Department of Veterans Affairs Veterans Health Administration Washington, DC 20420 VHA HANDBOOK 1601A.04 Transmittal Sheet August 31, 2009

BENEFITS OVERVIEW

- **1. REASON FOR ISSUE.** This Veterans Health Administration (VHA) Handbook updates Department of Veterans Affairs (VA) reference information on the health care benefits available to enrolled Veterans and their families.
- **2. SUMMARY OF CHANGES.** This VHA Handbook provides:
- a. Details on the authorities governing the provision of health care to Veterans to include changes in dental benefits as a result of the passage of Public Law 108-170. *NOTE:* This law repealed the requirement that former Prisoners of War (POWs) must have been detained or interned for a minimum of 90 days in order to be eligible for VA dental benefits.
- b. An explanation of VA's Medical Benefit Package with references to special programs as well as those services which are excluded, copayments, and appeals information.
- **3. RELATED ISSUES.** VHA Handbooks 1601A through 1601E series.
- **4. RESPONSIBLE OFFICE.** The Chief Business Office (16) is responsible for the contents of this VHA Handbook. Questions may be addressed to (202) 461-1589.
- **5. RECISSIONS.** VHA Directive 2004-005 is rescinded.
- **6. RECERTIFICATION.** This VHA Handbook is scheduled for recertification on or before the last working day of August 2014.

Gerald M. Cross, MD, FAAFP Acting Under Secretary for Health

DISTRIBUTION: E-mailed to the VHA Publication Distribution List 9/2/09

CONTENTS

HEALTH CARE BENEFITS OVERVIEW

PARAGRAPH	PAGE
1. Purpose	1
2. Authority	1
3. Definitions	1
4. Scope	2
5. Overview of the Department of Veterans Affairs (VA) Medical Benefits Package	2
6. Excluded Services and Benefits	4
7. Appeals	4
APPENDIX	
A. Services Covered Under Special Authorities	A-1

HEALTH CARE BENEFITS OVERVIEW

1. PURPOSE

This Veterans Health Administration (VHA) Handbook provides information on the health care benefits available to enrolled Veterans and other beneficiaries.

2. AUTHORITY

- a. The authority for this Handbook resides in Title 38 United States Code (U.S.C.), Chapter 17 and Title 38 Code of Federal Regulations (CFR), Part 17, which governs eligibility for health care benefits.
- b. In implementing 38 U.S.C 1705, the Department of Veterans Affairs (VA) established the Medical Benefits Package (see 38 CFR§17.38) to provide a standard set of health benefits to all enrolled Veterans. This package emphasizes "basic care and preventive care" and offers a full range of outpatient and inpatient services.

3. DEFINITIONS

- a. <u>Appeal.</u> An appeal is a person's disagreement with a determination by VA to deny a benefit, request for reconsideration of the determination, or direct appeal to a higher level, such as the Board of Veterans Appeals (BVA). *NOTE:* For information on appeals, see Appeals, Reconsideration of Denied Claims 38 CFR §17.132, Procedures, Delegation of Authority 38 CFR §17.133, and the VHA policy regarding "Health Benefit Appeals Processing" on the VA Web site at:http://www1.va.gov/vhapublications/ViewPublication.asp?pub ID=1728
- b. **Enrollment.** Enrollment is the process established for managing categories of Veterans for whom VA will provide services in accordance with Enrollment Provision of Hospital and Outpatient Care to Veterans (38 CFR §17.36).
- c. <u>Medical Need.</u> Medical need is a treatment, procedure, supply, or service considered medically necessary when, in the judgment of an appropriate clinical care provider, and in accordance with generally-accepted standards of clinical practice, the treatment, procedure, supply, or service:
 - (1) Promotes health by:
 - (a) Enhancing quality of life or daily functional level,
- (b) Identifying a predisposition for development of a condition or early onset of disease, which can be partly or totally improved by monitoring or early diagnosis and treatment, and
 - (c) Preventing development of future disease.
 - (2) Preserves health by:

- (a) Maintaining the current quality of life or daily functional level;
- (b) Preventing progression of disease;
- (c) Curing disease; and
- (d) Extending life span.
- (3) Restores health by restoring the quality of life or the daily functional level that has been lost due to illness or injury.

NOTE: For further information see 38 CFR §17.38.

4. SCOPE

This VHA Handbook provides:

- a. An overview of the VA Medical Benefits Package, including information on:
- (1) Services provided under the VA Medical Benefits Package;
- (2) Availability of care;
- (3) Centers of Excellence;
- (4) Eligibility for care; and
- (5) Preventive care services.
- b. Information on services covered under special authorities;
- c. Information on excluded services and benefits; and
- d. Information on the appeals process.

5. OVERVIEW OF THE VA MEDICAL BENEFITS PACKAGE

- a. Services Included in the VA Medical Benefits Package
- (1) VA's Medical Benefits Package, as specified in 38 CFR §17.38, outlines those benefits that are included in the medical benefits package.
- (2) The medical benefits package emphasizes preventive and basic care and offers a full range of outpatient and inpatient services, including routine medical and surgical services for Veterans enrolled in the health care system.

- (3) There are limitations to services related to sensori-neural aids, such as: eyeglasses, contact lenses, hearings aids, as specified in 38 CFR § 17.149.
- b. <u>Availability of Care.</u> The VA Medical Benefits Package is generally available to all enrolled Veterans regardless of the Veteran's priority group. The Veteran's preferred facility is responsible for establishing policy and procedures for coordination of services not available locally or at another VA health care facility within the Veterans Integrated Service Network (VISN).
- c. <u>Centers of Excellence</u>. Centers of Excellence have been established throughout the VA Health Care System for specialized programs, such as Transplants, Neurology, Spinal Cord Injury, Sexual Trauma Treatment, and Polytrauma.
- d. <u>Eligibility for Care.</u> To be enrolled in the VA Health Care System, the Veteran must be eligible to receive VA benefits. The Veteran, at a minimum, must meet the following requirements:
 - (1) The definition of a Veteran in accordance with 38 U.S.C. §101(2);
 - (2) The definition of active duty in accordance with 38 U.S.C. §101(21); and
- (3) The definition of minimum length of active-duty service in accordance with 38 U.S.C. §5303A, exceptions as outlined in 38 U.S.C. § 5303A.

NOTE: For more information on eligibility, see VHA Handbook 1601A.02 (to be published) and for more information on enrollment, see VHA Handbook 1601A.03.

- e. <u>Preventive Care Services.</u> The VA Medical Benefits Package preventive care services include:
 - (1) Periodic medical exams;
 - (2) Health education, including nutrition education;
 - (3) Maintenance of drug-use profiles, drug monitoring, and drug use education;
 - (4) Mental health and substance abuse preventive services;
 - (5) Immunization against infectious disease;
- (6) Prevention of musculoskeletal deformity or other gradually-developing disabilities of a metabolic or degenerative nature;
 - (7) Genetic counseling concerning inheritance of genetically-determined disease;
 - (8) Routine vision testing and eye-care services; and

- (9) Periodic re-examination of members of high-risk groups for selected diseases and for functional decline of sensory organs, and the services to treat these diseases and functional declines.
- f. <u>Services Covered Under Special Authorities.</u> Even if not enrolled in the VA health care system, a Veteran may be eligible for certain VA care and services not included in the "medical benefits package" if authorized by statute. Veterans must qualify for these services on a case-by-case basis (See App. A).

6. EXCLUDED SERVICES AND BENEFITS

In accordance with 38 CFR§17.38, VA does not provide the following services or benefits:

- a. Abortions or abortion counseling;
- b. In-vitro fertilization;
- c. Drugs, biologicals, and medical devices not approved by the FDA, unless the treating medical facility is conducting formal clinical trials under an Investigational Device Exemption (IDE) or an Investigational New Drug (IND), unless the drugs, biologicals, or medical devices are prescribed under a compassionate use exemption;
 - d. Gender alteration;
- e. Hospital and outpatient care for a Veteran who is either a patient or inmate in an institution of another government agency, if that agency has a duty to give the care or services; and
 - f. Health club or spa membership.

NOTE: To comply with the Joint Commission, required care must be provided by a licensed or accredited professional staff. For more information on excluded benefits, see the VA Web site at https://www.va.gov/healtheligibility/coveredservices/GeneralExclusions.asp.

7. APPEALS

- a. Reconsideration of a Denied Claim or Benefit that may be Appealed to the Board of Veterans Appeals. When a Veteran disagrees with a determination made by VA to deny a claim or benefit that is appealable to the Board, the Veteran, or a designated representative of a Veteran, may request that the local VA health care facility reconsider the determination. NOTE: Reconsideration is the first step for Veterans to take when they disagree with a VA determination. For further information see 38 CFR§ 17.133 and current VHA policy.
- b. <u>Appeal of a Denied Claim or Benefit that may be Appealed to the Board of Veterans</u>
 <u>Appeals.</u> When a Veteran is not satisfied with the results of a reconsideration by VA, the Veteran, and the designated representative of a Veteran, may formally appeal the determination to deny a claim or benefit by filing a Notice of Disagreement. *NOTE:* For more information on

appeals, see 38 CFR§17.132, 38 CFR§17.133, and VHA policy regarding "Health Benefit Appeals Processing" on the VA Web site at: http://vaww1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1728

c. Who Can Request a Reconsideration or Appeal a Denied Claim or Benefit? Any individual who disagrees with the initial decision denying any claim, in whole or in part, may request a reconsideration or appeal of the denied claim or benefit. All requests for reconsideration or appeal of a determination concerning a denied claim or benefit must be in writing and include a date and signature.

d. What Decisions Can Be Reconsidered or Appealed?

- (1) Any administrative determination issued by a VA health care facility concerning claims for benefits that are appealable to the Board of Veterans Appeals, i.e., eligibility determinations, claims for reimbursement of unauthorized non-VA care or treatment, or beneficiary travel, may be reconsidered or appealed. *NOTE:* Individuals who wish to initiate this process are encouraged to seek reconsideration before initiating the more formal appellate procedures.
- (2) In accordance with 38 CFR§20.101(b) (Appellate Jurisdiction of Determinations of the Veterans Health Administration) VHA clinical decisions concerning a Veteran's need for medical care or the type of medical treatment needed in a particular patient case are not within BVA's jurisdiction; as a result, such clinical decisions may not be appealed to the Board of Veterans Appeals.
- (3) Appealing Clinical Decisions. It is VHA policy that patients or their representatives must have access to a fair and impartial review of disputes regarding clinical determinations or services that are not resolved at the facility level. *NOTE:* For further information regarding the Clinical Appeals Process refer to current VHA policy. For more information on appeals, see the VHA policy regarding "Health Benefit Appeals Processing" on the VA Web site at: http://www1.va.gov/vhapublications/.

SERVICES COVERED UNDER SPECIAL AUTHORITIES

	Special Services	Authority	Other Sources of Information
1.	Adult Day	a. 38 U. S. C. §1720(f)(1)(A),	(1) M-5, Part IX, and
	Health Care	Transfer for nursing home	
	(ADHC)	care; ADHC.	(2) Department of Veterans
	Program	b. 38 U.S.C. §1730,	Affairs (VA) Web site at:
		Community residential care.	http://www1.va.gov/geriatricsshg
		c. 38 U.S.C. §1741, Criteria	
		for payment; §1742,	
		Inspections of such homes; and	
		§1743, Applications State	
		homes.	
2.	Agent Orange	a38 U.S.C. §1710(e)(1)(b),	(1) <u>VHA Handbook 1303.02</u>
	Exposure	Eligibility for hospital, nursing	
	Registry	home, and domiciliary care.	(2) VA Web site at:
	Examination,	b. Public Law (Pub. L.) 99-	http://www1.va.gov/agentorange/
	Ionizing	576 §232(1986), Ionizing	docs/AOIB10-49JUL03.pdf, and
	Radiation	Radiation Registry.	(2) 1/4 1/4 1/4
	Exposure		(3) VA Web site at:
	Treatment		http://www.vba.va.gov/bln/21/be
	Examination	20 11 0 0 0 1002 20 11 0 0	nefits/Herbicide/index.htm.
3.	Health Care	38 U.S.C. § 1803, 38 U.S.C.	VA Web site at:
	Benefits for	§1813 and Title 38 Code of	http://www.va.gov/hac
	children of	Federal Regulations (CFR)	
	certain Vietnam Veterans who	§17.901 Provision of health	
	have spina bifida	care.	
	or other birth		
	defects		
4.	Beneficiary	a. 38 U.S.C. §111 Payments or	VHA Handbook 1601B.05
	Travel (including	allowances of beneficiary	VIII TIAIIGOOOK 1001B.03
	ambulance)	travel.	
		b. 38 CFR Part 70.	
5.	Bereavement	a. 38 U.S.C. § 1783,	
	Counseling	Bereavement Counseling	
		b. 38 CFR § 17.98 Mental	
		Health Services.	
6.	Blind Veteran's	a. 38 U.S.C. §1714(b) Fitting	(1) VHA Handbook 1174.1
	Services	and training in use of	
		prosthetic appliances; guide	(2) VA Web site at:
		dogs; service dogs.	http://www1.va.gov/blindrehab
		b. 38 CFR §17.154 Dog-	
		guides and equipment for the	
		blind.	

	Special Services	Authority	Other Sources of Information
7.	Combat Veteran	38 U.S.C. §1710(e)(1)(D)	1 110000
	Eligibility	Eligibility for hospital, nursing	
		home, and domiciliary care.	
	NOTE: Combat		
	Veterans who		
	were discharged		
	or released from		
	active service on,		
	or after, January		
	28, 2003, are		
	eligible to enroll		
	for cost free VA		
	health care for a		
	period of 5 years		
	from the date of		
	discharge or		
	release; they are		
	placed in		
	Priority Group		
	(PG) 6 (unless		
	eligible for		
	enrollment in PG		
	1 through 5).		
	Combat Veterans		
	who apply after 5		
	years from the		
	date of their		
	discharge, or		
	release from		
	active duty will		
	be enrolled into		
	the highest		
	Priority Group		
	for which they		
	are eligible.		
8.	Readjustment	38 U.S.C. §1712A Eligibility	M-12, Part I "Readjustment
	Counseling	for readjustment counseling	Counseling Service Vet Centers"
		and related mental health	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
		services.	

	Special Services	Authority	Other Sources of Information
9.	Dental (Limited	a. 38 U.S.C. §1712(a)(1)(B),	
	Care)	Dental care; drugs and	VHA Handbook 1130.01
		medicine for certain disability	
	NOTE: National	Veterans; vaccines.	
	Defense	b. 38 CFR §17.160,	
	Authorized Act	Authorization of dental	
	(NDAA) 2008,	examinations; §17.161,	
	amended the	Authorization of outpatient	
	one-time dental	dental treatment; §17.162,	
	and extended the	Eligibility for class II dental	
	time period for	treatment without rating	
	all recently	action; §17.163, Post hospital	
	discharged	outpatient dental treatment;	
	Veterans meeting	<i>§17.164</i> , Patient responsibility	
	the requirements,	in making and keeping dental	
	from 90 days to	appointments; <u>§17.165</u> ,	
	180 days post-	Emergency outpatient dental	
	discharge.	treatment; §17.166, Dental	
		services for hospital or nursing	
		home patients and domiciled	
		members.	
10.	Depleted	Pub. L. 102-585 Section	(1) VHA Handbook 1303.4
	Uranium	703(b)(2)	
	Registry		(2) VHA Handbook 1303.1

	Special Services	Authority	Other Sources of Information
11.	Mental Health	a. 38 U.S.C. §1710(b)	VHA Handbook 1162.02
	Residential	Eligibility for hospital, nursing	
	Rehabilitation	home and domiciliary care	
	Treatment	b. 38 CFR §17.43 Persons	
	Services (MH	entitled to hospital or	
	RRTP)	domiciliary care; §17.46(b)	
		Eligibility for hospital,	
	(Including	domiciliary or nursing home	
	Domiciliary	care of persons discharges or	
	Limited Care)	released from active military,	
		naval, or air service,	
		$\S 17.47(b)(2)$ Considerations	
		applicable in determining	
		eligibility for hospital,	
		nursing home or domiciliary	
		care.	
		c. 38 U.S.C. § 2032	
		Therapeutic housing,	
		authorizes the Compensated	
		Work Therapy Transitional	
		Residence Program	
		(CWT/TR).	
		d. 38 CFR §17.48	
		Compensated Work	
		Therapy/Transitional	
		Residences program.	

	Special Services	Authority	Other Sources of Information
12.	Unauthorized	a. 38 U.S.C. §1725	VA Web site at:
	Emergency Care	Reimbursement for the	http://vhahacnonva.vha.med.va.g
	in Non-VA	emergency treatment,	ov/default/default.asp
	Facilities	b. 38 CFR §17.1000 et seq.	
		Payment or reimbursement for	
		emergency services for non-	
		service-connected conditions	
		in non-VA facilities	
		c. 38 U.S.C. §1728,	
		Reimbursement for certain	
		medical expenses,	
		d. 38 CFR §17.120 et seq.	
		Payment or reimbursement of	
		the expenses of hospital care	
		and other medical services not	
		previously authorized -	
		§17.132, Appeals, §17.1002,	
		Substantive conditions for	
		payment or reimbursement,	
		<i>§17.1003</i> , Emergency	
		transportation; §17.1004,	
		Filing claims; <i>§17.1005</i> ,	
		Payment limitations,	
		§17.1006, Decision makers;	
		§17.1007, Independent right of	
		recovery; and §17.1008,	
		Balance billing prohibited.	
13.	Extended Care	38 U.S.C. §1710B Extended	(1) VA Web site at:
		care services	http://www1.va.gov/geriatricsshg
			∠
			(1) VHA Handbook 1140.07
			(2) VHA Handbook 1176.02
14.	Sensori-neural	a. 38 U.S.C. §1710, Eligibility	
	aids, such as	for hospital, nursing home and	
	eyeglasses,	domiciliary care,	
	contact lenses	b. 38 CFR §17.149, Sensori-	
	and hearing aids	neural aids	
		c. 38 CFR §17.38(a)(1)(viii),	
		Medical Benefits Package	
		which cross-references	
		<i>§17.149</i> (limitations)	

VHA HANDBOOK 1601A.04 APPENDIX A

	Special Services	Authority	Other Sources of Information
15.	Fisher House	a. 38 U.S.C. §1708,	VHA Handbook.1110.1
		Temporary lodging,	
		b. 38 CFR part 60, Fisher	
		Houses	
16.	Foreign Medical	a. 38 U.S.C. §1724, Hospital	(1) VHA Handbook 1601A.02 (to
	Care	care, medical services and	be published)
		nursing home care abroad	(2) VA Web site at:
		b. 38CFR §17.35, Hospital	http://www.va.gov/hac/forbenefic
		care and medical services in	iaries/fmp/fmp.asp
		foreign countries	
17 .	Homeless	38 U.S.C. Chapter 20, Benefits	VA Web site at:
	Programs	for Homeless Veterans	http://www1.va.gov/homeless/pag
10	4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	20 11 5 6 6 1702 6	e.cfm?pg=2
18.	Authorized Non-	a. <u>38 U.S.C. §1703</u> , Contracts	VA Web site at:
	VA Health Care	for authorized hospital care	http://vhahacnonva.vha.med.va.g
	Services	and medical services in non-	<u>ov/default/default.asp</u>
		Department facilities b. 38 U.S.C. §7409, Contracts	
		for scarce medical specialist	
		services.	
		c. 38 U.S.C. §8111, Sharing of	
		VA and Department of	
		Defense (DoD) health care	
		resources	
		d. 38 U.S.C. §8153, Sharing of	
		health care resources.	
		e. 38CFR §17.52, Hospital	
		care and medical services in	
		non-VA care facilities.	
		f. 38 CFR §17.55 Payment for	
		authorized public or private	
		hospital care, and §17.56,	
		Payment for non-VA physician	
		and other health care	
10	Tr. 4 C	professional services.	17114 H H 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
19.	Treatment for	38 U.S.C. §1720E,	VHA Handbook 1601A.02 (to be
	head and neck	Nasopharyngeal radium irradiation	published)
	cancers possibly associated with	IIIauiauoii	
	Nose/Throat		
	Radium		
	Exposure		
	Exposure		

	Special Services	Authority	Other Sources of Information
20.	Nursing Home	a. 38 U.S.C. §1720 Transfers	VHA Handbook 1142.01
	Care (Limited	for nursing home care; adult	
	Care)	day health care	
		b. 38 U.S.C. 1710, 1710A are	
		authorities for VA nursing	
		home care	
		c. <i>38CFR</i> § <i>17.46</i> , Eligibility	
		for hospital, domiciliary or	
		nursing home care of persons	
		discharged or released from	
		active military, naval, or air	
		service; 17.47, Considerations	
		applicable in determining	
		eligibility for hospital, nursing	
		home or domiciliary care.	
		d. 38 CFR §17.57 Use of	
		community nursing homes,	
		17.60 Extensions of nursing	
		home care beyond six months.	
21.	Project	38 U.S.C. §1710(e)(1)(E),	(1) VHA Handbook.1601.02 (to
	112/Shipboard	Eligibility for hospital, nursing	be published)
	Hazard and	home, and domiciliary care.	
	Defense (SHAD)		(2) VA Web site at:
	Participants		http://www1.va.gov/shad/
22.	Prosthetic	a. 38 CFR 17.150, Prosthetic	VHA Handbook 1173.08
	(Medical	and similar appliances, 17.154,	
	Equipment)	Dog-guides and equipment for	
		blind.	
		1 20 555 2 15 207 7/17	
	G 1.77	b. 38 CFR § 17.38(a)(1)(viii)	(1) 1774 17 11 1 1 (0) 1 00 (
23.	Sexual Trauma	38 U.S.C. §1720D Counseling	(1) VHA Handbook 1601A.02 (to
	Counseling and	and treatment for sexual	be published)
	Appropriate Care	trauma.	(2) <u>VHA Handbook 1160.01</u>

	Special Services	Authority	Other Sources of Information
24.	Medical Care for	a. 38 U.S.C. Chapter 31,	
	Vocational	Training and Rehabilitation for	
	Rehabilitation	Veterans with Service-	
	Participants and	Connected Disabilities.	
	Certain Pension		
	Recipients	b. 38 CFR §17.90, Medical	
		care for Veterans receiving	
		vocational training under	
		38 U.S.C. Chapter 15; and 38	
		CFR §17.91, Protection of	
		health care eligibility.	