such
9 care or services are not feasibly available to the cov-
10 ered individual from a facility of the Department or
11 through a contract or sharing agreement entered
12 into pursuant to a provision of law other than this
13 section shall not apply with respect to furnishing
14 hospital care, medical services, and extended care
15 services to a covered individual under this section;
16 and

17 “(ii) the Secretary shall furnish hospital care,
18 medical services, and extended care services to a cov-
19 ered individual under this section with the same con-
20 ditions on the ability of the individual to choose
21 health care providers as specified in the pilot pro-
22 gram described in section 2 of such Act.”.

23 (C) VISNs.—Beginning on the date that is
24 four years after the date of the enactment of
25 this Act, the Secretary shall furnish hospital

1 care, medical services, and extended care serv-
2 ices to veterans under chapter 17 of title 38,
3 United States Code, at medical facilities of the
4 Department of Veterans Affairs, regardless of
5 whether the facility is in the same Veterans In-
6 tegrated Service Network as the Network in
7 which the veteran resides.

8 (i) REPORTS.—

9 (1) IMPLEMENTATION.—

10 (A) IN GENERAL.—On a quarterly basis
11 during the two-year period beginning on the
12 date of the enactment of this Act, the Secretary
13 shall submit to the Committee on Veterans' Af-
14 fairs of the Senate and the Committee on Vet-
15 erans' Affairs of the House of Representatives
16 a report on the implementation of the pilot pro-
17 gram.

18 (B) FINAL DESIGN.—One of the reports
19 required under subparagraph (A) shall contain
20 a description of the final design of the pilot pro-
21 gram.

22 (2) ANNUAL.—On an annual basis during the
23 period beginning on the date that is one year after
24 the date of the submission of the final report under
25 paragraph (1) and ending on the date of the conclu-

1 sion of the pilot program, the Secretary shall submit
2 to the Committee on Veterans' Affairs of the Senate
3 and the Committee on Veterans' Affairs of the
4 House of Representatives a report on the results of
5 the pilot program.

6 (j) REGULATIONS.—The Secretary, in consultation
7 with the Committee on Veterans' Affairs of the Senate and
8 the Committee on Veterans' Affairs of the House of Rep-
9 resentatives, may prescribe regulations to carry out this
10 section.

11 (k) NO ADDITIONAL APPROPRIATIONS.—No addi-
12 tional funds are authorized to be appropriated to carry
13 out this section and the amendments made by this section,
14 and this section and the amendments made by this section
15 shall be carried out using amounts otherwise made avail-
16 able to the Veterans Health Administration.

17 (l) DEFINITIONS.—In this section:

18 (1) COVERED CARE SYSTEM.—The term “cov-
19 ered care system” means each—

20 (A) medical facility of the Department;

21 (B) health care provider specified in sub-
22 section 1703(c) of title 38, United States Code;
23 and

1 (C) eligible entity or provider that has en-
2 tered into a Veterans Care Agreement under
3 section 1703A of such title.

4 (2) ELIGIBLE VETERAN.—The term “eligible
5 veteran” means a veteran who is enrolled in the pa-
6 tient enrollment system of the Department of Vet-
7 erans Affairs under section 1705 of title 38, United
8 States Code.

9 (3) HOSPITAL CARE; MEDICAL SERVICES; NON-
10 DEPARTMENT FACILITIES.—The terms “hospital
11 care”, “medical services”, and “non-Department fa-
12 cilities” have the meanings given those terms in sec-
13 tion 1701 of title 38, United States Code.

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