

# The VA Newborn Emergency Treatment Act

S. 318

*U.S. Senator Patty Murray*

**The idea that transportation to get newborn infants emergency treatment would not be covered by VA is a shocking and needless gap in care. Congress must ensure no veteran ever faces a surprise bill for critical care they've earned through their sacrifice to our country—especially new moms dealing with an emergency situation.**

Under current law, veterans who are going to have a child are eligible to have that care covered by VA. In some cases, when there is an emergency, the veteran and the newborn may need to be transferred—often by helicopter—to a hospital that can provide a higher level of care. However, VA often mistakenly refuses to pay the cost of transporting the child to the more advanced facility, leaving the veteran stuck with thousands of dollars in surprise bills.

Current law, derived from legislation previously championed by Senator Murray, clearly states VA can cover “all post-delivery care services” a newborn may need (38 U.S.C. 1786). Unfortunately, VA so far has refused to pay for these expenses. Additionally, current law limits care for newborns to only seven days, a threshold that can be far too restrictive in certain cases, such as premature births. To that end, a change in law is required to make clear Congress’ intent and ensure veterans and their newborns are getting the care they need while being treated with the dignity they deserve.

## Legislation

The *VA Newborn Emergency Treatment Act* would:

- Require VA to cover costs upfront for medically-necessary emergency transportation for newborns of veterans
- Require VA to reimburse veterans who had to pay out-of-pocket for services VA should cover by law
- Allow VA doctors to waive the seven-day limit on newborn care if medically necessary

## Background

In 2008, Senator Murray introduced S. 2799, the *Women Veterans Health Care Improvement Act of 2008* which, when ultimately enacted into law as part of the Caregivers and Veterans Omnibus Health Services Act of 2010, originally gave VA authority to provide care for newborn babies born to women veterans. However, after hearing multiple reports of new mothers being stuck with thousands of dollars in bills because of a narrow interpretation of current law by VA, Senator Murray introduced the *VA Newborn Emergency Treatment Act* to make clear the VA has the authority to cover the costs of medically-necessary emergency transportation services for newborn babies of certain women veterans.