

116TH CONGRESS  
2D SESSION

# H. R. 6591

To ensure that veterans receive timely and effective health care under the Veterans Community Care Program and Veterans Care Agreements during the COVID–19 emergency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2020

Mr. PAPPAS introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To ensure that veterans receive timely and effective health care under the Veterans Community Care Program and Veterans Care Agreements 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. COMMUNITY CARE FOR VETERANS DURING**  
4       **COVID–19 EMERGENCY.**

5       (a) VETERANS COMMUNITY CARE PROGRAM AND  
6       VETERANS CARE AGREEMENTS.—

7               (1) ELIGIBILITY.—During the period of a cov-  
8       ered public health emergency, any veteran covered

1 by subsection (b) of section 1703 or subsection (l)  
2 of section 1703A of title 38, United States Code,  
3 may receive COVID–19 care pursuant to such re-  
4 spective section, regardless of whether such care is  
5 for a service-connected disability.

6 (2) PREAUTHORIZATION NOT REQUIRED.—

7 (A) IN GENERAL.—During the period of a  
8 covered public health emergency, in carrying  
9 out section 1703(a)(3) of title 38, United  
10 States Code, the Secretary of Veterans Affairs  
11 shall treat hospital care and services described  
12 in subparagraph (B) as being authorized by the  
13 Secretary under such section, regardless of  
14 whether the Secretary is notified of such care  
15 by any deadline otherwise required by the Sec-  
16 retary for purposes of such section.

17 (B) HOSPITAL CARE AND SERVICES DE-  
18 SCRIBED.—The hospital care and services de-  
19 scribed in this subparagraph are the following:

20 (i) COVID–19 care.

21 (ii) Emergency medical care and serv-  
22 ices.

23 (b) EMERGENCY TREATMENT.—

24 (1) RULE.—During the period of a covered  
25 public health emergency, the Secretary of Veterans

1       Affairs shall administer claims for payments relating  
2       to emergency COVID–19 care as follows:

3               (A) If the community care provider that  
4               furnished the care is an eligible provider under  
5               section 1703 of title 38, United States Code,  
6               the Secretary shall administer the claim pursu-  
7               ant to that section.

8               (B) If the community care provider has en-  
9               tered into a Veterans Care Agreement under  
10              section 1703A of such title, the Secretary shall  
11              administer the claim pursuant to that section.

12             (C) If the community care provider is not  
13             described in subparagraph (A) or (B) of this  
14             paragraph, the Secretary shall administer the  
15             claim pursuant to section 1725 or 1728 of such  
16             title, as the case may be.

17             (2) SCOPE OF TREATMENT.—During the period  
18             of a covered public health emergency, emergency  
19             COVID–19 care furnished to veterans shall be  
20             deemed to be “emergency treatment” for purposes of  
21             sections 1725 and 1728 of title 38, United States  
22             Code, regardless of whether—

23               (A) such care meets the requirements of  
24               subparagraphs (A) and (B) of subsection (f)(1)  
25               of such section 1725; or

1 (B) such care is furnished after the vet-  
2 eran can be transferred, or is accepted for a  
3 transfer, to a facility of the Department of Vet-  
4 erans Affairs or other Federal facility as de-  
5 scribed in clauses (i) and (ii) of subparagraph  
6 (C) of such subsection.

7 (3) ENROLLMENT REQUIREMENTS.—During  
8 the period of a covered public health emergency, in  
9 carrying out section 1725 of title 38, United States  
10 Code, the Secretary shall determine whether a vet-  
11 eran who receives emergency COVID–19 care is an  
12 active Department health care participant under  
13 subsection (b) of such section without regard to  
14 whether the veteran meets the requirement in para-  
15 graph (2)(B) of such subsection.

16 (4) SUBMISSION OF CLAIMS.—During the pe-  
17 riod of a covered public health emergency, subsection  
18 (b) of section 1703D of title 38, United States Code,  
19 shall apply with respect to community care providers  
20 furnishing emergency COVID–19 care to veterans  
21 pursuant to sections 1725 and 1728 of title 38,  
22 United States Code.

23 (c) PRIMARY PAYER.—During the period of a covered  
24 public health emergency, notwithstanding section 1725 of  
25 title 38, United States Code, or any other provision of law,

1 the Secretary of Veterans Affairs shall be the primary  
2 payer with respect to COVID–19 care furnished to vet-  
3 erans, including with respect to the transportation of a  
4 veteran by ambulance. The Secretary may seek reimburse-  
5 ment from any third party that would otherwise be liable  
6 for such care, or be obligated to provide or to pay the  
7 expenses of such care, including pursuant to a health-plan  
8 contract.

9 (d) APPLICATION.—This section shall apply to med-  
10 ical care or services furnished during the period of a cov-  
11 ered public health emergency, regardless of whether such  
12 care or services were furnished before the date of the en-  
13 actment of this Act.

14 (e) DEFINITIONS.—In this section:

15 (1) The term “community care provider” has  
16 the meaning given the term “health care entity or  
17 provider” in section 1703D(i) of title 38, United  
18 States Code.

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

21 (A) of a public health emergency, based on  
22 an outbreak of COVID–19 by the Secretary of  
23 Health and Human Services under section 319  
24 of the Public Health Service Act (42 U.S.C.  
25 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 (3) The term “COVID–19 care” means medical  
6 care or services furnished to a veteran by a commu-  
7 nity care provider pursuant to chapter 17 of title 38,  
8 United States Code, or other provision of law admin-  
9 istered by the Secretary of Veterans Affairs, for the  
10 diagnosis or treatment of COVID–19.

11 (4) The term “health-plan contract” and “third  
12 party” have the meanings given those terms in sec-  
13 tion 1725 of title 38, United States Code.

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