

118TH CONGRESS
2D SESSION

S. 3979

To amend title 38, United States Code, to make permanent and codify the pilot program for use of contract physicians for disability examinations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2024

Mr. MORAN (for himself and Mr. KING) 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 make permanent and codify the pilot program for use of contract physicians for disability examinations, 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. MAKING PERMANENT AND CODIFYING PILOT**
4 **PROGRAM FOR USE OF CONTRACT PHYSI-**
5 **CIANS FOR DISABILITY EXAMINATIONS.**

6 (a) IN GENERAL.—Subchapter I of chapter 51 of title
7 38, United States Code, is amended by inserting after sec-
8 tion 5103A the following new section:

1 **“§ 5103B. Use of contract physicians for disability ex-**
 2 **aminations**

3 “(a) AUTHORITY.—

4 “(1) IN GENERAL.—Examinations with respect
 5 to medical disability of applicants for benefits under
 6 laws administered by the Secretary that are carried
 7 out through the Under Secretary for Benefits may
 8 be made by persons other than employees of the De-
 9 partment.

10 “(2) CONTRACTS.—Any examination by a per-
 11 son under paragraph (1) shall be performed pursu-
 12 ant to a contract entered into by the Under Sec-
 13 retary for Benefits with that person.

14 “(b) LICENSURE OF CONTRACT HEALTH CARE PRO-
 15 FESSIONALS.—

16 “(1) IN GENERAL.—Notwithstanding any provi-
 17 sion of law regarding the licensure of health care
 18 professionals, a health care professional described in
 19 paragraph (2) may conduct an examination pursu-
 20 ant to a contract entered into under subsection (a)
 21 at any location in any State so long as the examina-
 22 tion is within the scope of the authorized duties
 23 under such contract.

24 “(2) HEALTH CARE PROFESSIONAL DE-
 25 SCRIBED.—A health care professional described in
 26 this paragraph is a person who is eligible for ap-

1 pointment to a position in the Veterans Health Ad-
2 ministration covered by section 7402(b) of this title,
3 who—

4 “(A) has a current unrestricted license to
5 practice the health care profession of the health
6 care professional;

7 “(B) is not barred from practicing such
8 health care profession in any State; and

9 “(C) is performing authorized duties for
10 the Department pursuant to a contract entered
11 into under subsection (a).

12 “(c) SOURCE OF FUNDS.—Expenses of carrying out
13 this section, including payments for examination travel
14 and incidental expenses under the terms and conditions
15 set forth by section 111 of this title, shall be reimbursed
16 to the accounts available for the general operating ex-
17 penses of the Veterans Benefits Administration and infor-
18 mation technology systems from amounts available to the
19 Secretary for payment of compensation and pensions.

20 “(d) MECHANISM FOR TRANSMITTAL OF NEW AND
21 MATERIAL MEDICAL EVIDENCE INTRODUCED BY APPLI-
22 CATIONS DURING EXAMINATIONS.—The Secretary shall
23 establish a mechanism whereby a health care professional
24 providing an examination under subsection (a) for an ap-
25 plicant for a benefit described in such subsection can

1 transmit to the Secretary medical evidence introduced by
 2 the applicant during such examination that the health care
 3 professional considers new and material to the applica-
 4 tion.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 after the beginning of chapter 51 of such title is amended
 7 by inserting after the item relating to section 5103A the
 8 following new item:

“5103B. Use of contract physicians for disability examinations.”.

9 (c) TERMINATION OF PILOT PROGRAM.—The pilot
 10 program under section 504(a) of the Veterans’ Benefits
 11 Improvements Act of 1996 (Public Law 104–275; 38
 12 U.S.C. 5101 note) is hereby terminated.

13 (d) REPORT TO CONGRESS.—Not later than 3 years
 14 after the date of the enactment of this Act, the Secretary
 15 of Veterans Affairs shall submit to the Congress a report
 16 on the effect of the use of the authority provided by sec-
 17 tion 5103B of such title, as added by subsection (a), on
 18 the cost, timeliness, and thoroughness of medical disability
 19 examinations.

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