

110TH CONGRESS  
2D SESSION

# S. 2889

To amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 17, 2008

Mr. AKAKA (by request) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve veterans' health care benefits, 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; REFERENCES TO TITLE 38,**

4 **UNITED STATES CODE.**

5 (a) **SHORT TITLE.**—This Act may be cited as the  
6 “Veterans Health Care Act of 2008”.

7 (b) **REFERENCES.**—Except as otherwise expressly  
8 provided, whenever in this Act an amendment or repeal  
9 is expressed in terms of an amendment or repeal to a sec-  
10 tion or other provision, the reference shall be considered

1 to be made to a section or other provision of title 38,  
2 United States Code.

3 **SEC. 2. SPECIALIZED RESIDENTIAL CARE AND REHABILITA-**  
4 **TION FOR CERTAIN VETERANS.**

5 Section 1720 is amended by adding at the end the  
6 following new subsection:

7 “(g) The Secretary may contract with appropriate en-  
8 tities to provide specialized residential care and rehabilita-  
9 tion services to a veteran of Operation Enduring Freedom  
10 or Operation Iraqi Freedom who the Secretary determines  
11 suffers from a traumatic brain injury, has an accumula-  
12 tion of deficits in activities of daily living and instrumental  
13 activities of daily living, and who, because of these deficits,  
14 would otherwise require admission to a nursing home even  
15 though such care would generally exceed the veteran’s  
16 nursing needs.”.

17 **SEC. 3. REIMBURSEMENT FOR CERTAIN CONTINUING EDU-**  
18 **CATION.**

19 Section 7411 is amended to read:

20 “The Secretary shall provide full-time board-certified  
21 physicians and dentists appointed under section 7401(1)  
22 of this title the opportunity to continue their professional  
23 education through VA sponsored continuing education  
24 programs. The Secretary may reimburse the physician or

1 dentist up to \$1,000 per year for continuing professional  
2 education not available through VA sources.”.

3 **SEC. 4. COPAYMENT EXEMPTION FOR HOSPICE CARE.**

4 (a) Section 1710(f)(1) is amended by adding “(except  
5 if such care constitutes hospice care)” after “nursing  
6 home care”;

7 (b) Section 1710(g)(1) is amended by adding “(ex-  
8 cept if such care constitutes hospice care)” after “medical  
9 services”.

10 **SEC. 5. UPDATE OF VOLUNTARY HIV TESTING POLICY.**

11 Section 124 of the Veterans’ Benefits and Services  
12 Act of 1988 (title I of Public Law 100–322, as amended;  
13 38 U.S.C. 7333 note) is repealed.

14 **SEC. 6. DISCLOSURE OF MEDICAL RECORDS.**

15 (a) LIMITED EXCEPTION TO CONFIDENTIALITY OF  
16 MEDICAL RECORDS.—Section 5701 is amended by adding  
17 at the end the following new subsection:

18 “(l) Under regulations that the Secretary shall pre-  
19 scribe, the Secretary may disclose the name or address,  
20 or both, of any individual who is a present or former mem-  
21 ber of the Armed Forces, or who is a dependent of a  
22 present or former member of the Armed Forces, to a third  
23 party, as defined in section 1729(i)(3)(D) of this title, in  
24 order to enable the Secretary to collect reasonable charges

1 under section 1729(a)(2)(E) of this title for care or serv-  
 2 ices provided for a non-service-connected disability.”.

3 (b) DISCLOSURES FROM CERTAIN MEDICAL  
 4 RECORDS.—Section 7332(b)(2) is amended by adding at  
 5 the end the following new subparagraph:

6 “(F) To a third party, as defined in sec-  
 7 tion 1729(i)(3)(D) of this title, to collect rea-  
 8 sonable charges under section 1729(a)(2)(E) of  
 9 this title for care or services provided for a non-  
 10 service-connected disability.”.

11 **SEC. 7. PERMANENT AUTHORITY TO CARRY OUT INCOME**  
 12 **VERIFICATION.**

13 Section 5317 is amended by striking subsection (g).

14 **SEC. 8. INCREASE IN RATES OF DISABILITY COMPENSA-**  
 15 **TION AND DEPENDENCY AND INDEMNITY**  
 16 **COMPENSATION.**

17 (a) RATE ADJUSTMENT.—The Secretary of Veterans  
 18 Affairs shall, effective on December 1, 2008, increase the  
 19 dollar amounts in effect for the payment of disability com-  
 20 pensation and dependency and indemnity compensation by  
 21 the Secretary, as specified in subsection (b).

22 (b) AMOUNTS TO BE INCREASED.—The dollar  
 23 amounts to be increased pursuant to subsection (a) are  
 24 the following:

1           (1) COMPENSATION.—Each of the dollar  
2 amounts in effect under section 1114 of title 38,  
3 United States Code;

4           (2) ADDITIONAL COMPENSATION FOR DEPEND-  
5 ENTS.—Each of the dollar amounts in effect under  
6 section 1115(1) of such title;

7           (3) CLOTHING ALLOWANCE.—The dollar  
8 amount in effect under section 1162 of such title;

9           (4) NEW DIC RATES.—Each of the dollar  
10 amounts in effect under paragraphs (1) and (2) of  
11 section 1311(a) of such title;

12           (5) OLD DIC RATES.—Each of the dollar  
13 amounts in effect under section 1311(a)(3) of such  
14 title;

15           (6) ADDITIONAL DIC FOR SURVIVING SPOUSES  
16 WITH MINOR CHILDREN.—The dollar amounts in ef-  
17 fect under section 1311(b) of such title;

18           (7) ADDITIONAL DIC FOR DISABILITY.—Each of  
19 the dollar amounts in effect under subsections (c)  
20 and (d) of section 1311 of such title;

21           (8) DIC FOR DEPENDENT CHILDREN.—Each of  
22 the dollar amounts in effect under sections 1313(a)  
23 and 1314 of such title;

24           (c) DETERMINATION OF INCREASE.—

1           (1) The increase under subsection (a) shall be  
2           made in the dollar amounts specified in subsection  
3           (b) as in effect on November 30, 2008.

4           (2) Except as provided in paragraph (3), each  
5           such amount shall be increased by the same percent-  
6           age as the percentage by which benefit amounts pay-  
7           able under title II of the Social Security Act (42  
8           U.S.C. 401 et seq.) are increased effective December  
9           1, 2008, as a result of a determination under section  
10          215(i) of such Act (42 U.S.C. 415(i)).

11          (3) Each dollar amount increased pursuant to  
12          paragraph (2) shall, if not a whole dollar amount, be  
13          rounded down to the next lower whole dollar  
14          amount.

15          (d) SPECIAL RULE.—The Secretary may adjust ad-  
16          ministratively, consistent with the increases made under  
17          subsection (a), the rates of disability compensation pay-  
18          able to persons within the purview of section 10 of Public  
19          Law 85–857 (72 Stat. 1263) who are not in receipt of  
20          compensation payable pursuant to chapter 11 of title 38,  
21          United States Code.

22          (e) PUBLICATION OF ADJUSTED RATES.—At the  
23          same time as the matters specified in section 215(i)(2)(D)  
24          of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are  
25          required to be published by reason of a determination

1 made under section 215(i) of such Act during fiscal year  
2 2009, the Secretary of Veterans Affairs shall publish in  
3 the Federal Register the amounts specified in subsection  
4 (b), as increased pursuant to subsection (a).

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