

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To authorize the Secretary of Veterans Affairs to furnish medically necessary transportation for newborn children of certain women veterans.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 3182**

To direct the Secretary of Veterans Affairs to carry out the Women's Health Transition Training pilot program through at least fiscal year 2020, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. MURRAY

Viz:

1 At the end, add the following:

2 **SEC. 3. AUTHORITY FOR SECRETARY OF VETERANS AF-**  
3 **FAIRS TO FURNISH MEDICALLY NECESSARY**  
4 **TRANSPORTATION FOR NEWBORN CHILDREN**  
5 **OF CERTAIN WOMEN VETERANS.**

6 (a) IN GENERAL.—Section 1786 of title 38, United  
7 States Code, is amended—

8 (1) in subsection (a)—

9 (A) in the matter before paragraph (1)—

1 (i) by inserting “and transportation  
2 necessary to receive such services” after  
3 “described in subsection (b)”;

4 (ii) by inserting “, except as provided  
5 in subsection (e),” after “seven days”;

6 (B) in paragraph (1), by striking “or”;

7 (C) in paragraph (2), by striking the pe-  
8 riod at the end and inserting “; or”; and

9 (D) by adding at the end the following new  
10 paragraph:

11 “(3) another location, including a health care  
12 facility, if the veteran delivers the child before arriv-  
13 ing at a facility described in paragraph (1) or (2).”;

14 (2) in subsection (b), by inserting before the pe-  
15 riod at the end the following: “, including necessary  
16 health care services provided by a facility other than  
17 the facility where the newborn child was delivered  
18 (including a specialty pediatric hospital) that accepts  
19 transfer of the newborn child and responsibility for  
20 treatment of the newborn child”; and

21 (3) by adding at the end the following new sub-  
22 sections:

23 “(c) TRANSPORTATION.—(1) Transportation fur-  
24 nished under subsection (a) to, from, or between care set-

1 things to meet the needs of a newborn child includes costs  
2 for either or both the newborn child and parents.

3 “(2) Transportation furnished under subsection (a)  
4 includes transportation by ambulance, including air ambu-  
5 lance, or other appropriate medically staffed modes of  
6 transportation—

7 “(A) to another health care facility (including a  
8 specialty pediatric hospital) that accepts transfer of  
9 the newborn child or otherwise provides post-delivery  
10 care services when the treating facility is not capable  
11 of furnishing the care or services required; or

12 “(B) to a health care facility in a medical emer-  
13 gency of such nature that a prudent layperson rea-  
14 sonably expects that delay in seeking immediate  
15 medical attention would be hazardous to life or  
16 health.

17 “(3) Amounts paid by the Department for transpor-  
18 tation under this section shall be derived from the Medical  
19 Services appropriations account of the Department.

20 “(d) REIMBURSEMENT OR PAYMENT FOR HEALTH  
21 CARE SERVICES OR TRANSPORTATION.—(1) Pursuant to  
22 regulations the Secretary shall prescribe to establish rates  
23 of reimbursement and any limitations thereto under this  
24 section, the Secretary shall directly reimburse a covered  
25 entity for health care services or transportation services

1 provided under this section, unless the cost of the services  
2 or transportation is covered by an established agreement  
3 or contract. If such an agreement or contract exists, its  
4 negotiated payment terms shall apply.

5 “(2)(A) Reimbursement or payment by the Secretary  
6 under this section on behalf of an individual to a covered  
7 entity shall, unless rejected and refunded by the covered  
8 entity within 30 days of receipt, extinguish any liability  
9 on the part of the individual for the health care services  
10 or transportation covered by such payment.

11 “(B) Neither the absence of a contract or agreement  
12 between the Secretary and a covered entity nor any provi-  
13 sion of a contract, agreement, or assignment to the con-  
14 trary shall operate to modify, limit, or negate the require-  
15 ments of subparagraph (A).

16 “(3) In this subsection, the term ‘covered entity’  
17 means any individual, transportation carrier, organization,  
18 or other entity that furnished or paid for health care serv-  
19 ices or transportation under this section.

20 “(e) EXCEPTION.—Pursuant to such regulations as  
21 the Secretary shall prescribe to carry out this section, the  
22 Secretary may furnish more than seven days of health care  
23 services described in subsection (b), and transportation  
24 necessary to receive such services, to a newborn child  
25 based on medical necessity if the child is in need of addi-

1 tional care, including a case in which the newborn child  
2 has been discharged or released from a hospital and re-  
3 quires readmittance to ensure the health and welfare of  
4 the newborn child.”.

5 (b) TREATMENT OF CERTAIN EXPENSES ALREADY  
6 INCURRED.—

7 (1) IN GENERAL.—Pursuant to such regula-  
8 tions as the Secretary of Veterans Affairs shall pre-  
9 scribe, with respect to transportation furnished in  
10 order for a newborn child of a veteran to receive  
11 health care services under section 1786 of title 38,  
12 United States Code, during the period specified in  
13 paragraph (2), the Secretary may—

14 (A) waive a debt owed by the veteran to  
15 the Department of Veterans Affairs or reim-  
16 burse expenses already paid by the veteran to  
17 the Department for such transportation; or

18 (B) reimburse the veteran for costs billed  
19 by a covered entity for such transportation re-  
20 gardless of whether the veteran has already  
21 made such payment.

22 (2) PERIOD SPECIFIED.—The period specified  
23 in this paragraph is the period beginning on May 5,  
24 2010, and ending on the date of the enactment of  
25 this Act.

1           (3) COVERED ENTITY DEFINED.—In this sub-  
2           section, the term “covered entity” has the meaning  
3           given that term in section 1786(d)(3) of title 38,  
4           United States Code, as amended by subsection (a).