

115TH CONGRESS  
2D SESSION

# H. R. 1972

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## AN ACT

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to waive the requirement of certain veterans to make copayments for hospital care and medical services in the case of an error by the Department of Veterans Affairs, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “VA Billing Account-  
3 ability Act”.

4 **SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS**  
5 **TO WAIVE REQUIREMENT OF CERTAIN VET-**  
6 **ERANS TO MAKE COPAYMENTS FOR CARE**  
7 **AND SERVICES IN THE CASE OF DEPART-**  
8 **MENT OF VETERANS AFFAIRS ERROR.**

9       (a) HOSPITAL CARE, NURSING HOME CARE, AND  
10 MEDICAL SERVICES.—Section 1710(f)(3) of title 38,  
11 United States Code, is amended by adding at the end the  
12 following new subparagraph:

13       “(G) The Secretary may waive the requirement of a  
14 veteran to make a payment under this subsection or sub-  
15 section (g) if—

16               “(i) an error committed by the Department or  
17 an employee of the Department was the cause of de-  
18 laying notification sent to the veteran of the require-  
19 ment to make the payment; and

20               “(ii) the veteran received such notification later  
21 than 180 days after the date on which the veteran  
22 received the care or services for which the payment  
23 was required.”.

24       (b) MEDICATIONS.—Section 1722A of such title is  
25 amended—

1           (1) by redesignating subsection (c) as sub-  
2       section (d); and

3           (2) by inserting after subsection (b) the fol-  
4       lowing new subsection (c):

5       “(c) The Secretary may waive the requirement of a  
6       veteran to make a payment under this section if—

7           “(1) an error committed by the Department or  
8       an employee of the Department was the cause of de-  
9       laying notification sent to the veteran of the require-  
10      ment to make the payment; and

11          “(2) the veteran received such notification later  
12      than 180 days after the date on which the veteran  
13      received the medication for which the payment was  
14      required.”.

15      (c) BILLING PROCEDURES.—

16          (1) IN GENERAL.—Subchapter I of chapter 17  
17      of such title is amended by adding at the end the  
18      following new section:

19      **“§ 1709C. Procedures for copayments**

20          “(a) CARE AT DEPARTMENT FACILITY.—(1) In re-  
21      quiring a veteran to make a payment for care or services  
22      provided at a medical facility of the Department pursuant  
23      to this chapter, including sections 1710 and 1722A, the  
24      Secretary shall provide to such veteran a notification of  
25      such required payment by not later than 180 days after

1 the date on which the veteran receives the care or services  
2 for which payment is required.

3 “(2) If the Secretary does not provide to a veteran  
4 a notification of the required payment by the date required  
5 under paragraph (1), the Secretary may not collect such  
6 payment, including through a third-party entity, unless  
7 the Secretary provides the veteran the following:

8 “(A) Information regarding how to apply for a  
9 waiver described in section 1710(f)(3)(G) or section  
10 1722A(c) of this title, as appropriate.

11 “(B) Information regarding how to establish a  
12 payment plan with the Secretary.

13 “(C) Opportunity to make such a waiver or es-  
14 tablish such a payment plan.

15 “(b) CARE AT NON-DEPARTMENT FACILITY.—(1) In  
16 requiring a veteran to make a payment for care or services  
17 provided at a non-Department facility pursuant to this  
18 chapter or other provision of law, the Secretary shall pro-  
19 vide to such veteran a notification of such required pay-  
20 ment by not later than 18 months after the date on which  
21 the veteran receives the care or services for which payment  
22 is required.

23 “(2) If the Secretary does not provide to a veteran  
24 a notification of the required payment by the date required  
25 under paragraph (1), the Secretary may not collect such

1 payment, including through a third-party entity, unless  
2 the Secretary provides the veteran the following:

3 “(A) Information regarding how to apply for a  
4 waiver described in paragraph (3).

5 “(B) Information regarding how to establish a  
6 payment plan with the Secretary.

7 “(C) Opportunity to make such a waiver or es-  
8 tablish such a payment plan.

9 “(3) The Secretary may waive the requirement of a  
10 veteran to make a payment for care or services provided  
11 at a non-Department facility pursuant to this chapter or  
12 other provision of law if—

13 “(A) an error committed by the Department, an  
14 employee of the Department, or a non-Department  
15 facility was the cause of delaying the notification  
16 sent to the veteran of the requirement to make the  
17 payment; and

18 “(B) the veteran received such notification after  
19 the period described in paragraph (1).”.

20 (2) CLERICAL AMENDMENT.—The table of sec-  
21 tions at the beginning of such chapter is amended  
22 by inserting after the item relating to section 1709B  
23 the following new item:

“1709C. Procedures for copayments.”.

1       (d) IMPROVEMENT OF PROCEDURES.—Not later than  
2 180 days after the date of the enactment of this Act, the  
3 Secretary of Veterans Affairs shall—

4           (1) review the copayment billing internal con-  
5 trols and notification procedures of the Department  
6 of Veterans Affairs; and

7           (2) improve such controls and procedures, in-  
8 cluding pursuant to the amendments made by this  
9 Act.

Passed the House of Representatives May 21, 2018.

Attest:

*Clerk.*



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