

114TH CONGRESS  
1ST SESSION

# S. 1676

To increase the number of graduate medical education positions treating veterans, to improve the compensation of health care providers, medical directors, and directors of Veterans Integrated Service Networks of the Department of Veterans Affairs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 24, 2015

Mr. TESTER (for himself and Mrs. McCASKILL) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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# A BILL

To increase the number of graduate medical education positions treating veterans, to improve the compensation of health care providers, medical directors, and directors of Veterans Integrated Service Networks of the Department 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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Delivering Opportunities for Care and Services for Vet-  
6       erans Act of 2015” or the “DOCs for Veterans Act of  
7       2015”.

- 1       (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

See. 1. Short title; table of contents.

#### TITLE I—MEDICAL EDUCATION AND TRAINING

- Sec. 101. Disregard of resident slots that include VA training against the Medicare graduate medical education limitations.
- Sec. 102. Extension of period for increase in graduate medical education residency positions at medical facilities of the Department of Veterans Affairs.
- Sec. 103. Pilot program on graduate medical education residency programs in behavioral medicine in underserved areas.
- Sec. 104. Inclusion of mental health professionals in education and training program for health personnel of the Department of Veterans Affairs.
- Sec. 105. Expansion of qualifications for licensed mental health counselors of the Department of Veterans Affairs to include doctoral degrees.

#### TITLE II—HEALTH CARE PROVIDERS OF THE DEPARTMENT OF VETERANS AFFAIRS

- Sec. 201. Requirement that physician assistants employed by the Department of Veterans Affairs receive competitive pay.
- Sec. 202. Modification of education debt reduction program of Department of Veterans Affairs to require a certain amount to be spent in rural and highly rural areas.
- Sec. 203. Report on medical workforce of the Department of Veterans Affairs.

#### TITLE III—LEADERSHIP OF THE VETERANS HEALTH ADMINISTRATION

- Sec. 301. Establishment of positions of Directors of Veterans Integrated Service Networks in Office of Under Secretary for Health of Department of Veterans Affairs and modification of qualifications for Medical Directors.
- Sec. 302. Pay for Medical Directors and Directors of Veterans Integrated Service Networks.

#### TITLE IV—OTHER HEALTH CARE MATTERS

- Sec. 401. Pilot program on providing nurse advice line for veterans in rural and highly rural areas.

1       **TITLE I—MEDICAL EDUCATION**  
2                   **AND TRAINING**

3       **SEC. 101. DISREGARD OF RESIDENT SLOTS THAT INCLUDE**  
4                   **VA TRAINING AGAINST THE MEDICARE GRAD-**  
5                   **UATE MEDICAL EDUCATION LIMITATIONS.**

6       (a) DIRECT GME.—Section 1886(h)(4)(F) of the So-  
7       cial Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amend-  
8       ed by adding at the end the following new clause:

9                   “(iii) DISREGARD OF CERTAIN RESI-  
10       DENT SLOTS THAT INCLUDE VA TRAIN-  
11       ING.—For portions of cost reporting peri-  
12       ods beginning on or after July 1, 2016, in  
13       applying the limitations regarding the total  
14       number of full-time equivalent residents in  
15       the field of allopathic or osteopathic medi-  
16       cine under clause (i) in a hospital’s ap-  
17       proved medical residency training program,  
18       the Secretary shall not take into account  
19       any resident within such program that  
20       counts towards meeting the obligation of  
21       the Secretary of Veterans Affairs under  
22       section 301(b)(2) of the Veterans Access,  
23       Choice, and Accountability Act of 2014  
24       (Public Law 113–146; 38 U.S.C. 7302  
25       note).”.

## **6 SEC. 102. EXTENSION OF PERIOD FOR INCREASE IN GRAD-**

**7                   UATE MEDICAL EDUCATION RESIDENCY PO-**

**8                   SITIONS AT MEDICAL FACILITIES OF THE DE-**

**9                   PARTMENT OF VETERANS AFFAIRS.**

10       (a) IN GENERAL.—Paragraph (2) of section 301(b)  
11 of the Veterans Access, Choice, and Accountability Act of  
12 2014 (Public Law 113–146; 38 U.S.C. 7302 note) is  
13 amended—

14 (1) in the paragraph heading, by striking  
15 “FIVE-YEAR” and inserting “TEN-YEAR”; and

18 (b) REPORT.—Paragraph (3)(A) of such section is  
19 amended by striking “until 2019” and inserting “until  
20 2024”.

**SEC. 103. PILOT PROGRAM ON GRADUATE MEDICAL EDUCATION RESIDENCY PROGRAMS IN BEHAVIORAL MEDICINE IN UNDERSERVED AREAS.**

24 (a) PILOT PROGRAM.—Commencing not later than  
25 one year after the date of the enactment of this Act, the

1 Secretary of Veterans Affairs and the Secretary of Health  
2 and Human Services shall jointly conduct a six-year pilot  
3 program to establish not less than three graduate medical  
4 education residency programs in behavioral medicine in  
5 underserved areas in the United States.

6 (b) ELEMENTS.—Each graduate medical education  
7 residency program established under the pilot program  
8 shall—

9 (1) provide residents participating in the grad-  
10 uate medical education residency program with an  
11 opportunity to work with a diverse patient popu-  
12 lation through a rotation between medical facilities  
13 of the Department of Veterans Affairs, facilities of  
14 the Indian Health Service, and facilities partici-  
15 pating under the Medicare program under title  
16 XVIII of the Social Security Act (42 U.S.C. 1395 et  
17 seq.);

18 (2) include graduate medical education in the  
19 field of behavioral medicine;

20 (3) be carried out in a manner consistent with  
21 graduate medical education residency programs sup-  
22 ported and funded by the Department of Veterans  
23 Affairs and the Department of Health and Human  
24 Services;

25 (4) be located in a community that—

- 1                             (A) is designated as a medically under-  
2                             served area under section 330(b)(3)(A) of the  
3                             Public Health Service Act (42 U.S.C.  
4                             254b(b)(3)(A));
- 5                             (B) is in a State with a per capita popu-  
6                             lation of veterans of more than 9 percent ac-  
7                             cording to the National Center for Veterans  
8                             Analysis and Statistics and the United States  
9                             Census Bureau; and
- 10                            (C) is within 100 miles of a Reservation  
11                             (as defined in Section 3(d) of the Indian Fi-  
12                             nancing Act of 1974 (25 U.S.C. 1452)).

13                             (c) REPORT.—

14                             (1) IN GENERAL.—Not later than 180 days  
15                             after the date of the commencement of the pilot pro-  
16                             gram and not less frequently than once each year  
17                             thereafter while the pilot program is being carried  
18                             out, the Secretary of Veterans Affairs and the Sec-  
19                             retary of Health and Human Services shall, in con-  
20                             sultation with representatives from facilities partici-  
21                             pating under the Medicare program under title  
22                             XVIII of the Social Security Act (42 U.S.C. 1395 et  
23                             seq.) that are participating in the pilot program,  
24                             jointly submit to Congress a report on the imple-  
25                             mentation of the pilot program.

1                             (2) ELEMENTS.—Each report required by para-  
2                             graph (1) shall include the following:

3                                 (A) A description of the patient population  
4                             served by the residents participating in a grad-  
5                             uate medical education residency program  
6                             under the pilot program.

7                                 (B) A description of the behavioral medi-  
8                             cine services provided under the pilot program,  
9                             including the extent to which those services  
10                             were provided using telemedicine services.

11                                 (C) The academic affiliation of each resi-  
12                             dent participating in a graduate medical edu-  
13                             cation residency program under the pilot pro-  
14                             gram.

15                                 (D) A description of any impediments  
16                             faced in carrying out the pilot program and ac-  
17                             tions taken by the Secretary of Veterans Affairs  
18                             and the Secretary of Health and Human Serv-  
19                             ices to address those impediments.

20                             **SEC. 104. INCLUSION OF MENTAL HEALTH PROFESSIONALS**  
21                                 **IN EDUCATION AND TRAINING PROGRAM FOR**  
22                                 **HEALTH PERSONNEL OF THE DEPARTMENT**  
23                                 **OF VETERANS AFFAIRS.**

24                                 (a) IN GENERAL.—In carrying out the education and  
25                             training program required under section 7302(a)(1) of

1 title 38, United States Code, the Secretary of Veterans  
2 Affairs shall include education and training of marriage  
3 and family therapists and licensed professional mental  
4 health counselors.

5 (b) APPORTIONMENT OF FUNDING.—The Secretary  
6 shall apportion funding for the education and training  
7 program described in subsection (a) equally among the  
8 professions included in the program.

9 **SEC. 105. EXPANSION OF QUALIFICATIONS FOR LICENSED**  
10 **MENTAL HEALTH COUNSELORS OF THE DE-**  
11 **PARTMENT OF VETERANS AFFAIRS TO IN-**  
12 **CLUDE DOCTORAL DEGREES.**

13 Section 7402(b)(11)(A) of title 38, United States  
14 Code, is amended by inserting “or doctoral degree” after  
15 “master’s degree”.

16 **TITLE II—HEALTH CARE PRO-**  
17 **VIDERS OF THE DEPART-**  
18 **MENT OF VETERANS AFFAIRS**

19 **SEC. 201. REQUIREMENT THAT PHYSICIAN ASSISTANTS EM-**  
20 **PLOYED BY THE DEPARTMENT OF VETERANS**  
21 **AFFAIRS RECEIVE COMPETITIVE PAY.**

22 Section 7451(a)(2) of title 38, United States Code,  
23 is amended—

24 (1) by redesignating subparagraph (B) as sub-  
25 paragraph (C);

1                             (2) by inserting after subparagraph (A) the fol-  
2                             lowing new subparagraph (B):

3                             “(B) Physician assistant.”; and

4                             (3) in subparagraph (C), as redesignated by  
5                             paragraph (1), by striking “and registered nurse”  
6                             and inserting “registered nurse, and physician as-  
7                             sistant”.

8                             **SEC. 202. MODIFICATION OF EDUCATION DEBT REDUCTION**

9                             **PROGRAM OF DEPARTMENT OF VETERANS**  
10                             **AFFAIRS TO REQUIRE A CERTAIN AMOUNT**  
11                             **TO BE SPENT IN RURAL AND HIGHLY RURAL**  
12                             **AREAS.**

13                             Section 7681 of title 38, United States Code, is  
14 amended by adding at the end the following new sub-  
15 sections:

16                             “(c) LIMITATION ON AMOUNTS.—Not less than 30  
17 percent of the amount of debt reduction payments paid  
18 under the Education Debt Reduction Program each year  
19 shall be paid to individuals who practice medicine in a  
20 rural area or highly rural area or demonstrate a commit-  
21 ment to practice medicine in such an area.

22                             “(d) DEFINITIONS.—In this section:

23                             “(1) The term ‘highly rural area’ means an  
24 area located in a county or similar community that

1 has less than seven individuals residing in that coun-  
2 ty or community per square mile.

3               “(2) The term ‘rural area’ means an area that  
4       is not an urbanized area or a highly rural area.

5               “(3) The term ‘urbanized area’ has the mean-  
6       ing given that term by the Director of the Bureau  
7       of the Census.”.

10       (a) IN GENERAL.—Not later than 120 days after the  
11 date of the enactment of this Act, the Secretary of Vet-  
12 erans Affairs shall submit to the Committee on Veterans  
13 Affairs of the Senate and the Committee on Veterans Af-  
14 fairs of the House of Representatives a report on the med-  
15 ical workforce of the Department of Veterans Affairs.

16 (b) ELEMENTS.—The report required by subsection  
17 (a) shall include the following:

18                   (1) With respect to licensed professional mental  
19                   health counselors and marriage and family thera-  
20                   pists of the Department—

21 (A) how many such counselors and thera-  
22 pists are currently enrolled in the mental health  
23 professionals trainee program of the Depart-  
24 ment;



1                             (A) the amount spent by the Department  
2                             in debt reduction payments during the three-  
3                             year period preceding the submittal of the re-  
4                             port disaggregated by the medical profession of  
5                             the individual receiving the payments;

6                             (B) a description of how the Department  
7                             prioritizes such spending by medical profession,  
8                             including an assessment of whether such pri-  
9                             ority reflects the five occupations identified in  
10                            the most recent determination by the Inspector  
11                            General of the Department of Veterans Affairs  
12                            as having the largest staffing shortages in the  
13                            Veterans Health Administration; and

14                            (C) a description of the actions taken by  
15                            the Secretary to increase the effectiveness of  
16                            such spending for purposes of recruitment of  
17                            health care providers to the Department, in-  
18                            cluding efforts to more consistently include eli-  
19                            gibility for the education debt reduction pro-  
20                            gram in vacancy announcements of positions for  
21                            health care providers at the Department.

22                           (3) A description of any impediments to the de-  
23                           livery by the Department of telemedicine services to  
24                           veterans and any actions taken by the Department

1 to address such impediments, including with respect  
2 to—

3 (A) restrictions under Federal or State  
4 laws;

5 (B) licensing or credentialing issues for  
6 health care providers, including non-Depart-  
7 ment health care providers, practicing telemedi-  
8 cine with a veteran located in a different State;

9 (C) the effect of limited broadband access  
10 or limited information technology capabilities on  
11 the delivery of health care;

12 (D) the distance a veteran is required to  
13 travel to access a facility or clinic with telemedi-  
14 cine capabilities;

15 (E) the effect on the provision of telemedi-  
16 cine services to veterans of policies of and lim-  
17 ited liability protection for certain entities; and

18 (F) issues relating to reimbursement and  
19 travel limitations for veterans that affect the  
20 participation of non-Department health care  
21 providers in the telemedicine program.

22 (4) An update on the efforts of the Secretary  
23 to offer training opportunities in telemedicine to  
24 medical residents in medical facilities of the Depart-  
25 ment that use telemedicine, consistent with medical

1       residency program requirements established by the  
2       Accreditation Council for Graduate Medical Edu-  
3       cation, as required in section 108(b) of the Honoring  
4       America's Veterans and Caring for Camp Lejeune  
5       Families Act of 2012 (Public Law 112–154; 38  
6       U.S.C. 7406 note).

7                 (5) An assessment of the development and im-  
8       plementation by the Secretary of succession planning  
9       policies to address the prevalence of vacancies in po-  
10      sitions in the Veterans Health Administration of  
11      more than 180 days, including the development of  
12      an enterprise position management system to more  
13      effectively identify, track, and resolve such vacan-  
14      cies.

15                 (6) A description of the actions taken by the  
16      Secretary, in consultation with the Director of the  
17      Office of Personnel Management, to address any im-  
18      pediments to the timely appointment and determina-  
19      tion of qualifications for Directors of Veterans Inte-  
20      grated Service Networks and Medical Directors of  
21      the Department.

1   **TITLE III—LEADERSHIP OF THE**  
2   **VETERANS HEALTH ADMINIS-**  
3   **TRATION**

4   **SEC. 301. ESTABLISHMENT OF POSITIONS OF DIRECTORS**  
5           **OF VETERANS INTEGRATED SERVICE NET-**  
6           **WORKS IN OFFICE OF UNDER SECRETARY**  
7           **FOR HEALTH OF DEPARTMENT OF VETERANS**  
8           **AFFAIRS AND MODIFICATION OF QUALIFICA-**  
9           **TIONS FOR MEDICAL DIRECTORS.**

10       Section 7306(a)(4) of title 38, United States Code,  
11   is amended—

12           (1) by inserting “and Directors of Veterans In-  
13       tegrated Service Networks” after “Such Medical Di-  
14       rectors”; and

15           (2) by striking “, who shall be either a qualified  
16       doctor of medicine or a qualified doctor of dental  
17       surgery or dental medicine”.

18   **SEC. 302. PAY FOR MEDICAL DIRECTORS AND DIRECTORS**  
19           **OF VETERANS INTEGRATED SERVICE NET-**  
20           **WORKS.**

21       (a) IN GENERAL.—Chapter 74 of title 38, United  
22       States Code, is amended by adding at the end the fol-  
23       lowing new subchapter:

1     **“Subchapter VII—Pay for Medical Directors**  
2       **and Directors of Veterans Integrated**  
3       **Service Networks**

4     **“§ 7481. Pay for Medical Directors and Directors of**  
5       **Veterans Integrated Service Networks**

6           “(a) ELEMENTS OF PAY.—Pay for a Medical Direc-  
7 tor or Director of a Veterans Integrated Service Network  
8 appointed under section 7306(a)(4) of this title (in this  
9 section referred to as a ‘Director’) shall consist of basic  
10 pay set forth under section 7404(a) of this title and mar-  
11 ket pay determined under subsection (b).

12          “(b) MARKET PAY.—(1) Each Director is eligible for  
13 market pay determined under this subsection.

14          “(2) The amount of market pay payable to a Director  
15 under this section shall be determined by the Secretary  
16 on a case-by-case basis and shall consist of pay intended  
17 to reflect needs of the Department with respect to the re-  
18 cruitment and retention (as determined by the Secretary)  
19 of such Director.

20          “(3) In determining the amount of market pay pay-  
21 able to a Director under this section, the Secretary shall—

22            “(A) consult not less than two national surveys  
23       on pay for hospital directors, medical facility direc-  
24       tors, or other similar positions, whether prepared by  
25       private, public, or quasi-public entities, to make a

1 general assessment of the range of potential pay for  
2 the Director; and

3 "(B) take into account—

4 "“(i) the experience of the Director in man-  
5 aging facilities or program offices of the De-  
6 partment, including the complexity of such fa-  
7 cilities or offices;

8 "“(ii) the complexity of the facility or facili-  
9 ties to be managed by the Director;

10 "“(iii) the labor market, in such geographic  
11 area as the Secretary considers relevant, for  
12 hospital directors, medical facility directors, and  
13 other similar positions;

14 "“(iv) the experience of the Director in  
15 managing medical facilities for other Federal  
16 agencies, private entities, or non-profit entities;  
17 and

18 "“(v) such other considerations as the Sec-  
19 retary considers appropriate.

20 "“(4)(A) The Secretary shall evaluate the amount of  
21 market pay payable to a Director under this section not  
22 less frequently than once every two years and may adjust  
23 the market pay payable to such Director as a result of  
24 such evaluation.

1       “(B) A Director whose market pay is evaluated under  
2 subparagraph (A) shall receive written notice of the re-  
3 sults of such evaluation.

4       “(c) REQUIREMENTS AND LIMITATIONS ON TOTAL  
5 PAY.—(1) Not less frequently than once every two years,  
6 the Secretary shall set forth a Department-wide minimum  
7 and maximum amount for total annual pay under sub-  
8 section (a) that may be paid to a Director and shall pub-  
9 lish each such amount in the Federal Register.

10       “(2) The minimum and maximum amounts set forth  
11 under paragraph (1) shall take effect not earlier than the  
12 date that is 60 days after the publication of such amounts  
13 under such paragraph.

14       “(3) The sum of the basic pay set forth under section  
15 7404(a) of this title and market pay determined under  
16 subsection (b) for a Director for a calendar year—

17       “(A) may not be less than the most recent min-  
18 imum amount set forth under paragraph (1) before  
19 the beginning of such calendar year; and

20       “(B) may not be more than the most recent  
21 maximum amount set forth under such paragraph  
22 before the beginning of such calendar year.

23       “(4) The total amount of compensation paid to a Di-  
24 rector under this title in any calendar year may not exceed

1 the amount of annual compensation (excluding expenses)  
2 of the President under section 102 of title 3.

3       “(5) The Secretary may not delegate to an officer or  
4 employee of the Department the requirement of the Sec-  
5 retary to set forth a Department-wide minimum and max-  
6 imum amount under paragraph (1).

7       “(d) TREATMENT OF PAY.—Pay under this section  
8 shall be considered pay for all purposes, including retire-  
9 ment benefits under chapters 83 and 84 of title 5 and  
10 other benefits.

11       “(e) ANCILLARY EFFECTS OF DECREASES IN PAY.—  
12 (1) A decrease in pay of a Director resulting from an ad-  
13 justment in the amount of market pay of the Director  
14 under subsection (b) shall not be treated as an adverse  
15 action.

16       “(2) A decrease in the amount of pay of a Director  
17 resulting from an involuntary reassignment in connection  
18 with a disciplinary action taken against the Director is not  
19 subject to appeal or judicial review.”.

20       (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of chapter 74 of such title is amended  
22 by adding at the end the following:

“SUBCHAPTER VII. PAY FOR MEDICAL DIRECTORS AND DIRECTORS OF  
VETERANS INTEGRATED SERVICE NETWORKS

“7481. Pay for Medical Directors and Directors of Veterans Integrated Service  
Networks.”.

## **TITLE IV—OTHER HEALTH CARE MATTERS**

**3 SEC. 401. PILOT PROGRAM ON PROVIDING NURSE ADVICE  
4 LINE FOR VETERANS IN RURAL AND HIGHLY  
5 RURAL AREAS.**

6       (a) IN GENERAL.—Commencing not later than one  
7 year after the date of the enactment of this Act, the Sec-  
8 retary of Veterans Affairs shall conduct a two-year pilot  
9 program to assess the feasibility and advisability of imple-  
10 menting in rural areas and highly rural areas with a large  
11 percentage of veterans a nurse advice line to furnish to  
12 veterans medical advice, appointment and cancellation  
13 services, and information on the availability of benefits  
14 from the Department of Veterans Affairs.

15 (b) NURSE ADVICE LINE.—In carrying out the pilot  
16 program under subsection (a) the Secretary shall establish  
17 a nurse advice line that—

18 (1) operates free of charge;

19                         (2) is based on, and improves upon, the nurse  
20                         advice line implemented by the Department of De-  
21                         fense for beneficiaries under the TRICARE program  
22                         (as defined in section 1072(5) of title 10, United  
23                         States Code);

1                             (4) operates in close consultation with the Sec-  
2                             retary to—

3                                 (A) establish a process through which the  
4                             eligibility of a caller for the nurse advice line  
5                             can be validated;

6                                 (B) allow eligibility and benefit information  
7                             in possession of the Department of Veterans  
8                             Affairs to be shared with the nurse advice line;  
9                             and

10                                 (C) allow the nurse advice line to connect  
11                             with appropriate technology and personnel of  
12                             the Department for purposes of scheduling ap-  
13                             pointments for the receipt of health care from  
14                             the Department; and

15                                 (5) maintains quality controls to ensure that  
16                             calls are answered by a customer service representa-  
17                             tive within 30 seconds and with an abandonment  
18                             rate of less than 5 percent.

19                                 (c) SERVICES PROVIDED.—The nurse advice line es-  
20                             tablished under the pilot program shall provide an array  
21                             of services to veterans, including the following:

22                                 (1) Medical advice from licensed registered  
23                             nurses who assess the symptoms of the caller using  
24                             a proprietary clinical algorithm that—

(A) has been shown in peer-reviewed medical journals to most closely emulate the clinical decisionmaking processes of physicians; and

(B) triages the caller to the appropriate venue at which the caller may receive the health care that they need.

14 (d) REPORT.—

20                   (2) ELEMENTS.—The report required by para-  
21                   graph (1) shall include the following:

22 (A) A description of the veterans who have  
23 benefitted from advice through the nurse advice  
24 line under the pilot program, including the loca-  
25 tions of the veterans served.

(B) A description of any impediments to  
the Secretary in carrying out the pilot program.

(D) An assessment of the feasibility and advisability of expanding the pilot program to include more veterans.

10 (e) DEFINITIONS.—In this section:

(2) RURAL AREA.—The term “rural area” means an area that is not an urbanized area or a highly rural area.

