



U.S. Department
of Veterans Affairs

Expanded Access for Emergent Mental Health Services for Former Service Members

Former service members with an Other Than Honorable (OTH) administrative discharge are now eligible for emergency mental health care within the VA, in addition to a 90-day episode of care when you leave the ED for inpatient or outpatient care.

This guide will help you navigate through the expanded access initiative for emergent mental health services that are related to your military service. These services may include assessment, medication management/pharmacotherapy, lab work, case management/care coordination, psycho-education, and psychotherapy.

If you are experiencing a mental health emergency, you may enter the system in one of the following ways:

- VISIT YOUR NEAREST VA EMERGENCY DEPARTMENT OR URGENT CARE CENTER
- VISIT YOUR LOCAL VET CENTER
- CALL THE VETERANS CRISIS LINE AT 1-800-273-8255, PRESS 1

SERVICES CANNOT BE PAID FOR IF YOU PRESENT TO A VA COMMUNITY BASED OUTPATIENT CLINIC (CBOC) OR IF YOU ARE REFERRED TO A COMMUNITY EMERGENCY DEPARTMENT.

Here's important information for you to know when seeking care under this initiative:

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FOR PURPOSES OF THIS INITIATIVE, AN OTHER THAN HONORABLE (OTH) FORMER SERVICE MEMBER IS DEFINED AS:

- An individual with an OTH administrative discharge, whose eligibility for health care and benefits under title 38, United States Code, has not yet been finally adjudicated by the agency of original jurisdiction.
- When presenting for emergency mental health care, a request for an administrative decision regarding the character of service for VA health care purposes will be referred to the local VA Regional Office (VARO) on your behalf. VHA will submit the VA Form 10-7131, Exchange of Beneficiary Information and Request for Administrative and Adjudicative Action to the VARO to facilitate this process. In making determinations of health care eligibility, current criteria will be used to determine service connection.
- Current character of discharge statutory still bars eligibility of this initiative to individuals with a dismissal, dishonorable discharge, or bad conduct discharge from a general court-martial.
- Humanitarian billing is legislatively mandatory for Former service members who are statutorily barred, and/or are ultimately deemed ineligible for VA health care consistent with VA authority.

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WHAT MAKES THIS INITIATIVE DIFFERENT FROM PAST ACCESS TO CARE FOR OTH FORMER SERVICE MEMBERS:

- If you fall in this category, you will be eligible for a 90-day episode of mental health care while your claim is adjudicated.
- We will assist you during your emergency, through stabilization and during your 90-day episode of mental health care. Your care team will help you coordinate a transition to longer term mental health services in the community if needed.

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90-DAY EPISODE OF CARE

- If you have an OTH Administrative Discharge you may qualify for a 90-day episode of care under this initiative.
- Follow-up outpatient, residential, inpatient mental health and substance use disorder services may be provided for up to 90 days.
- Your care team will help you coordinate a transition to longer term mental health services in the community if needed.
- All care must be provided within the VA system. VA is not authorized to use CHOICE or Non-VA Care for this benefit.
- The 90-day episode will begin once you leave the ED. This is to ensure that all OTH administrative discharge service members receive the same period of care.

Frequently Asked Questions

Will I be able to receive care for my other medical conditions under this benefit?

If your provider deems your associated medical condition attributable to your mental health condition, this may also be covered under this benefit.

What if I live in a rural area and do not have access to a VA Emergency Room or Urgent Care Center?

If you are experiencing a mental health emergency please go to your local ER for an assessment. Your local ER will need to notify your local VA who will make all attempts to provide the 90-day episode of care at a Community Based Outpatient Clinic, via telemedicine, where available or at a local Vet Center. The VA will not be able to pay for the care you receive at your local ED, but will be able to provide coverage for the 90-day episode of care.

What if I live in a rural area and do not have access to a VA Emergency Room or Urgent Care Center, and I think I need mental health care, but am not sure if it is an Emergency?

Please call the Veterans Crisis Line at 800-273-TALK. They will notify your local VA who will make all attempts to provide the 90-day episode of care at a Community Based Outpatient Clinic, via telemedicine, where available or at a local Vet Center if appropriate.

If my VA Medical Center (VAMC) does not have inpatient beds available, will the VA pay for my transport to a VAMC with bed availability for my inpatient treatment?

Yes, the VHA Inter-Facility Transfer policy allows the VA to pay for the transportation costs of an OTH former service members being cared for under tentative eligibility.

If you are ultimately found to be ineligible for VA healthcare, VA is required to bill for these services.

If I present with an emergency to the CBOC, will VA pay for my ambulance transport to the nearest VA medical center for hospitalization?

No, VHA's Inter-Facility Transfer policy does not authorize payment for the transfer of patients who present or develop emergency medical conditions while in a Community Based Outpatient Clinic.

If I present and am admitted to a community hospital for my mental health emergency, will VA pay for my transfer to the nearest VAMC?

No, Non-VA care for an OTH Former service member is not authorized under existing authorities and VA may not provide Veteran transportation service.

Does this mean I no longer have to apply for benefits or a character of discharge determination?

No. A request for an administrative decision regarding the character of service for VA health care purposes must be made to the local VA Regional Office (VARO). This request is submitted using a VA Form 10-7131, Exchange of Beneficiary Information and Request for Administrative and Adjudicative Action. **VHA will submit this form on your behalf.** In making determinations of health care eligibility the same criteria will be used as are now applicable to determinations of service connection when there is no character of discharge bar.

If I am billed at the Humanitarian rate and I cannot pay my bill, what do I do?

A request for waiver must be initiated by the individual with the debt to the regional Consolidated Patient Account Center (CPAC). The individual may contact the CPAC in any of the following ways:

- **In Person:** The individual can talk directly with CPAC staff that are based in each medical center. To find out where CPAC staff are located, the Veteran may inquire at the medical center information desk, operator or the facility information line.
- **By Phone:** Individuals who prefer to consult a VA customer service representative may call the Health Resource Center (HRC) toll free hotline at 1-866-802-6381. These representatives have full access to the individual's account

When does VA consider the character of discharge?

VA does not consider character of discharge until it receives a claim for benefits. A claim for benefits may be in the form of a request for medical treatment received at a VA medical facility, or it may be an application for compensation or pension received at a VA regional office. Although preliminary action may be taken, such as development for evidence, VA cannot make a final decision regarding entitlement to benefits until the character-of-discharge issue is resolved.

Is a claimant offered due process before VA makes a decision about the character of discharge?

Yes. Under the provisions of 38 CFR 3.103, VA must notify a claimant of any proposed decision that will adversely affect entitlement to benefits and allow 60 days for the claimant to respond and provide any evidence to support his or her claim. The claimant may submit evidence directly to VA and/or request a hearing to present evidence before VA makes a decision.

How are claims involving a character of discharge issue processed?

VA submits a request to the appropriate service department for verification of an individual's character of discharge and facts and circumstances surrounding the incident(s) resulting in the other-than-honorable discharge. (VA is obligated to obtain evidence from Federal sources unless the custodian of those records reports the records do not exist or cannot be located.) Simultaneously, VA asks the claimant to furnish any evidence or statements pertaining to the other-than-honorable discharge. The claimant is allowed a minimum of 60 days to respond to this request.

When requested Federal and/or private records have been received, or a good-faith effort has been made to obtain them, VA reviews all available evidence of record to determine whether the discharge was under conditions other than dishonorable. VA then documents its determination in a format referred to as an administrative decision.

How is the evidence obtained?

VA requests relevant service records, to include facts and circumstances surrounding the incident resulting in the other-than-honorable discharge, from the appropriate service department. VA concurrently issues the due process letter referenced above to the claimant, which invites him/her to furnish any statements or evidence that may shed light on any extenuating circumstances regarding the other-than-honorable discharge. The claimant typically submits evidence via mail or hand delivers it to a VA office. A claimant may also request a hearing for the purpose of presenting evidence. The hearing is held at a VA regional office.

VA also offers assistance to the claimant for obtaining third-party evidence. The claimant must provide a signed release of information, the name and mailing address of the third party, and the type of information to be released. While it is still the claimant's responsibility to ensure the evidence is provided, VA will use the release of information and attempt to obtain evidence on behalf of the claimant.

What does VA consider when determining the character of discharge or whether there is a bar to benefits?

VA reviews extracts from military service records, including facts and circumstances surrounding the incident(s) leading to the other-than-honorable discharge. VA also considers the following when making its determination:

- any mitigating or extenuating circumstances presented by the claimant
- any supporting evidence provided by third parties who were familiar with the circumstances surrounding the incident(s) in question
- length of service
- performance and accomplishments during service
- nature of the infraction(s), and
- character of service preceding the incident(s) resulting in the other-than-honorable discharge.