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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Care for Veterans During COVID Act”.

(Original Signature of Member)
SEC. 2. EMERGENCY TREATMENT FOR VETERANS DURING COVID–19 EMERGENCY PERIOD.

(a) EMERGENCY TREATMENT.—Notwithstanding section 1725 or 1728 of title 38, United States Code, or any other provision of law administered by the Secretary of Veterans Affairs pertaining to furnishing emergency treatment to veterans at non-Department facilities, during the period of a covered public health emergency, the Secretary of Veterans Affairs shall furnish to an eligible veteran emergency treatment at a non-Department facility in accordance with this section.

(b) AUTHORIZATION NOT REQUIRED.—The Secretary may not require an eligible veteran to seek authorization by the Secretary for emergency treatment furnished to the veteran pursuant to subsection (a).

(c) PAYMENT RATES.—

(1) DETERMINATION.—The rate paid for emergency treatment furnished to eligible veterans pursuant to subsection (a) shall be equal to the rate paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XI or title XVIII of the Social Security Act (42 U.S.C. 1301 et
(2) Finality.—A payment in the amount payable under paragraph (1) for emergency treatment furnished to an eligible veteran pursuant to subsection (a) shall be considered payment in full and shall extinguish the veteran’s liability to the provider of such treatment, unless the provider rejects the payment and refunds to the United States such amount by not later than 30 days after receiving the payment.

(d) Claims Processed by Third Party Administrators.—

(1) Requirement.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall seek to award a contract to one or more entities, or to modify an existing contract, to process claims for payment for emergency treatment furnished to eligible veterans pursuant to subsection (a).

(2) Prompt Payment Standard.—Section 1703D of title 38, United States Code, shall apply with respect to claims for payment for emergency treatment furnished to eligible veterans pursuant to subsection (a).
(c) PRIMARY PAYER.—The Secretary shall be the primary payer with respect to emergency treatment furnished to eligible veterans pursuant to subsection (a), and with respect to the transportation of a veteran by ambulance. In any case in which an eligible veteran is furnished such emergency treatment for a non-service-connected disability described in subsection (a)(2) of section 1729 of title 38, United States Code, the Secretary shall recover or collect reasonable charges for such treatment from a health plan contract described in such section 1729 in accordance with such section.

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

(g) DEFINITIONS.—In this section:

(1) The term “covered public health emergency” means the declaration—

(A) of a public health emergency, based on an outbreak of COVID–19 by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or
(B) of a domestic emergency, based on an outbreak of COVID–19 by the President, the Secretary of Homeland Security, or a State or local authority.

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

(3) The term “emergency treatment” means medical care or services rendered in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health.

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