

103^D CONGRESS
1ST SESSION

S. 1141

To amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 1993

Mr. ROCKEFELLER (for himself, Mr. GRAHAM, Mr. AKAKA, and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill 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 "Veterans' Hospice
5 Services Act of 1993".

1 **SEC. 2. PROGRAMS FOR FURNISHING HOSPICE CARE TO**
2 **VETERANS.**

3 (a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of
4 title 38, United States Code, is amended by adding at the
5 end the following:

6 “SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM;

7 HOSPICE CARE SERVICES

8 **“§ 1761. Definitions**

9 “For the purposes of this subchapter—

10 “(1) The term ‘terminally ill veteran’ means
11 any veteran—

12 “(A) who is (i) entitled to receive hospital
13 care in a medical facility of the Department
14 under section 1710(a)(1) of this title, (ii) eligi-
15 ble for hospital or nursing home care in such a
16 facility and receiving such care, (iii) receiving
17 care in a State home facility for which care the
18 Secretary is paying per diem under section
19 1741 of this title, or (iv) transferred to a non-
20 Department nursing home for nursing home
21 care under section 1720 of this title and receiv-
22 ing such care; and

23 “(B) who has a medical prognosis (as cer-
24 tified by a Department physician) of a life ex-
25 pectancy of six months or less.

1 “(2) The term ‘hospice care services’ means (A)
2 the care, items, and services referred to in subpara-
3 graphs (A) through (H) of section 1861(dd)(1) of
4 the Social Security Act (42 U.S.C. 1395x(dd)(1)),
5 and (B) personal care services.

6 “(3) The term ‘hospice program’ means any
7 program that satisfies the requirements of section
8 1861(dd)(2) of the Social Security Act (42 U.S.C.
9 1395x(dd)(2)).

10 “(4) The term ‘medical facility of the Depart-
11 ment’ means a facility referred to in section
12 1701(4)(A) of this title.

13 “(5) The term ‘non-Department facility’ means
14 a facility (other than a medical facility of the De-
15 partment) at which care to terminally ill veterans is
16 furnished, regardless of whether such care is fur-
17 nished pursuant to a contract, agreement, or other
18 arrangement referred to in section 1762(b)(1)(D) of
19 this title.

20 “(6) The term ‘personal care services’ means
21 any care or service furnished to a person that is nec-
22 essary to maintain a person’s health and safety
23 within the home or nursing home of the person, in-
24 cluding care or services related to dressing and per-

1 sonal hygiene, feeding and nutrition, and environ-
2 mental support.

3 **“§ 1762. Hospice care: pilot program requirements**

4 “(a)(1) During the period beginning on October 1,
5 1993, and ending on December 31, 1998, the Secretary
6 shall conduct a pilot program in order—

7 “(A) to assess the feasibility and desirability of
8 furnishing hospice care services to terminally ill vet-
9 erans; and

10 “(B) to determine the most efficient and effec-
11 tive means of furnishing such services to such veter-
12 ans.

13 “(2) The Secretary shall conduct the pilot program
14 in accordance with this section.

15 “(b)(1) Under the pilot program, the Secretary
16 shall—

17 “(A) designate not less than 15 nor more than
18 30 medical facilities of the Department at or
19 through which to conduct hospice care services dem-
20 onstration projects;

21 “(B) designate the means by which hospice care
22 services shall be provided to terminally ill veterans
23 under each demonstration project pursuant to sub-
24 section (c);

1 “(C) allocate such personnel and other re-
2 sources of the Department as the Secretary consid-
3 ers necessary to ensure that services are provided to
4 terminally ill veterans by the designated means
5 under each demonstration project; and

6 “(D) enter into any contract, agreement, or
7 other arrangement that the Secretary considers nec-
8 essary to ensure the provision of such services by the
9 designated means under each such project.

10 “(2) In carrying out the responsibilities referred to
11 in paragraph (1) the Secretary shall take into account the
12 need to provide for and conduct the demonstration
13 projects so as to provide the Secretary with such informa-
14 tion as is necessary for the Secretary to evaluate and as-
15 sess the furnishing of hospice care services to terminally
16 ill veterans by a variety of means and in a variety of cir-
17 cumstances.

18 “(3) In carrying out the requirement described in
19 paragraph (2), the Secretary shall ensure, to the maxi-
20 mum extent feasible, that—

21 “(A) the medical facilities of the Department
22 selected to conduct demonstration projects under the
23 pilot program include facilities located in urban
24 areas of the United States and rural areas of the
25 United States;

1 “(B) the full range of affiliations between medi-
2 cal facilities of the Department and medical schools
3 is represented by the facilities selected to conduct
4 demonstration projects under the pilot program, in-
5 cluding no affiliation, minimal affiliation, and exten-
6 sive affiliation;

7 “(C) such facilities vary in the number of beds
8 that they operate and maintain; and

9 “(D) the demonstration projects are located or
10 conducted in accordance with any other criteria or
11 standards that the Secretary considers relevant or
12 necessary to furnish and to evaluate and assess fully
13 the furnishing of hospice care services to terminally
14 ill veterans.

15 “(c)(1) Subject to paragraph (2), hospice care to ter-
16 minally ill veterans shall be furnished under a demonstra-
17 tion project by one or more of the following means des-
18 ignated by the Secretary:

19 “(A) By the personnel of a medical facility of
20 the Department providing hospice care services pur-
21 suant to a hospice program established by the Sec-
22 retary at that facility.

23 “(B) By a hospice program providing hospice
24 care services under a contract with that program
25 and pursuant to which contract any necessary inpa-

1 tient services are provided at a medical facility of
2 the Department.

3 “(C) By a hospice program providing hospice
4 care services under a contract with that program
5 and pursuant to which contract any necessary inpa-
6 tient services are provided at a non-Department
7 medical facility.

8 “(2)(A) The Secretary shall provide that—

9 “(i) care is furnished by the means described in
10 paragraph (1)(A) at not less than five medical facili-
11 ties of the Department; and

12 “(ii) care is furnished by the means described
13 in subparagraphs (B) and (C) of paragraph (1) in
14 connection with not less than five such facilities for
15 each such means.

16 “(B) The Secretary shall provide in any contract
17 under subparagraph (B) or (C) of paragraph (1) that in-
18 patient care may be provided to terminally ill veterans at
19 a medical facility other than that designated in the con-
20 tract if the provision of such care at such other facility
21 is necessary under the circumstances.

22 “(d)(1) Except as provided in paragraph (2), the
23 amount paid to a hospice program for care furnished pur-
24 suant to subparagraph (B) or (C) of subsection (c)(1) may
25 not exceed the amount that would be paid to that program

1 for such care under section 1814(i) of the Social Security
2 Act (42 U.S.C. 1395f(i)) if such care were hospice care
3 for which payment would be made under part A of title
4 XVIII of such Act.

5 “(2) The Secretary may pay an amount in excess of
6 the amount referred to in paragraph (1) (or furnish serv-
7 ices whose value, together with any payment by the Sec-
8 retary, exceeds such amount) to a hospice program for
9 furnishing care to a terminally ill veteran pursuant to sub-
10 paragraph (B) or (C) of subsection (c)(1) if the Secretary
11 determines, on a case-by-case basis, that—

12 “(A) the furnishing of such care to the veteran
13 is necessary and appropriate; and

14 “(B) the amount that would be paid to that
15 program under section 1814(i) of the Social Security
16 Act would not compensate the program for the cost
17 of furnishing such care.

18 **“§ 1763. Care for terminally ill veterans**

19 “(a) During the period referred to in section
20 1762(a)(1) of this title, the Secretary shall designate not
21 less than 10 medical facilities of the Department at which
22 hospital care is being furnished to terminally ill veterans
23 to furnish the care referred to in subsection (b)(1).

1 “(b)(1) Palliative care to terminally ill veterans shall
2 be furnished at the facilities referred to in subsection (a)
3 by one of the following means designated by the Secretary:

4 “(A) By personnel of the Department providing
5 one or more hospice care services to such veterans
6 at or through medical facilities of the Department.

7 “(B) By personnel of the Department monitor-
8 ing the furnishing of one or more of such services
9 to such veterans at or through non-Department fa-
10 cilities.

11 “(2) The Secretary shall furnish care by the means
12 referred to in each of subparagraphs (A) and (B) of para-
13 graph (1) at not less than five medical facilities designated
14 under subsection (a).

15 **“§ 1764. Information relating to hospice care services**

16 “The Secretary shall ensure to the extent practicable
17 that terminally ill veterans who have been informed of
18 their medical prognosis receive information relating to the
19 eligibility, if any, of such veterans for hospice care and
20 services under title XVIII of the Social Security Act (42
21 U.S.C. 1395 et seq.).

22 **“§ 1765. Evaluation and reports**

23 “(a) Not later than September 30, 1994, and on an
24 annual basis thereafter until October 1, 1999, the Sec-
25 retary shall submit a written report to the Committees on

1 Veterans' Affairs of the Senate and House of Representa-
2 tives relating to the conduct of the pilot program under
3 section 1762 of this title and the furnishing of hospice
4 care services under section 1763 of this title. Each report
5 shall include the following information:

6 “(1) The location of the sites of the demonstra-
7 tion projects provided for under the pilot program.

8 “(2) The location of the medical facilities of the
9 Department at or through which hospice care serv-
10 ices are being furnished under section 1763 of this
11 title.

12 “(3) The means by which care to terminally ill
13 veterans is being furnished under each such project
14 and at or through each such facility.

15 “(4) The number of veterans being furnished
16 such care under each such project and at or through
17 each such facility.

18 “(5) An assessment by the Secretary of any dif-
19 ficulties in furnishing such care and the actions
20 taken to resolve such difficulties.

21 “(b) Not later than August 1, 1997, the Secretary
22 shall submit to the committees referred to in subsection
23 (a) a report containing an evaluation and assessment by
24 the Director of the Health Services Research and Develop-
25 ment Service of the hospice care pilot program under sec-

1 tion 1762 of this title and the furnishing of hospice care
2 services under section 1763 of this title. The report shall
3 contain such information (and shall be presented in such
4 form) as will enable the committees to evaluate fully the
5 feasibility and desirability of furnishing hospice care serv-
6 ices to terminally ill veterans.

7 “(c) The report shall include the following:

8 “(1) A description and summary of the pilot
9 program.

10 “(2) With respect to each demonstration project
11 conducted under the pilot program—

12 “(A) a description and summary of the
13 project;

14 “(B) a description of the facility conduct-
15 ing the demonstration project and a discussion
16 of how such facility was selected in accordance
17 with the criteria set out in, or prescribed by the
18 Secretary pursuant to, subparagraphs (A)
19 through (D) of section 1762(b)(3) of this title;

20 “(C) the means by which hospice care serv-
21 ices care are being furnished to terminally ill
22 veterans under the demonstration project;

23 “(D) the personnel used to furnish such
24 services under the demonstration project;

1 “(E) a detailed factual analysis with re-
2 spect to the furnishing of such services, includ-
3 ing (i) the number of veterans being furnished
4 such services, (ii) the number, if any, of inpa-
5 tient admissions for each veteran being fur-
6 nished such services and the length of stay for
7 each such admission, (iii) the number, if any, of
8 outpatient visits for each such veteran, and (iv)
9 the number, if any, of home-care visits provided
10 to each such veteran;

11 “(F) the direct costs, if any, incurred by
12 terminally ill veterans, the members of the fam-
13 ilies of such veterans, and other individuals in
14 close relationships with such veterans in connec-
15 tion with the participation of veterans in the
16 demonstration project;

17 “(G) the costs incurred by the Department
18 in conducting the demonstration project, includ-
19 ing an analysis of the costs, if any, of the dem-
20 onstration project that are attributable to (i)
21 furnishing such services in facilities of the De-
22 partment, (ii) furnishing such services in non-
23 Department facilities, and (iii) administering
24 the furnishing of such services; and

1 “(H) the unreimbursed costs, if any, in-
2 curred by any other entity in furnishing services
3 to terminally ill veterans under the project pur-
4 suant to section 1762(c)(1)(C) of this title.

5 “(3) An analysis of the level of the following
6 persons’ satisfaction with the services furnished to
7 terminally ill veterans under each demonstration
8 project:

9 “(A) Terminally ill veterans who receive
10 such services, members of the families of such
11 veterans, and other individuals in close relation-
12 ships with such veterans.

13 “(B) Personnel of the Department respon-
14 sible for furnishing such services under the
15 project.

16 “(C) Personnel of non-Department facili-
17 ties responsible for furnishing such services
18 under the project.

19 “(4) A description and summary of the means
20 of furnishing hospice care services at or through
21 each medical facility of the Department designated
22 under section 1763(a)(1) of this title.

23 “(5) With respect to each such means, the in-
24 formation referred to in paragraphs (2) and (3).

1 “(6) A comparative analysis by the Director of
2 the services furnished to terminally ill veterans
3 under the various demonstration projects referred to
4 in section 1762 of this title and at or through the
5 designated facilities referred to in section 1763 of
6 this title, with an emphasis in such analysis on a
7 comparison relating to—

8 “(A) the management of pain and health
9 symptoms of terminally ill veterans by such
10 projects and facilities;

11 “(B) the number of inpatient admissions
12 of such veterans and the length of inpatient
13 stays for such admissions under such projects
14 and facilities;

15 “(C) the number and type of medical pro-
16 cedures employed with respect to such veterans
17 by such projects and facilities; and

18 “(D) the effectiveness of such projects and
19 facilities in providing care to such veterans at
20 the homes of such veterans or in nursing
21 homes.

22 “(7) An assessment by the Director of the fea-
23 sibility and desirability of furnishing hospice care
24 services by various means to terminally ill veterans,
25 including an assessment by the Director of the

1 optimal means of furnishing such services to such
2 veterans.

3 “(8) Any recommendations for additional legis-
4 lation regarding the furnishing of care to terminally
5 ill veterans that the Secretary considers appro-
6 priate.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by adding
9 at the end the following:

“SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

“1761. Definitions.

“1762. Hospice care: pilot program requirements.

“1763. Care for terminally ill veterans.

“1764. Information relating to hospice care services.

“1765. Evaluation and reports.”.

10 (c) AUTHORITY TO CARRY OUT OTHER HOSPICE
11 CARE PROGRAMS.—The amendments made by subsection
12 (a) may not be construed as terminating the authority of
13 the Secretary of Veterans Affairs to provide hospice care
14 services to terminally ill veterans under any program in
15 addition to the programs required under the provisions
16 added by such amendments.

○