

107TH CONGRESS
1ST SESSION

S. 1598

To amend section 1706 of title 38, United States Code, to enhance the management of the provision by the Department of Veterans Affairs of specialized treatment and rehabilitation for disabled veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2001

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend section 1706 of title 38, United States Code, to enhance the management of the provision by the Department of Veterans Affairs of specialized treatment and rehabilitation for disabled veterans, 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. ENHANCEMENT OF MANAGEMENT OF PROVI-
4 SION OF SPECIALIZED TREATMENT AND RE-
5 HABILITATION FOR DISABLED VETERANS.**

6 (a) DISABLED VETERANS.—Paragraph (1) of section
7 1706(b) of title 38, United States Code, is amended by

1 striking “(including veterans with spinal cord dysfunction,
2 blindness, amputations, and mental illness)” and inserting
3 “(including veterans with spinal cord dysfunction, blind-
4 ness, traumatic brain injury, post-traumatic stress dis-
5 order, substance abuse disorder, and serious chronic men-
6 tal illness, and veterans in need of prosthetics and sensory
7 aids)”.

8 (b) ORGANIZATION OF CAPACITY FOR TREATMENT
9 AND REHABILITATION.—Paragraph (1) of that section is
10 further amended—

11 (1) by inserting after “ensure that the Depart-
12 ment” the following: “, and each geographic service
13 area and medical center of the Veterans Health Ad-
14 ministration,”; and

15 (2) in subparagraph (B)—

16 (A) by inserting after “capacity of the De-
17 partment” the following: “, including each such
18 service area and medical center,”; and

19 (B) by striking “nationwide,” and insert-
20 ing “nationwide and in each such service
21 area.”.

22 (c) REPORTS ON MAINTENANCE OF CAPACITY.—

23 Paragraph (2) of that section is amended—

24 (1) by inserting “(A)” after “(2)”;

25 (2) in subparagraph (A), as so designated—

1 (A) by striking “April 1, 1999, April 1,
2 2000, and April 1, 2001” and inserting “April
3 1 each year”; and

4 (B) by inserting before the period at the
5 end the following: “during the preceding year”;
6 and

7 (3) by adding at the end the following new sub-
8 paragraphs:

9 "(B) In order to ensure the accuracy of the reports
10 under this paragraph, the Secretary shall—

11 “(i) utilize uniform standards nationwide in the
12 documentation of workload and cost data, adjusted
13 for inflation; and

14 “(ii) carry out a quarterly assessment, through
15 the directors of the geographic service areas of the
16 Veterans Health Administration, of the capacity of
17 such service areas, and of each medical center in
18 such service areas, to provide for the specialized
19 treatment and rehabilitative needs of disabled vet-
20 erans within distinct programs or facilities of the
21 Department.

22 “(C) The Inspector General of the Department shall,
23 on an annual basis, conduct an audit of each geographic
24 service area of the Veterans Health Administration in

1 order to ensure that the Secretary complied with para-
2 graph (1) in such service area during the preceding year.

3 “(D) The Inspector General shall also review each re-
4 port of the Secretary under subparagraph (A) in order to
5 determine the accuracy of such report.

6 “(E) Not later than June 1 each year, the Inspector
7 General shall submit to the committees referred to in sub-
8 paragraph (A) a report on the results of the audit con-
9 ducted by the Inspector General under subparagraph (C),
10 and the review conducted by the Inspector General under
11 subparagraph (D), in such year. Each report shall include
12 the results of such audit and review and any other findings
13 that the Inspector General considers appropriate.”.

14 (d) JOB PERFORMANCE STANDARDS.—(1) Para-
15 graph (3) of that section is amended—

16 (A) in subparagraph (B), by inserting before
17 the period at the end the following: “, including po-
18 sitions of the directors of the medical centers, and
19 positions of the directors of the geographic service
20 areas, of the Veterans Health Administration”; and

21 (B) by adding at the end the following new sub-
22 paragraphs:

23 “(D) The Under Secretary for Health shall, on an
24 annual basis, conduct a job performance evaluation of
25 each employee in a position described in subparagraph (B)

1 with respect to the job performance of such employee in
2 carrying out the requirements of paragraph (1). Each job
3 performance evaluation shall cover the fiscal year ending
4 in the year preceding such job performance evaluation,
5 and shall be conducted using the standards for job per-
6 formance prescribed under subparagraph (A).

7 “(E) Not later than 90 days after completing all job
8 performance evaluations required for a fiscal year under
9 subparagraph (D), the Secretary shall submit to the com-
10 mittees referred to in paragraph (2)(A) a report on the
11 job performance evaluations. The report for a fiscal year
12 shall include the following:

13 “(i) The job performance evaluation of each
14 employee subject to evaluation during the fiscal year,
15 stated utilizing each standard for job performance
16 under subparagraph (A) applicable to such em-
17 ployee.

18 “(ii) An overall evaluation of the job perform-
19 ance of each such employee.”.

20 (2) The Under Secretary for Health of the Depart-
21 ment of Veterans Affairs shall prescribe the standards of
22 job performance required by section 1706(b)(3) of title 38,
23 United States Code, as amended by paragraph (1)(A), not
24 later than January 30, 2002.

1 (3) Not later than April 1, 2002, the Secretary of
2 Veterans Affairs shall submit to the Committees on Vet-
3 erans' Affairs of the Senate and the House of Representa-
4 tives a report setting forth the standards of job perform-
5 ance prescribed under section 1706(b)(3) of title 38,
6 United States Code, as amended by paragraph (1)(A).

7 (e) DETERMINATION OF SCOPE OF CAPACITY.—Sec-
8 tion 1706(b) of that title is further amended by adding
9 at the end the following new paragraph:

10 “(4)(A) For purposes of this subsection, the capacity
11 of the Department, of each geographic service area of the
12 Veterans Health Administration, and of each medical cen-
13 ter of the Administration to provide for the specialized
14 treatment and rehabilitative needs of disabled veterans
15 (including veterans described in paragraph (1)) within dis-
16 tinct programs or facilities of the Department shall be de-
17 termined by the Secretary utilizing a formula, to be pre-
18 scribed by the Secretary, that addresses the following:

19 “(i) The number, and job responsibility, of the
20 full-time equivalent employees providing specialized
21 treatment or rehabilitative services for such veterans
22 in such programs or facilities.

23 “(ii) The number of staffed beds dedicated to
24 specialized treatment or rehabilitative services for
25 such veterans in such programs or facilities.

1 “(iii) The number of veterans served by each
2 such program or facility.

3 “(iv) The number of units of service provided
4 veterans by each such program or facility, including
5 the number of inpatient and residential days of care
6 and the number of outpatient visits.

7 “(v) The amounts expended in providing spe-
8 cialized treatment or rehabilitative services for such
9 veterans through dedicated programs utilizing spe-
10 cialized staff.

11 “(B) The formula under subparagraph (A) may not
12 use patient outcome data to measure the capacity of the
13 Department to provide for the specialized treatment and
14 rehabilitative needs of disabled veterans.”.

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