

116TH CONGRESS
1ST SESSION

S. 318

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

FEBRUARY 4, 2019

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

A BILL

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

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 Newborn Emer-
5 gency Treatment Act”.

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

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

7 (1) in subsection (a)—

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

9 (i) by inserting “and transportation
 10 necessary to receive such services” after
 11 “described in subsection (b)”;

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

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

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

17 (D) by adding at the end the following new
 18 paragraph:

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

22 (2) in subsection (b), by inserting before the pe-
 23 riod at the end the following: “, including necessary
 24 health care services provided by a facility other than
 25 the facility where the newborn child was delivered
 26 (including a specialty pediatric hospital) that accepts

1 transfer of the newborn child and responsibility for
2 treatment of the newborn child”; and

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

5 “(c) TRANSPORTATION.—(1) Transportation fur-
6 nished under subsection (a) to, from, or between care set-
7 tings to meet the needs of a newborn child includes costs
8 for either or both the newborn child and parents.

9 “(2) Transportation furnished under subsection (a)
10 includes transportation by ambulance, including air ambu-
11 lance, or other appropriate medically staffed modes of
12 transportation—

13 “(A) to another health care facility (including a
14 specialty pediatric hospital) that accepts transfer of
15 the newborn child or otherwise provides post-delivery
16 care services when the treating facility is not capable
17 of furnishing the care or services required; or

18 “(B) to a health care facility in a medical emer-
19 gency of such nature that a prudent layperson rea-
20 sonably expects that delay in seeking immediate
21 medical attention would be hazardous to life or
22 health.

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

1 “(d) REIMBURSEMENT OR PAYMENT FOR HEALTH
2 CARE SERVICES OR TRANSPORTATION.—(1) Pursuant to
3 regulations the Secretary shall prescribe to establish rates
4 of reimbursement and any limitations thereto under this
5 section, the Secretary shall directly reimburse a covered
6 entity for health care services or transportation services
7 provided under this section, unless the cost of the services
8 or transportation is covered by an established agreement
9 or contract. If such an agreement or contract exists, its
10 negotiated payment terms shall apply.

11 “(2)(A) Reimbursement or payment by the Secretary
12 under this section on behalf of an individual to a covered
13 entity shall, unless rejected and refunded by the covered
14 entity within 30 days of receipt, extinguish any liability
15 on the part of the individual for the health care services
16 or transportation covered by such payment.

17 “(B) Neither the absence of a contract or agreement
18 between the Secretary and a covered entity nor any provi-
19 sion of a contract, agreement, or assignment to the con-
20 trary shall operate to modify, limit, or negate the require-
21 ments of subparagraph (A).

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

1 “(e) EXCEPTION.—Pursuant to such regulations as
2 the Secretary shall prescribe to carry out this section, the
3 Secretary may furnish more than seven days of health care
4 services described in subsection (b), and transportation
5 necessary to receive such services, to a newborn child
6 based on medical necessity if the child is in need of addi-
7 tional care, including a case in which the newborn child
8 has been discharged or released from a hospital and re-
9 quires readmittance to ensure the health and welfare of
10 the newborn child.”.

11 (b) TREATMENT OF CERTAIN DEBTS ALREADY IN-
12 CURRED.—Pursuant to such regulations as the Secretary
13 of Veterans Affairs shall prescribe, the Secretary may
14 waive a debt for or reimburse a veteran billed for the cost
15 of transportation that was furnished in order for a new-
16 born child to receive health care services under section
17 1786 of title 38, United States Code, before the date of
18 the enactment of this Act.

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