

118TH CONGRESS
1ST SESSION

S. 3284

To amend title 38, United States Code, to modify the limitation on reimbursement for emergency treatment of amounts owed to a third party or for which the veteran is responsible under a health-plan contract.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 2023

Mr. BLUMENTHAL 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 modify the limitation on reimbursement for emergency treatment of amounts owed to a third party or for which the veteran is responsible under a health-plan contract.

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 Emergency
5 Care Reimbursement Act of 2023”.

1 **SEC. 2. MODIFICATION OF LIMITATION ON REIMBURSE-**
2 **MENT FOR EMERGENCY TREATMENT OF**
3 **AMOUNTS OWED TO A THIRD PARTY OR FOR**
4 **WHICH THE VETERAN IS RESPONSIBLE**
5 **UNDER A HEALTH-PLAN CONTRACT.**

6 (a) IN GENERAL.—Section 1725(c)(4)(D) of title 38,
7 United States Code, is amended—

8 (1) by striking “The Secretary” and inserting
9 “(i) The Secretary”;

10 (2) in clause (i), as designated by paragraph
11 (1), by striking “or similar payment” and inserting
12 “of less than \$100”; and

13 (3) by adding at the end the following new
14 clause:

15 “(ii) In this subparagraph, the term ‘copayment’
16 means a fixed amount paid by an individual for a covered
17 health service received by the individual and does not in-
18 clude any amount paid for a deductible or coinsurance.”.

19 (b) APPLICATION OF AMENDMENT.—The amend-
20 ments made by subsection (a) shall apply with respect to
21 any reimbursement claim under section 1725 of such title
22 submitted to the Department of Veterans Affairs for
23 emergency treatment furnished on or after February 1,
24 2010, including any such claim submitted by a member
25 of the certified class seeking relief in *Wolfe v. McDonough*,
26 No. 18–6091 (U.S. Vet. App.).

1 (c) DEFINITIONS.—In this section:

2 (1) EMERGENCY TREATMENT; HEALTH-PLAN
3 CONTRACT.—The terms “emergency treatment” and
4 “health-plan contract” have the meanings given
5 those terms in section 1725(h) of title 38, United
6 States Code.

7 (2) REIMBURSEMENT CLAIM.—The term “reim-
8 bursement claim” includes any claim by a veteran
9 for reimbursement of a copayment, deductible, coin-
10 surance, or any other type of cost share for emer-
11 gency treatment furnished to the veteran in a non-
12 Department of Veterans Affairs facility and made by
13 a veteran who had coverage under a health-plan con-
14 tract, including any claim for the reasonable value of
15 emergency treatment that was rejected or denied by
16 the Department of Veterans Affairs, whether the re-
17 jection or denial was final or not.

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