

115TH CONGRESS  
1ST SESSION

# H. R. 3642

To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the access to private health care for veterans who are survivors of military sexual trauma.

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2017

Mr. BARR introduced the following bill; which was referred to the Committee on Veterans' Affairs

---

## A BILL

To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the access to private health care for veterans who are survivors of military sexual trauma.

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 “Military Sexual Assault  
5 Victims Empowerment Act” or the “Military SAVE Act”.

1 **SEC. 2. PILOT PROGRAM FOR PRIVATE HEALTH CARE FOR**  
2 **VETERANS WHO ARE SURVIVORS OF MILI-**  
3 **TARY SEXUAL TRAUMA.**

4 (a) **ESTABLISHMENT.**—The Secretary of Veterans  
5 Affairs, acting through the Office of Community Care of  
6 the Department of Veterans Affairs, shall carry out a pilot  
7 program to furnish hospital care and medical services to  
8 eligible veterans at non-Department health care providers  
9 to treat physical and psychological injuries or illnesses  
10 which in the judgment of a mental health professional em-  
11 ployed by the Department resulted from a physical assault  
12 of a sexual nature, battery of a sexual nature, or sexual  
13 harassment which occurred while the veteran was serving  
14 on active duty, active duty for training, or inactive duty  
15 training.

16 (b) **DURATION.**—The Secretary shall carry out the  
17 pilot program under subsection (a) for a three-year period.  
18 If at the completion of the pilot program an eligible vet-  
19 eran is receiving hospital care and medical services from  
20 a non-Department health care provider under the pilot  
21 program, the Secretary may approve, on a case by case  
22 basis, the continuation of such hospital care and medical  
23 services from that non-Department health care provider  
24 until the completion of the episode of care.

1 (c) ELIGIBLE VETERANS.—A veteran is eligible to  
2 participate in the pilot program under subsection (a) if  
3 the veteran—

4 (1) is eligible to participate in the program  
5 under section 1720D of title 38, United States Code;  
6 and

7 (2) resides in a location selected under sub-  
8 section (d).

9 (d) LOCATIONS.—

10 (1) SELECTION.—The Secretary shall select not  
11 more than five locations in which to carry out the  
12 pilot program under subsection (a). Each location  
13 shall meet each of the following criteria:

14 (A) The location is within 100 miles of a  
15 major military installation, as determined by  
16 the Secretary, in the same State as the location.

17 (B) Except as provided by paragraph (2),  
18 the location consists of a city with a population  
19 between 200,000 and 500,000, as determined  
20 by the Bureau of the Census.

21 (C) The location is in a State in which the  
22 National Violence Against Women Prevention  
23 Research Center or the Centers for Disease  
24 Control and Prevention, or both, has deter-

1           mined the rate of sexual assault to be a sub-  
2           stantial problem.

3           (D) The location is in a State that has a  
4           weighted percentage of reported rape of not less  
5           than 20 percent but not more than 25 percent  
6           of sexual assault cases, in accordance with the  
7           finding of the Centers for Disease Control and  
8           Prevention contained in the “‘Lifetime Preva-  
9           lence of Sexual Violence by any Perpetrator”  
10          (NISVS 2010).

11          (2) RURAL LOCATION.—Not fewer than one lo-  
12          cation selected under paragraph (1) shall be rural,  
13          as determined by the Secretary.

14          (e) PARTICIPATION.—

15               (1) ELECTION.—An eligible veteran may elect  
16               to participate in the pilot program under subsection  
17               (a). Such an election shall include an affidavit at-  
18               testing that the veteran is eligible to participate in  
19               the program under section 1720D of title 38, United  
20               States Code. Such election shall not affect the ability  
21               of the veteran to receive health care furnished by  
22               Department providers with respect to illnesses or in-  
23               juries that are not described in subsection (a).

24               (2) CHOICE OF NON-DEPARTMENT HEALTH  
25               CARE PROVIDERS.—The Secretary may not restrict

1 the ability of an eligible veteran who participates in  
2 the pilot program under subsection (a) to choose  
3 from which non-Department health care provider the  
4 veteran receives hospital care or medical treatment  
5 under the pilot program.

6 (3) PROVISION OF INFORMATION.—The Sec-  
7 retary shall—

8 (A) notify each eligible veteran of the abil-  
9 ity of the veteran to make an election under  
10 paragraph (1), and that such election is made  
11 without prejudice; and

12 (B) provide to such veterans educational  
13 referral materials, including through pamphlets  
14 and internet websites, on the non-Department  
15 providers in the locations selected under sub-  
16 section (d).

17 (f) PAYMENTS.—

18 (1) CURRENT PROVIDERS.—If a non-Depart-  
19 ment health care provider is entered into a contract  
20 or other agreement with the Secretary pursuant to  
21 another provision of law to furnish hospital care or  
22 medical treatment to veterans, the Secretary shall  
23 pay the health care provider for hospital care or  
24 medical treatment furnished under this section using

1 the same rates and payment schedules as provided  
2 for in such contract or agreement.

3 (2) NEW PROVIDERS.—If a non-Department  
4 health care provider is not entered into an agree-  
5 ment with the Secretary pursuant to another provi-  
6 sion of law to furnish hospital care or medical treat-  
7 ment to veterans, the Secretary shall pay the health  
8 care provider for hospital care or medical treatment  
9 furnished under this section using the same rates  
10 and payment schedule as if such care and treatment  
11 was furnished pursuant to section 1703 of title 38,  
12 United States Code.

13 (g) COLLECTION OF DATA.—

14 (1) SURVEYS.—The Secretary shall survey each  
15 eligible veteran, regardless of whether the veteran  
16 elects to participate in the pilot program under sub-  
17 section (a), to assess the hospital care and medical  
18 treatment furnished to the veteran either pursuant  
19 to this section or section 1720D of title 38, United  
20 States Code, as the case may be.

21 (2) MATTERS INCLUDED.—With respect to the  
22 hospital care or medical treatment covered by this  
23 section or section 1720D of title 38, United States  
24 Code, the surveys under paragraph (1) shall ascer-  
25 tain the following information:

1           (A) The number of eligible veterans who  
2           elect to participate in the pilot program under  
3           subsection (a) as compared to the number of el-  
4           igible veterans who do not make such election.

5           (B) The length of time since an eligible  
6           veteran has been discharged or released from  
7           military service.

8           (C) The number of health care providers  
9           that the eligible veteran visited.

10          (D) The gender of each health care pro-  
11          vider visited.

12          (E) The specific degree or licensure of  
13          each health care provider visited.

14          (F) Whether the eligible veteran visited the  
15          same health care provider from the beginning of  
16          treatment to the completion of treatment, and  
17          if not, the reasons why not.

18          (G) The length of time from the date the  
19          eligible veteran sought an appointment with a  
20          health care provider until the date on which the  
21          appointment occurred.

22          (H) The length of time that the eligible  
23          veteran has to wait for an appointment with  
24          health care providers.

1           (I) The distance that the eligible veteran  
2 has to travel for an appointment with health  
3 care providers.

4           (J) The frequency of follow-up appoint-  
5 ments made by the eligible veteran.

6           (K) The duration of treatment furnished  
7 by health care providers.

8           (L) Whether the eligible veteran has trou-  
9 ble falling asleep, and if so, the reasons why.

10          (M) The types of any medication taken by  
11 the eligible veteran and the reasons for such  
12 use.

13          (N) Whether the eligible veteran had an  
14 emergency situation that required mental health  
15 treatment before a scheduled appointment, and  
16 if so—

17               (i) the mental health services that  
18 were offered and from whom; and

19               (ii) whether the eligible veteran ac-  
20 cepted such services, and if not, why not.

21          (3) TIMING.—The Secretary shall conduct sur-  
22 veys of eligible veterans under paragraph (1) at the  
23 following periods:

24               (A) Upon the election made by a veteran  
25 to participate in the pilot program under sub-



1 section (a), or as soon as practicable after the  
2 Secretary determines the veteran will not make  
3 such an election.

4 (B) During each six-month period in which  
5 the pilot program under subsection (a) is being  
6 carried out.

7 (C) Upon the completion of the pilot pro-  
8 gram under subsection (a).

9 (4) QUESTIONNAIRES.—The Secretary shall en-  
10 sure that each eligible veteran participating in the  
11 pilot program under subsection (a) completes the  
12 following:

13 (A) PTSD Checklist for DSM–5 (PCL–5).

14 (B) Patient Health Questionnaire-9  
15 (PHQ–9).

16 (C) The World Health Organization Qual-  
17 ity of Life (WHOQOL)—BREF.

18 (D) Columbia-Suicide Severity Rating  
19 Scale.

20 (5) RESEARCH.—The Secretary shall assign a  
21 researcher of the Department of Veterans Affairs to  
22 the element of the Department administering the  
23 pilot program under subsection (a) to ensure the  
24 quality and integrity of the collection and analysis of  
25 the data collected under this subsection.

1 (h) REPORT.—Not later than 60 days before the com-  
2 pletion of the pilot program under subsection (a), the Sec-  
3 retary shall submit to the Committees on Veterans' Affairs  
4 of the House of Representatives and the Senate a report  
5 on the pilot program. The report shall include the fol-  
6 lowing:

7 (1) The results of the pilot program, including  
8 whether eligible veterans who participated in the  
9 pilot program, as compared to eligible veterans who  
10 did not so participate—

11 (A) are sleeping better;

12 (B) experience fewer or more episodes of  
13 post-traumatic stress disorder or anxiety;

14 (C) take fewer or more medications relat-  
15 ing to illnesses or injuries described in sub-  
16 section (a);

17 (D) selected non-Department health care  
18 providers based on the gender of the provider;

19 (E) have a lower rate of suicidal thoughts;

20 (F) have a lower rate of suicide; and

21 (G) believe that the eligible veterans are  
22 receiving the care that best fits the specific  
23 needs of the veterans.

1           (2) Information with respect to the health care  
2 results of eligible veterans who did not participate in  
3 the pilot program.

4           (3) The recommendation of the Secretary with  
5 respect to extending or making permanent the pilot  
6 program.

7           (i) DEFINITIONS.—In this section:

8           (1) The term “non-Department health care pro-  
9 vider” means an entity specified in section  
10 101(a)(1)(B) of section 101 of the Veterans Access,  
11 Choice, and Accountability Act of 2015 (Public Law  
12 113–146; 38 U.S.C. 1701) or any other health care  
13 provider that has entered into a contract or other  
14 agreement with the Secretary pursuant to another  
15 provision of law to furnish hospital care or medical  
16 treatment to veterans.

17           (2) The term “sexual harassment” has the  
18 meaning given that term in section 1720D of title  
19 38, United States Code.

20           (3) The term “State” has the meaning given  
21 that term in section 101(20) of title 38, United  
22 States Code.

○