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(Original Signature of Member)

114TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To eliminate the sunset date for the Veterans Choice Program of the Department of Veterans Affairs, to expand eligibility for such program, and to extend certain operating hours for pharmacies and medical facilities of the Department, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. HUDSON introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To eliminate the sunset date for the Veterans Choice Program of the Department of Veterans Affairs, to expand eligibility for such program, and to extend certain operating hours for pharmacies and medical facilities of the Department, 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 “Care Veterans Deserve  
5 Act of 2016”.

1 **SEC. 2. EXPANSION OF VETERANS CHOICE PROGRAM.**

2 (a) **ELIMINATION OF SUNSET.**—

3 (1) **IN GENERAL.**—Section 101 of the Veterans  
4 Access, Choice, and Accountability Act of 2014  
5 (Public Law 113–146; 38 U.S.C. 1701 note) is  
6 amended—

7 (A) by striking subsection (p); and

8 (B) by redesignating subsections (q), (r),  
9 (s), and (t) as subsections (p), (q), (r), and (s),  
10 respectively.

11 (2) **CONFORMING AMENDMENTS.**—Such section  
12 is amended—

13 (A) in subsection (i)(2), by striking “dur-  
14 ing the period in which the Secretary is author-  
15 ized to carry out this section pursuant to sub-  
16 section (p)”;

17 (B) in subsection (p)(2), as redesignated  
18 by paragraph (1)(B), by striking subparagraph  
19 (F).

20 (b) **EXPANSION OF ELIGIBILITY FOR PROGRAM.**—

21 (1) **IN GENERAL.**—Subsection (b)(2) of such  
22 section is amended—

23 (A) in subparagraph (C)(ii), by striking  
24 “or”;

1 (B) in subparagraph (D)(ii)(II), by strik-  
2 ing the period at the end and inserting “; or”;  
3 and

4 (C) by adding at the end the following new  
5 subparagraph:

6 “(E) has a service-connected disability  
7 rated at 50 percent or more.”.

8 (2) CONFORMING AMENDMENT.—Subsection  
9 (g)(3) of such section is amended by striking “or  
10 (D)” and inserting “, (D), or (E)”.

11 **SEC. 3. ACCESS OF VETERANS TO WALK-IN CLINICS.**

12 (a) IN GENERAL.—Subchapter I of chapter 17 of title  
13 38, United States Code, is amended by inserting after sec-  
14 tion 1703 the following new section:

15 **“§ 1703A. Hospital care and medical services at walk-  
16 in clinics**

17 “(a) IN GENERAL.—The Secretary shall enter into  
18 a contract with a national chain of walk-in clinics to pro-  
19 vide the hospital care and medical services offered in such  
20 clinics to veterans enrolled in the system of annual patient  
21 enrollment established and operated under section 1705  
22 of this title.

23 “(b) NO AUTHORIZATION OR COPAYMENT RE-  
24 QUIRED.—In receiving hospital care or medical services at

1 a walk-in clinic under subsection (a), a veteran is not re-  
2 quired—

3 “(1) to obtain authorization before receiving  
4 such care or services at the clinic; or

5 “(2) to pay a copayment to the clinic or the De-  
6 partment in connection with the receipt of such care  
7 or services.

8 “(c) LOCATIONS.—The Secretary may not require a  
9 national chain of walk-in clinics to expand their locations  
10 as a condition of a contract entered into under subsection  
11 (a).

12 “(d) TRANSMITTAL OF INFORMATION.—(1) The na-  
13 tional chain of walk-in clinics with which the Secretary  
14 has entered into a contract under subsection (a) shall es-  
15 tablish an automated system that transmits to the Sec-  
16 retary on a weekly basis information regarding the hos-  
17 pital care or medical services provided to veterans under  
18 this section during such week.

19 “(2) The automated system under paragraph (1)  
20 shall be established in a manner that allows the system  
21 to securely transmit information to the electronic health  
22 record of a veteran regarding the hospital care and med-  
23 ical services provided to the veteran under this section.

1 “(3) Transmittal of information under paragraph (1)  
2 may not be required as a condition of payment for hospital  
3 care or medical services provided under this section.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of chapter 17 of such title is amended  
6 by inserting after the item relating to section 1703 the  
7 following new item:

“1703A. Hospital care and medical services at walk-in clinics.”.

8 **SEC. 4. LICENSURE OF HEALTH CARE PROFESSIONALS OF**  
9 **THE DEPARTMENT OF VETERANS AFFAIRS**  
10 **PROVIDING TREATMENT VIA TELEMEDICINE.**

11 (a) IN GENERAL.—Subchapter III of chapter 17 of  
12 title 38, United States Code, is amended by inserting after  
13 section 1730A the following new section:

14 **“§ 1730B. Licensure of health care professionals pro-**  
15 **viding treatment via telemedicine**

16 “(a) IN GENERAL.—Notwithstanding any provision  
17 of law regarding the licensure of health care professionals,  
18 a covered health care professional may practice the health  
19 care profession of the health care professional at any loca-  
20 tion in any State, regardless of where such health care  
21 professional or the patient is located, if the health care  
22 professional is using telemedicine to provide treatment to  
23 an individual under this chapter.

24 “(b) LOCATION OF CARE.—Subsection (a) shall apply  
25 to a covered health care professional providing treatment

1 to a patient regardless of whether such health care profes-  
2 sional or patient is located in a facility owned by the Fed-  
3 eral Government during such treatment.

4 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
5 tion may be construed to remove, limit, or otherwise affect  
6 any obligation of a covered health care professional under  
7 the Controlled Substances Act (21 U.S.C. 801 et seq.).

8 “(d) DEFINITIONS.—In this section:

9 “(1) The term ‘covered health care professional’  
10 means a health care professional who is—

11 “(A) authorized by the Secretary to pro-  
12 vide health care under this chapter, including a  
13 private health care professional who provides  
14 such care under a contract or agreement en-  
15 tered into with the Secretary, including a con-  
16 tract entered into under section 1703 of this  
17 title; and

18 “(B) licensed, registered, or certified in a  
19 State to practice the health care profession of  
20 the health care professional.

21 “(2) The term ‘telemedicine’ means the use of  
22 telecommunication technology and information tech-  
23 nology to provide health care or support the provi-  
24 sion of health care in situations in which the patient

1 and health care professional are separated by geo-  
2 graphic distance.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of chapter 17 of such title is amended  
5 by inserting after the item relating to section 1730A the  
6 following new item:

“1730B. Licensure of health care professionals providing treatment via telemedi-  
cine.”.

7 (c) REPORT ON TELEMEDICINE.—

8 (1) IN GENERAL.—Not later than one year  
9 after the date of the enactment of this Act, the Sec-  
10 retary of Veterans Affairs shall submit to the Com-  
11 mittee on Veterans’ Affairs of the Senate and the  
12 Committee on Veterans’ Affairs of the House of  
13 Representatives a report on the effectiveness of the  
14 use of telemedicine by the Department of Veterans  
15 Affairs.

16 (2) ELEMENTS.—The report required by para-  
17 graph (1) shall include an assessment of the fol-  
18 lowing:

19 (A) The satisfaction of veterans with tele-  
20 medicine furnished by the Department.

21 (B) The satisfaction of health care pro-  
22 viders in providing telemedicine furnished by  
23 the Department.

1 (C) The effect of telemedicine furnished by  
2 the Department on the following:

3 (i) The ability of veterans to access  
4 health care, whether from the Department  
5 or from non-Department health care pro-  
6 viders.

7 (ii) The frequency of use by veterans  
8 of telemedicine.

9 (iii) The productivity of health care  
10 providers.

11 (iv) Wait times for an appointment  
12 for the receipt of health care from the De-  
13 partment.

14 (v) The reduction, if any, in the use  
15 by veterans of services at Department fa-  
16 cilities and non-Department facilities.

17 (D) The types of appointments for the re-  
18 ceipt of telemedicine furnished by the Depart-  
19 ment that were provided during the one-year  
20 period preceding the submittal of the report.

21 (E) The number of appointments for the  
22 receipt of telemedicine furnished by the Depart-  
23 ment that were requested during such period,  
24 disaggregated by Veterans Integrated Service  
25 Network.

1 (F) Savings by the Department, if any, in-  
2 cluding travel costs, of furnishing health care  
3 through the use of telemedicine during such pe-  
4 riod.

5 (3) **TELEMEDICINE DEFINED.**—In this sub-  
6 section, the term “telemedicine” has the meaning  
7 given that term in section 1730B(d)(2) of title 38,  
8 United States Code, as added by subsection (a).

9 **SEC. 5. EXTENSION OF OPERATING HOURS FOR PHAR-**  
10 **MACIES AND MEDICAL FACILITIES OF THE**  
11 **DEPARTMENT OF VETERANS AFFAIRS.**

12 (a) **EXTENSION OF OPERATING HOURS FOR PHAR-**  
13 **MACIES.**—The Secretary of Veterans Affairs shall extend  
14 the operating hours for each pharmacy of the Department  
15 of Veterans Affairs during which the pharmacy offers  
16 services comparable to retail pharmacies to include—

17 (1) operation on Saturday, Sunday, and Fed-  
18 eral holidays; and

19 (2) operation until 8:00 p.m. on weekdays that  
20 are not Federal holidays.

21 (b) **CONTRACTS WITH PROVIDERS DURING NIGHTS**  
22 **AND WEEKENDS.**—The Secretary shall enter into con-  
23 tracts, including through locum tenens arrangements, with  
24 physicians and nurses that meet qualifications set forth  
25 by the Secretary for purposes of this section under which

1 such physicians and nurses work at medical facilities of  
2 the Department during nights and weekends.

3 (c) SUPPORT STAFF.—The Secretary may obtain ad-  
4 ditional support staff as necessary to carry out this sec-  
5 tion, including by hiring employees or contracting for serv-  
6 ices.

7 **SEC. 6. CONDUCT OF BEST-PRACTICES PEER REVIEW OF**  
8 **EACH MEDICAL CENTER OF THE DEPART-**  
9 **MENT OF VETERANS AFFAIRS.**

10 (a) IN GENERAL.—The Secretary of Veterans Affairs  
11 may provide for the conduct by a nongovernmental hos-  
12 pital organization of a best-practices peer review of each  
13 medical center of the Department of Veterans Affairs to  
14 evaluate the efficacy of health care delivered at each such  
15 medical center.

16 (b) PRIORITY.—The Secretary shall give priority for  
17 peer review conducted under subsection (a) to the medical  
18 centers of the Department with the longest wait times for  
19 an appointment or the worst health outcomes, as deter-  
20 mined by the Secretary.