

117TH CONGRESS  
1ST SESSION

# H. R. 845

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2021

Mr. SMUCKER (for himself, Mrs. WALORSKI, Mr. FITZPATRICK, Mr. HIGGINS of Louisiana, Mr. TURNER, Mr. KATKO, and Mr. STAUBER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “VA Billing Account-  
5       ability Act”.

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

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

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

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

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

21 (b) MEDICATIONS.—Section 1722A of such title is  
22 amended—

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

25 (2) by inserting after subsection (b) the fol-  
26 lowing new subsection (c):

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

3 “(1) an error committed by the Department or  
4 an employee of the Department was the cause of de-  
5 laying notification sent to the veteran of the require-  
6 ment to make the payment; and

7 “(2) the veteran received such notification later  
8 than 180 days after the date on which the veteran  
9 received the medication for which the payment was  
10 required.”.

11 (c) BILLING PROCEDURES.—

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

15 **“§ 1709D. Procedures for copayments**

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

24 “(2) If the Secretary does not provide to a veteran  
25 a notification of the required payment by the date required

1 under paragraph (1), the Secretary may not collect such  
2 payment, including through a third-party entity, unless  
3 the Secretary provides the veteran the following:

4 “(A) Information regarding how to apply for a  
5 waiver described in section 1710(f)(3)(G) or section  
6 1722A(c) of this title, as appropriate.

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

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

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

19 “(2) If the Secretary does not provide to a veteran  
20 a notification of the required payment by the date required  
21 under paragraph (1), the Secretary may not collect such  
22 payment, including through a third-party entity, unless  
23 the Secretary provides the veteran the following:

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

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

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

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

9           “(A) an error committed by the Department, an  
10          employee of the Department, or a non-Department  
11          facility was the cause of delaying the notification  
12          sent to the veteran of the requirement to make the  
13          payment; and

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

16          (2) CLERICAL AMENDMENT.—The table of sec-  
17          tions at the beginning of such chapter is amended  
18          by inserting after the item relating to section 1709C  
19          the following new item:

“1709D. Procedures for copayments.”.

20          (d) IMPROVEMENT OF PROCEDURES.—Not later than  
21          180 days after the date of the enactment of this Act, the  
22          Secretary of Veterans Affairs shall—

23                 (1) review the copayment billing internal con-  
24                 trols and notification procedures of the Department  
25                 of Veterans Affairs; and

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

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