

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2192

---

IN THE SENATE OF THE UNITED STATES

JULY 30, 2008

Received; read twice and referred to the Committee on Veterans' Affairs

---

## AN ACT

To amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ESTABLISHMENT OF OFFICE OF THE OMBUDS-**  
2 **MAN IN VETERANS HEALTH ADMINISTRA-**  
3 **TION.**

4 (a) OFFICE OF THE OMBUDSMAN.—

5 (1) ESTABLISHMENT.—Subchapter I of chapter  
6 73 of title 38, United States Code, is amended by  
7 adding at the end the following new section:

8 **“§ 7309. Office of the Ombudsman**

9 “(a) OFFICE; DIRECTORS.—There is established in  
10 the Veterans Health Administration an Office of the Om-  
11 budsman (in this section referred to as the ‘Office’). The  
12 Office shall be headed by a Director appointed by the Sec-  
13 retary. The Director shall report directly to the Secretary.

14 “(b) DUTIES OF OFFICE.—The Office shall—

15 “(1) be responsible for ensuring—

16 “(A) all matters referred to the Office are  
17 handled in a confidential manner; and

18 “(B) any action taken by the Administra-  
19 tion with respect to such a matter does not neg-  
20 atively affect the ability of any veteran to re-  
21 ceive health care or benefits under a law admin-  
22 istered by the Secretary; and

23 “(2) serve as a last resort for complaints and  
24 issues that cannot be resolved at a local or regional  
25 level in the Administration.

26 “(c) DUTIES OF DIRECTOR.—The Director shall—

1           “(1) be responsible for overseeing the efforts of  
2 patient advocates in the Administration;

3           “(2) develop and make available to local offices  
4 of the Administration tools for monitoring the work  
5 of such patient advocates and standards to evaluate  
6 the work of such patient advocates;

7           “(3) determine trends, in terms of numbers,  
8 topics, and facility locations, in patient issues and  
9 complaints;

10           “(4) participate in such national quality con-  
11 ferences of the Administration as the Under Sec-  
12 retary for Health may designate;

13           “(5) help coordinate assistance for veterans who  
14 need assistance from the Administration in more  
15 than one region of the Administration; and

16           “(6) maintain a public Web site with links to  
17 contact information for each patient advocate at  
18 each medical center of the Department.

19           “(d) REGIONAL ADMINISTRATORS.—The Director  
20 shall appoint three regional administrators to support fa-  
21 cilities of the Administration and veterans integrated serv-  
22 ice networks in their patient advocacy work, to identify  
23 best practices for patient advocacy work and inform such  
24 facilities and networks of such best practices, and to re-  
25 ceive and refer to the board established under subsection

1 (e) appeals from veterans in their respective regions who  
2 are not satisfied with the efforts of their local medical cen-  
3 ter of the Department and veteran integrated service net-  
4 work.

5 “(e) BOARD.—The Director shall establish a board  
6 composed of the Director and the three regional adminis-  
7 trators appointed under subsection (d) to hear appeals re-  
8 ferred to the board by a regional administrator under sub-  
9 section (d) and issue a letter explaining the board’s deci-  
10 sion regarding such appeal and outlining possible steps for  
11 resolving issues raised in such appeal.

12 “(f) LIMITATION ON STATUTORY CONSTRUCTION.—  
13 Nothing in this section shall be construed as affecting the  
14 authority and responsibility of coordinators of patient ad-  
15 vocates for severely injured veterans of Operation of En-  
16 during Freedom and severely injured veterans of Oper-  
17 ation Iraqi Freedom.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-  
19 tions at the beginning of such chapter is amended  
20 by inserting after the item relating to section 7308  
21 the following new item:

“7309. Office of the Ombudsman.”.

22 (b) DEADLINE FOR DESIGNATION OF OMBUDS-  
23 MAN.—Not later than 180 days after the date of the en-  
24 actment of this Act, the Secretary of Veterans Affairs  
25 shall designate an individual to serve as the Ombudsman

1 of the Veterans Health Administration under section 7309  
2 of title 38, United States Code, as added by subsection  
3 (a).

Passed the House of Representatives July 29, 2008.

Attest:                   LORRAINE C. MILLER,  
*Clerk.*