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United States General Accounting Office
Washington, DC 20548

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February 7, 2003

The Honorable Arlen Specter
Chairman
The Honorable Bob Graham
Ranking Minority Member
Committee on Veterans' Affairs
United States Senate

The Honorable Christopher H. Smith
Chairman
The Honorable Lane Evans
Ranking Minority Member
Committee on Veterans' Affairs
House of Representatives

Subject: *Department of Veterans Affairs: Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Veterans Affairs (VA), entitled "Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities" (RIN: 2900-AK08). We received the rule on January 17, 2003. It was published in the Federal Register as a final rule on January 24, 2003. 68 Fed. Reg. 3401.

The final rule establishes the provisions for payment or reimbursement for certain non-VA emergency services furnished to veterans for nonservice-connected conditions.

Enclosed is our assessment of the VA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the VA complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO

evaluation work relating to the subject matter of the rule is William Scanlon,
Managing Director, Health Care. Mr. Scanlon can be reached at (202) 512-7114.

signed

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: John H. Thompson
Deputy General Counsel
Department of Veterans Affairs

ENCLOSURE

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF VETERANS AFFAIRS
ENTITLED
"PAYMENT OR REIMBURSEMENT FOR EMERGENCY TREATMENT
FURNISHED AT NON-VA FACILITIES"
(RIN: 2900-AK08)

(i) Cost-benefit analysis

The VA estimates that the 5-year cost of the final rule from appropriated funds will be \$2.1 billion in benefit costs and \$21 million in government operating expenses.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Secretary of Veterans Affairs has certified that the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

As defined in title II, the final rule does not contain either an intergovernmental or private sector mandate of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The final rule follows the issuance of an interim final rule published July 12, 2001, in the Federal Register. 66 Fed. Reg. 36467. The VA received comments in response to the interim final rule, which are discussed in the preamble to the final rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Review Act. OMB has approved the three collections in connection with the issuance of the prior interim final rule and assigned OMB control no. 2900-0620.

Statutory authorization for the rule

The final rule is promulgated under the authority contained in section 111 of the Veterans Millennium Health Care and Benefits Act (Pub. L. 106-117), codified at 38 U.S.C. 1725, and 38 U.S.C. 501 and 1721.

Executive Order No. 12866

The final rule has been reviewed by OMB and found to be an “economically significant” regulatory action under the order.