



U.S. Department  
of Veterans Affairs

## Fact Sheet

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### **Emergent Mental Health Care for Former Service Members**

This fact sheet is designed to explain services available to former service members with other-than-honorable (OTH) administrative discharges and urgent mental health needs.

Because suicide prevention is the Department of Veterans Affairs' top clinical priority, it is important for former service members to know there is someplace they can turn if they are facing a mental health emergency — whether it means urgent care at a VA emergency department, a [Vet Center](#) or through the [Veterans Crisis Line](#).

Effective July 5, all Veterans Health Administration (VHA) medical centers are prepared to offer emergency stabilization care for former service members who present at the facility with an emergent mental health need. What this means is that former service members with an OTH administrative discharge may receive care for their mental health emergency for an initial period of up to 90 days, which can include inpatient, residential or outpatient care.

During this time, VHA and the Veterans Benefits Administration will work together to determine if the mental health condition is a result of a service-related injury, making the service member eligible for ongoing coverage for that condition.

#### **Key Facts:**

- It is estimated that there are a little more than 500,000 former service members with OTH discharges
- It is known that the rate of death by suicide among Veterans who do not use VA care is increasing at a significantly greater rate than that among Veterans who do use VA care.
- VA views the decision to provide immediate care to these former service members as a moral and humanitarian obligation. The focus is on saving lives.
- All care must be provided within the VA health care system. VA is not authorized to use CHOICE or Non-VA Care for this initiative.

#### **How to Access Services**

- A former service member may decide when he/she is in distress and requires emergency mental health care.
- A VA provider will assess the patient to determine whether or not it is a true mental health emergency and requires immediate attention.
- Former service members may enter the system to use this benefit by visiting a VA emergency room or Vet Center or by calling the Veteran Crisis Line.
- Former service members may be treated using VA's tentative eligibility authority, but will still need to have their claim adjudicated by VBA. If the former service member is subsequently found not to be eligible, they can be billed for services

## **Explanation of Initiative**

- A former service member with an OTH Administrative Discharge may qualify for a 90-day episode of care which can include inpatient, residential or outpatient care.
- 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 the former service members behalf. VHA will submit the VA Form 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.

## **Rural Access**

- If a former service member in a rural area is experiencing a mental health emergency, he/she should go immediately to the nearest emergency room for an assessment. The local ER should notify the local VA who will make all attempts to provide the 90-day benefit at a Community Based Outpatient Clinic; via telemedicine, where available; or at a local Vet Center.
- It is important to note, however, for this initiative, VA cannot pay for care provided at a community emergency department. VA can only pay for the 90-day episode of care once the former service member enters the VA system.
- If an OTH former service member lives in a rural area and thinks they may be in need of mental health care, but he/she is not sure if it is an emergency, he/she should call the Veterans Crisis Line at 800-273-TALK (Press 1). They will notify the local VA who will make all attempts to provide the 90-day benefit at a Community Based Outpatient Center, via telemedicine, where available or at a local Vet Center if appropriate.
- Veterans in crisis should call the Veterans Crisis Line at 800-273-8255 (press 1), or text 838255.

## **FREQUENTLY ASKED QUESTIONS**

### **CLINICAL QUESTIONS**

**Q. Does the mental conditions of a former service member have to be service-connected for the service member to be eligible to receive emergent mental health care?**

A. Yes, the mental health condition must be one that is asserted by the former service member, or reasonably believed by a VA clinician, to be related to military service.

**Q. When does the 90 days begin for coverage?**

A. The 90-day episode will begin once the Veteran leaves the VA emergency department to ensure that all OTH administrative discharge service members receive the same period of care.

**Q. Will the former service member be able to receive care for any other medical conditions under this benefit?**

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

**Q. What clinical services are available for service members with less than honorable discharges?**

A. A full-array of mental health services, including follow-up outpatient, residential, and inpatient mental health and substance use disorder services, may be provided for up to 90 days, with social work engagement to coordinate with treating clinician a community transition to longer-term services, if needed. Individuals treated under this authority are not considered eligible to receive long term services, such as Intensive Community Mental Health Recovery (ICMHR) and Compensated Work Therapy (CWT).

**Q. What clinical services are available for service members with Dishonorable Discharges?**

A. Individuals with a dishonorable discharge are only eligible for inpatient care under humanitarian conditions. Social work engagement will be critical for coordinating the transfer of the service member to appropriate community services for follow-up, as needed.

**Q. Given that many who present as in mental health crisis often need treatment before the causation can be determined, will VA first ensure care rather than determining if the individual meets the program's criteria?**

A. As with any crisis situation, the medical priority is to stabilize to ensure safety. Once stabilized, the appropriate follow up treatment plan can be developed. For those cases where the individual is not eligible for VA health care, follow-up care must be transferred to the community.

**Q. What if the crisis is not attributable to military service? How will VA ensure that they continue to receive mental health treatment outside of VA's healthcare system?**

A. VA's authority to provide mental health care is limited to mental health issue(s) that are related to the service member's military service. If the crisis is not attributable to military service, emergent care, authorized under Humanitarian care, will be provided. Once stabilized, follow-up care must take place with community providers. Providers are able to use a broad interpretation of "related to military service". For example, if a Veteran presents in crisis after losing his job and states that he/she has had difficulties maintaining employment since military service, that may be interpreted as being related to military service.

## **DETERMINATION AND CLAIMS**

**Q. How does VA define a former service member with an other-than-honorable administrative discharge.**

A. This is an individual whose eligibility for health care and benefits under United States Code title 38 has not yet been finally adjudicated by the agency of original jurisdiction. 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.

**Q. How is this coverage authorized?**

A. The VA Secretary is exercising authority, including 38 C.F.R. 17.34 and 38 U.S.C 1702, to provide this increased access to mental health care to former service members with OTH administrative discharges who are not subject to a legal bar to benefits. To determine eligibility for this care, VA will apply existing legal presumptions related to service-connection, in particular the presumption that applies to certain individuals who develop mental illness within a defined period of time after discharge.

**Q. What criteria does VA use to determine the character of discharge with respect to eligibility for VA benefits?**

A. Title 38, Code of Federal Regulations (CFR), Section 3.12(a) states that a discharge,

characterized by the military as under honorable conditions, is binding on VA and benefits are payable if other eligibility requirements are met. If a discharge was not characterized as under honorable conditions, benefits are not payable unless VA determines discharge was under conditions other than dishonorable. By law, certain reasons for release or discharge constitute a statutory bar to the payment of benefits.

**Q. What if the individual in question had more than one period of active military service?**

A. If the individual completed an honorable period of service prior to the period for which the OTH administrative discharge was issued, VA benefits may be payable based on the prior period of service. The individual must have been eligible for complete separation from the earlier period of enlistment, even if a discharge never actually took place and the individual reenlisted or continued on active duty. For example, if an individual enlisted for three years, completed the three years and reenlisted for two more years, then received an OTH administrative discharge during the second year of the second enlistment, VA benefits may be payable based on the first period of service, even if it is determined that the character of the second period of service precludes benefits. However, disability compensation would be payable only for disabilities incurred during the first period of service, not for disabilities that were incurred during the second period of service.

**Q. Are VA health care benefits available when disability compensation cannot be paid due to a discharge characterized as under dishonorable conditions?**

A. Yes, in some situations: If an individual received an OTH administrative discharge, he or she will be eligible for treatment at a VA medical facility for any disabilities determined to be service-connected, unless one of the statutory bars specified in 38 U.S.C. 5303 applies.

**Q. When does VA consider the character of discharge?**

A. 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 of evidence, VA cannot make a final decision regarding entitlement to benefits until the character-of-discharge issue is resolved.

**Q. What does VA consider when determining whether the claimant is eligible for VA benefits based on the nature of his or her military discharge ?**

A. 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.

**Q. Do in-service disabilities, including post-traumatic stress disorder, have any direct effect on VA's determination of the character of discharge?**

A. VA considers the sanity of an individual with an OTH administrative discharge when determining whether a statutory bar to benefits exists. When no statutory bar to benefits exists, in making its determination as to whether the discharge was issued under dishonorable conditions, the impact of medical issues and disabilities is considered during the analysis of any mitigating or extenuating circumstances that may have contributed to the OTH administrative discharge.

**Q. Where can a former service member go to get the Other Than Honorable DD-214 or military discharge papers upgraded or reconsidered?**

A. claimant can contact the Boards for Correction of Military Records to request that military service records be upgraded or changed. The former service member can contact his or her respective service Board for Correction of Military Records or fill out and mail a DD Form 149, Application for Correction of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552. The form may be downloaded at <http://www.dtic.mil/whs/directives/infomgt/forms/efoms/dd0149.pdf>.

**Contact us:** To find the VA facility nearest visit: <http://www.va.gov/directory/guide/home.asp>. Veterans in crisis should call the Veterans Crisis Line at 800-273-8255 (press 1), or text 838255. Vet Center information may be found at **1-877-WAR-VETS**.