



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To ensure that veterans receive timely and effective emergency treatment during the COVID-19 emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PAPPAS introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure that veterans receive timely and effective emergency treatment during the COVID-19 emergency, 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 “Emergency Care for
5 Veterans During COVID Act”.

1 **SEC. 2. EMERGENCY TREATMENT FOR VETERANS DURING**
2 **COVID-19 EMERGENCY PERIOD.**

3 (a) EMERGENCY TREATMENT.—Notwithstanding
4 section 1725 or 1728 of title 38, United States Code, or
5 any other provision of law administered by the Secretary
6 of Veterans Affairs pertaining to furnishing emergency
7 treatment to veterans at non-Department facilities, during
8 the period of a covered public health emergency, the Sec-
9 retary of Veterans Affairs shall furnish to an eligible vet-
10 eran emergency treatment at a non-Department facility in
11 accordance with this section.

12 (b) AUTHORIZATION NOT REQUIRED.—The Sec-
13 retary may not require an eligible veteran to seek author-
14 ization by the Secretary for emergency treatment fur-
15 nished to the veteran pursuant to subsection (a).

16 (c) PAYMENT RATES.—

17 (1) DETERMINATION.—The rate paid for emer-
18 gency treatment furnished to eligible veterans pursu-
19 ant to subsection (a) shall be equal to the rate paid
20 by the United States to a provider of services (as de-
21 fined in section 1861(u) of the Social Security Act
22 (42 U.S.C. 1395x(u))) or a supplier (as defined in
23 section 1861(d) of such Act (42 U.S.C. 1395x(d)))
24 under the Medicare program under title XI or title
25 XVIII of the Social Security Act (42 U.S.C. 1301 et

1 seq.), including section 1834 of such Act (42 U.S.C.
2 1395m), for the same treatment.

3 (2) FINALITY.—A payment in the amount pay-
4 able under paragraph (1) for emergency treatment
5 furnished to an eligible veteran pursuant to sub-
6 section (a) shall be considered payment in full and
7 shall extinguish the veteran’s liability to the provider
8 of such treatment, unless the provider rejects the
9 payment and refunds to the United States such
10 amount by not later than 30 days after receiving the
11 payment.

12 (d) CLAIMS PROCESSED BY THIRD PARTY ADMINIS-
13 TRATORS.—

14 (1) REQUIREMENT.—Not later than 30 days
15 after the date of the enactment of this Act, the Sec-
16 retary shall seek to award a contract to one or more
17 entities, or to modify an existing contract, to process
18 claims for payment for emergency treatment fur-
19 nished to eligible veterans pursuant to subsection
20 (a).

21 (2) PROMPT PAYMENT STANDARD.—Section
22 1703D of title 38, United States Code, shall apply
23 with respect to claims for payment for emergency
24 treatment furnished to eligible veterans pursuant to
25 subsection (a).

1 (e) PRIMARY PAYER.—The Secretary shall be the pri-
2 mary payer with respect to emergency treatment furnished
3 to eligible veterans pursuant to subsection (a), and with
4 respect to the transportation of a veteran by ambulance.
5 In any case in which an eligible veteran is furnished such
6 emergency treatment for a non-service-connected disability
7 described in subsection (a)(2) of section 1729 of title 38,
8 United States Code, the Secretary shall recover or collect
9 reasonable charges for such treatment from a health plan
10 contract described in such section 1729 in accordance with
11 such section.

12 (f) APPLICATION.—This section shall apply to emer-
13 gency treatment furnished to eligible veterans during the
14 period of a covered public health emergency, regardless of
15 whether the treatment was furnished before the date of
16 the enactment of this Act.

17 (g) DEFINITIONS.—In this section:

18 (1) The term “covered public health emer-
19 gency” means the declaration—

20 (A) of a public health emergency, based on
21 an outbreak of COVID–19 by the Secretary of
22 Health and Human Services under section 319
23 of the Public Health Service Act (42 U.S.C.
24 247d); or

1 (B) of a domestic emergency, based on an
2 outbreak of COVID–19 by the President, the
3 Secretary of Homeland Security, or a State or
4 local authority.

5 (2) The term “eligible veteran” means a vet-
6 eran enrolled in the health care system established
7 under section 1705 of title 38, United States Code.

8 (3) The term “emergency treatment” means
9 medical care or services rendered in a medical emer-
10 gency of such nature that a prudent layperson rea-
11 sonably expects that delay in seeking immediate
12 medical attention would be hazardous to life or
13 health.

14 (4) The term “non-Department facility” has
15 the meaning given that term in section 1701 of title
16 38, United States Code.