

S 252

Veterans Health Care Authorization Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

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Sponsor

**Name:** Sen. Akaka, Daniel K. [D-HI]

**Party:** Democratic • **State:** HI • **Chamber:** Senate

Cosponsors (11 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Durbin, Richard J. [D-IL]	D · IL		Jan 15, 2009
Sen. Murray, Patty [D-WA]	D · WA		Jan 15, 2009
Sen. Burr, Richard [R-NC]	R · NC		Jan 22, 2009
Sen. Begich, Mark [D-AK]	D · AK		Jan 30, 2009
Sen. Vitter, David [R-LA]	R · LA		Feb 12, 2009
Sen. Burris, Roland [D-IL]	D · IL		Jul 30, 2009
Sen. Byrd, Robert C. [D-WV]	D · WV		Aug 3, 2009
Sen. Inhofe, James M. [R-OK]	R · OK		Aug 4, 2009
Sen. Hutchison, Kay Bailey [R-TX]	R · TX		Oct 20, 2009
Sen. Menendez, Robert [D-NJ]	D · NJ		Oct 21, 2009
Sen. Stabenow, Debbie [D-MI]	D · MI		Nov 10, 2009

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Reported By	Jul 24, 2009

Subjects & Policy Tags

**Policy Area:**

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
111 S 1963	Related bill	<b>May 5, 2010:</b> Became Public Law No: 111-163.
111 HR 2770	Related bill	<b>Jul 28, 2009:</b> Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
111 HR 2722	Related bill	<b>Jun 5, 2009:</b> Referred to the Subcommittee on Health.
111 S 597	Related bill	<b>Mar 16, 2009:</b> Read twice and referred to the Committee on Veterans' Affairs.
111 HR 919	Related bill	<b>Feb 13, 2009:</b> Referred to the Subcommittee on Health.

Veterans Health Care Authorization Act of 2009 - **Title I: Department Personnel Matters** - (Sec. 101) Authorizes the Secretary of Veterans Affairs to appoint personnel for health care positions within the Veterans Health Administration (VHA) of the Department of Veterans Affairs (VA) not specifically listed in authorized classes for appointment, as long as the Secretary provides prior notification to the congressional veterans committees and the Office of Management and Budget (OMB). Requires the Secretary, before submitting notification, to solicit comments from any labor organization representing employees in any such class and include such comments in such notification. Authorizes the appointment of nurse assistants within the VHA.

Makes the probationary period after appointment as a registered nurse two years. Provides that an appointment on a part-time basis of a VHA health care professional who has previously served on a full-time basis shall be without a probationary period. Limits to two years the probationary period for the appointment of a registered nurse on a temporary, part-time basis, after which time the appointment shall be considered permanent. Provides an exception with respect to appointments made on a term-limited basis of three years or less.

Authorizes the Secretary to waive, on a case-by-case basis, the application of salary offsets for VHA retirees reemployed in the VHA. Bases the rate of basic pay for appointees to the Office of the Under Secretary for Health on pay levels in the Senior Executive Service for equivalent positions. Allows for the payment of special incentive pay of up to \$40,000 annually for a VHA pharmacist executive.

Removes, adjusts, or waives certain pay restrictions, including on the non-foreign cost-of-living adjustment, market pay, and basic and locality pay, for VHA: (1) physicians and dentists; (2) physicians or dentists occupying administrative or executive leadership positions; (3) nurses; and (4) certified registered nurse anesthetists. Requires additional training, education, and support for appropriate VHA employees in the conduct and use of locality pay scale surveys. Requires VHA facility wage-related information, currently provided by way of reports from facility directors to the Secretary, to be made available, upon request, to individuals in VHA positions covered by such report.

Increases from \$25,000 to \$100,000 the special pay for nurse executives. Makes part-time nurses eligible for additional premium nurse pay. Adds nurse service in excess of eight consecutive hours to the services eligible for additional overtime pay. Adds licensed practical nurses, licensed vocational nurses, and certain other nurse positions to those positions exempted from limitations on increases in basic pay rates.

(Sec. 102) Prohibits: (1) the Secretary from requiring nursing staff to work more than 40 hours in a week or eight hours in a day (12 hours in the case of three-day workweeks), except under non-recurring emergency circumstances; and (2) discrimination or adverse personnel actions against nurse staff who refuse to work such additional hours. Revises the calculation of leave for nurses working two 12-hour shifts on a weekend. Redefines the VHA alternative work schedule for nurses as six 12-hours shifts within an 80-hour pay period (as opposed to three 12-hour shifts within a work week).

(Sec. 103) Reinstates through 2014 the VA's health professionals educational assistance scholarship program. Revises the VA's education debt reduction program to: (1) add recruitment as a program purpose; and (2) allow all (under current law, only recently appointed) employees to participate. Authorizes the Secretary to utilize certain authorities under the Public Health Service Act to repay educational loans of qualified health professionals from disadvantaged backgrounds in order to secure VHA clinical research by such professionals.

(Sec. 104) Directs the Secretary to prescribe standards for appointment and practice as a physician within the VHA.

Requires: (1) applicants to provide certain information, including each lawsuit, civil action, or other claim against the individual for medical malpractice or negligence, and the results thereof; (2) each appointee to disclose any judgments against the individual for medical malpractice or negligence and any payments made; (3) physicians already employed within the VHA to disclose such information; and (4) the Veterans Integrated Services Network (Network) director in the region in which the physician seeks employment to investigate the information disclosed by such physician. Prohibits a new appointment without the approval of the appropriate Network regional director. Requires each VHA medical facility to enroll practicing physicians in the Proactive Disclosure Service of the National Practitioner Data Bank. Encourages the hiring of physicians who are board-certified or eligible for such certification in their field.

**Title II: Health Care Matters** - (Sec. 201) Repeals the requirement for annual reports concerning: (1) pay adjustments for registered nurses; and (2) VA long-range health planning.

(Sec. 202) Changes the due date of an annual report to Congress concerning research on the health effects of military service during the Persian Gulf War, and terminates such report after July 1, 2015.

(Sec. 203) Provides that VA payments made to providers who furnish medical care to a veteran's beneficiary under the Civilian Health and Medical Program of the Veterans Administration (CHAMPVA) shall constitute payment in full (thereby extinguishing the beneficiary's liability to that provider).

(Sec. 204) Authorizes disclosure of VA medical information to a representative of a patient who lacks decision-making capacity.

(Sec. 205) Requires VA patients to disclose health-plan information and their Social Security number. Authorizes the Secretary to deny or terminate medical care and services (with an exception for medical emergencies) to individuals who do not provide such information.

(Sec. 206) Requires: (1) the VHA's Under Secretary of Health to designate a National Quality Management Officer for the VHA quality assurance program; (2) each Network regional director to appoint a quality management officer; and (3) the director of each VHA medical facility to appoint a quality management officer. Outlines duties for each officer. Authorizes appropriations. Directs: (1) the Under Secretary to establish mechanisms through which VHA employees may submit confidential reports on matters relating to quality of care in VHA facilities to the designated quality management officers; and (2) the Secretary to review, and report to Congress on, current policies and protocols for maintaining health care quality and patient safety at VA medical facilities.

(Sec. 207) Requires a report from the Secretary to the veterans committees on the implementation of provisions of this Act (sections 104 and 206) concerning: (1) standards for the appointment and practice of physicians in VA medical facilities; and (2) the enhancement of VHA medical quality assurance through the appointment of quality management officers.

(Sec. 208) Directs the Secretary to: (1) conduct a two-year pilot program to assess the feasibility and advisability of using community-based organizations and local and state governmental entities to ensure that veterans receive the care and benefits for which they are eligible, including while transitioning from military service to civilian life; and (2) report to Congress on the pilot program.

(Sec. 209) Authorizes the Secretary to contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operations Enduring Freedom or Iraqi Freedom who suffers from a traumatic brain injury (TBI), has an accumulation of deficits in activities of daily living and instrumental activities of daily living and,

because of these deficits, would otherwise require nursing home admission even though such care would generally exceed the veteran's nursing needs.

(Sec. 210) Directs the Secretary to contract with the Institute of Medicine of the National Academies to conduct an expanded study on the health impact of Project Shipboard Hazard and Defense (SHAD). Requires the study to include, as practicable, all veterans who participated in Project SHAD.

(Sec. 211) Authorizes the Secretary to utilize non-VA facilities for the care and treatment of veterans suffering from TBI when the Secretary: (1) is unable to provide such treatment or services at the frequency or for the duration necessary; or (2) determines that it is optimal to the veteran's recovery and rehabilitation. Requires the non-VA facility selected to maintain care standards established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with TBI.

(Sec. 212) Provides for treatment of a health facility of a tribal organization as a state home for purposes of grant payments to such homes for veterans' domiciliary care, nursing home care, and hospital care. Exempts a health facility of a tribal organization from the prohibition against the Secretary treating a new facility as a state home after September 30, 2009. Authorizes the Secretary to make grants to assist tribal organizations in constructing or acquiring facilities in order to furnish domiciliary or nursing home care to veterans and in expanding, remodeling, or altering existing buildings in order to furnish domiciliary care, nursing home care, adult day health care, or hospital care to veterans in homes.

(Sec. 213) Directs the Secretary to conduct a three-year pilot program to assess the feasibility and advisability of providing a dental insurance plan for any veteran enrolled in the VA annual patient enrollment system, as well as survivors and dependents eligible for VA medical care. Provides for: (1) voluntary plan enrollment and disenrollment; and (2) the payment of plan premiums.

**Title III: Women Veterans Health Care Matters** - (Sec. 301) Requires the Secretary to report to the veterans committees on barriers to the receipt of comprehensive health care through the VA encountered by women veterans, especially those of Operations Iraqi Freedom or Enduring Freedom.

(Sec. 302) Directs the Secretary to: (1) develop a plan to improve the provision of health care services to women veterans and to plan appropriately for the future health care needs of women serving on active duty in Operations Iraqi Freedom and Enduring Freedom; and (2) submit such plan to the veterans committees.

(Sec. 303) Requires: (1) the Secretary to contract with a non-VA entity for an independent study on health consequences of women veterans of active-duty service in Operations Iraqi Freedom and Enduring Freedom; (2) the entity chosen to report study results to the Secretary and Congress; and (3) the Secretary to report to Congress on the study results.

(Sec. 304) Directs the Secretary to: (1) implement a program for education, training, certification, and continuing medical education for mental health professionals specializing in the provision of counseling and care to veterans suffering from sexual trauma; and (2) report annually to Congress on the counseling and care provided.

(Sec. 305) Requires the Secretary to: (1) conduct a two-year pilot program to evaluate the feasibility and advisability of providing reintegration and readjustment services in group retreat settings to women veterans recently separated from military service after a prolonged deployment; and (2) report to Congress on the pilot program. Authorizes appropriations.

(Sec. 306) Directs the Secretary to report to Congress on employment of full-time women veteran program managers at VA medical centers to ensure that health care needs of women veterans are met.

(Sec. 307) Requires the inclusion, respectively, of women veterans recently separated from service and minority women veterans recently separated from service on: (1) the Advisory Committee on Women Veterans; and (2) the Advisory Committee on Minority Veterans.

(Sec. 308) Directs the Secretary to: (1) carry out a two-year pilot program to assess the feasibility and advisability of providing subsidies to veterans receiving regular and intensive mental health services and other intensive health care services in order to obtain child care while receiving such services; and (2) report to Congress on the pilot program. Authorizes appropriations.

(Sec. 309) Authorizes the Secretary to furnish care to a newborn child of a woman veteran receiving VA maternity care for up to seven days after the birth of the child.

**Title IV: Mental Health Care Matters** - (Sec. 401) Makes any member who serves in Operations Iraqi Freedom or Enduring Freedom eligible for readjustment counseling and related mental health services through Vet Centers (centers for readjustment counseling and related mental health services for veterans), regardless of whether the member is on active duty at the time of receipt of such counseling and services.

(Sec. 402) Directs the Secretary, upon receipt of a request for counseling from an individual who has been discharged or released from active service, to: (1) provide referrals to assist the individual in obtaining mental health care and services outside the VA; and (2) if pertinent, advise such individual of the right to apply for review of the discharge or release.

(Sec. 403) Requires the Secretary to: (1) conduct a study to determine the number of veterans who died by suicide between January 1, 1999, and the date of enactment of this Act; and (2) report study results to the veterans committees. Authorizes appropriations.

(Sec. 404) Directs the Secretary to transfer specified VHA funds to the Secretary of Health and Human Services for the Graduate Psychology Education program established under the Public Health Service Act. Requires such funds to be used to award grants to support the training of psychologists in the treatment of veterans with post-traumatic stress disorder (PTSD), TBI, and other combat-related disorders. Provides a preference for VA health care facilities in the awarding of such grants.

**Title V: Homeless Veterans Matters** - (Sec. 501) Authorizes the Secretary to carry out a five-year pilot program to make grants to public and nonprofit organizations to coordinate the provision of supportive services to very low income, formerly homeless veterans residing in permanent housing on property that was part of a military installation that was closed and that has a redevelopment plan that includes use of the property for homeless veterans. Authorizes appropriations.

(Sec. 502) Authorizes the Secretary to carry out a five-year pilot program to make grants to public and nonprofit organizations to coordinate the provision of supportive services to very low income, formerly homeless veterans residing in permanent housing. Authorizes appropriations.

(Sec. 503) Authorizes the Secretary to carry out a five-year pilot program to make grants to public and nonprofit organizations to provide outreach to inform low-income and elderly veterans and their spouses who reside in rural areas of the veterans' pension benefits for which they may be eligible. Authorizes appropriations.

(Sec. 504) Directs the Secretary to submit to Congress progress reports on each of the pilot programs authorized under this title.

**Title VI: Nonprofit Research and Education Corporations** - (Sec. 601) Amends federal provisions concerning the establishment at Department of Veterans Affairs (VA) medical facilities of nonprofit research and education corporations (NRECs) to allow an NREC to facilitate the conduct of research or education, or both, at more than one VA medical center. States that such an NREC shall be known as a multi-medical center research corporation (MCRC).

Allows an NREC to act as a MCRC if: (1) the NREC board of directors approve a resolution permitting that NREC to act as a MCRC; and (2) the Secretary of Veterans Affairs approves the resolution.

Requires each NREC and MCRC (corporation) to be established in accordance with the nonprofit corporation laws of the state in which the VA medical center which it supports is located. States that neither such corporation shall be considered to be owned by, or an agent or instrumentality of, the United States.

(Sec. 602) Restates the purposes of the corporations, including with respect to their role in: (1) providing a flexible funding mechanism; and (2) residencies or similar programs.

(Sec. 603) Modifies the composition of corporation boards of directors. Revises requirements concerning non-VA members of boards of directors of NRECs and MCRCs to: (1) state a minimum number who are not officers or employees of the federal government; and (2) expand the required areas of experience or expertise.

Removes financial relationship restrictions from conflict of interest standards applicable to directors.

(Sec. 604) Increases authorized corporate powers of the corporations to include entering into contracts and setting fees for education and training facilitated through a corporation.

(Sec. 606) Revises annual report procedures to require submission of an Internal Revenue Service return form applicable to organizations exempt from income tax.

Revises conflict of interest policies applicable to directors, officers, and employees of a corporation.

Revises requirements for a report to Congress to increase the threshold for providing information identifying payees of the corporation.

**Title VII: Other Matters** - (Sec. 701) Expands the authority of VA police officers to include: (1) carrying VA-issued weapons while off VA property in an official capacity or while on official travel; (2) conducting investigations, on and off VA property, of offenses that may have been committed on VA property; (3) carrying out any VA-authorized duties when engaged in duties authorized by other federal statutes; and (4) serving arrest warrants issued by competent judicial authority.

(Sec. 702) Makes the uniform allowance for VA police officers the lesser of: (1) the amount currently permitted by the Office of Personnel Management (OPM); or (2) estimated or actual costs as determined by periodic VA surveys.

Requires the allowance to be paid: (1) at the beginning of the officer's employment, for those appointed on or after October 1, 2008; or (2) in the case of any other officer, upon the officer's request.

## Actions Timeline

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- **Jul 24, 2009:** Committee on Veterans' Affairs. Reported by Senator Akaka with an amendment in the nature of a substitute. With written report No. 111-60.
- **Jul 24, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 128.
- **May 21, 2009:** Committee on Veterans' Affairs. Ordered to be reported without amendment favorably.
- **Apr 22, 2009:** Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 111-76.
- **Jan 15, 2009:** Introduced in Senate
- **Jan 15, 2009:** Sponsor introductory remarks on measure. (CR S599)
- **Jan 15, 2009:** Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S599-612)