

115TH CONGRESS
1ST SESSION

S. 706

To amend title 38, United States Code, to improve the treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of claims for disability compensation under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2017

Mr. FRANKEN introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of claims for disability compensation under the laws administered by the Secretary 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 “Quicker Veterans Ben-
5 efits Delivery Act of 2017”.

1 **SEC. 2. TREATMENT OF MEDICAL EVIDENCE PROVIDED BY**
2 **NON-DEPARTMENT OF VETERANS AFFAIRS**
3 **MEDICAL PROFESSIONALS IN SUPPORT OF**
4 **CLAIMS FOR DISABILITY COMPENSATION.**

5 (a) ACCEPTANCE OF REPORTS OF PRIVATE PHYSI-
6 CIAN EXAMINATIONS.—Section 5125 of title 38, United
7 States Code, is amended—

8 (1) by striking “For purposes” and inserting
9 the following:

10 “(a) IN GENERAL.—For purposes”;

11 (2) in subsection (a), as designated by para-
12 graph (1), by striking “may” and inserting “shall”;
13 and

14 (3) by adding at the end the following new sub-
15 section:

16 “(b) SUFFICIENTLY COMPLETE DEFINED.—For pur-
17 poses of a report described in subsection (a), the term ‘suf-
18 ficiently complete’ means competent, credible, probative,
19 and containing such information as may be required to
20 make a decision on the claim for which the report is pro-
21 vided.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall apply with respect to medical evidence
24 submitted after the date that is 90 days after the date
25 of the enactment of this Act.

1 **SEC. 3. REPORT ON PROGRESS OF ACCEPTABLE CLINICAL**
2 **EVIDENCE INITIATIVE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Vet-
5 erans Affairs shall submit to the Committee on Veterans’
6 Affairs of the Senate and the Committee on Veterans’ Af-
7 fairs of the House of Representatives a report on the
8 progress of the Acceptable Clinical Evidence initiative of
9 the Department of Veterans Affairs in reducing the neces-
10 sity for in-person disability examinations and other efforts
11 to comply with the provisions of section 5125 of title 38,
12 United States Code, as amended by section 2.

13 (b) CONTENTS OF REPORT.—The report required by
14 subsection (a) shall include the following:

15 (1) The number of claims eligible for the Ac-
16 ceptable Clinical Evidence initiative during the pe-
17 riod beginning on the date of the commencement of
18 the initiative and ending on the date of the sub-
19 mittal of the report, disaggregated by fiscal year.

20 (2) The total number of claims eligible for the
21 Acceptable Clinical Evidence initiative that required
22 a medical examiner of the Department to supple-
23 ment the evidence with information obtained during
24 a telephone interview with a claimant.

25 (3) Information on any other initiatives or ef-
26 forts of the Department to further encourage the

1 use of private medical evidence and reliance upon re-
2 ports of a medical examination administered by a
3 private physician if the report is sufficiently com-
4 plete to be adequate for the purposes of adjudicating
5 a claim.

6 (4) The anticipated impact on the timeline and
7 accuracy of a decision on a claim for benefits under
8 chapter 11 or 15 of title 38, United States Code, if
9 the Secretary were prohibited from requesting a
10 medical examination in the case of a claim in sup-
11 port of which a claimant submits medical evidence
12 and a medical opinion provided by a private physi-
13 cian that is competent, credible, probative, and oth-
14 erwise adequate for the purpose of making a deci-
15 sion on that claim.

16 (5) Recommendations on how the Department
17 can measure, track, and prevent the ordering of un-
18 necessary medical examinations when the provision
19 by a claimant of a medical examination administered
20 by a private physician in support of a claim for ben-
21 efits under chapter 11 or 15 of title 38, United
22 States Code, is adequate for the purpose of making
23 a decision on that claim.

1 **SEC. 4. ANNUAL REPORT.**

2 Not later than March 1 of each year, the Secretary
3 of Veterans Affairs shall submit to Congress a report that
4 includes, for the calendar year preceding the year in which
5 the report is submitted, the following for each regional of-
6 fice of the Department of Veterans Affairs:

7 (1) The number of times a veteran who sub-
8 mitted private medical evidence in support of a claim
9 for compensation or pension under the laws adminis-
10 tered by the Secretary was scheduled for an exam-
11 ination performed by Department personnel because
12 the private medical evidence submitted was deter-
13 mined to be unacceptable.

14 (2) The most common reasons why private
15 medical evidence submitted in support of claims for
16 benefits under the laws administered by the Sec-
17 retary was determined to be unacceptable.

18 (3) The types of disabilities for which claims for
19 benefits under the laws administered by the Sec-
20 retary were most commonly denied when private
21 medical evidence was submitted.

○