

July 1, 2011

**INCARCERATED VETERANS WHO ARE RELEASED FROM PRISON OR JAIL TO A
TEMPORARY HOUSING PROGRAM**

1. PURPOSE: This Veterans Health Administration (VHA) Directive establishes policy for the provision of the medical benefits package to enrolled Veterans released from incarceration in a prison or jail to a temporary housing program, such as a community residential reentry center, halfway house, work release center, or similar residential facility.

2. BACKGROUND

a. Nationally, corrections-funded temporary housing programs house an estimated minimum 3,000 reentry Veterans for an average length of stay of approximately 3 months. Veterans in these programs are still in correctional custody, yet these programs are typically located in the community, and Veterans in them often hold employment and may earn unsupervised home visits. These facilities provide a structured, supervised residential environment to facilitate inmates' reintegration into the community; programs and services vary, but may include employment counseling, job placement, and financial management assistance.

b. Prior to April 1, 2011, title 38 Code of Federal Regulations (CFR) § 17.38(c)(5) generally rendered these Veterans ineligible for the Department of Veterans Affairs (VA) medical benefits package even if they were enrolled in the VA health care system.

c. Corrections-funded temporary housing programs usually require participants to sign a waiver agreeing to arrange for their own medical and psychiatric care while residing in the program. A lack of appropriate medical and psychiatric care in the community places Veterans at risk for unsuccessful reentry to the community, including recidivism.

d. This cycle defeats the intent of VHA's reentry work with Veterans, is wasteful of VHA resources allocated to reentry services, and undermines the community readjustment and health of Veterans.

e. This Directive establishes policy for providing the medical benefits package to enrolled Veterans formerly excluded under 38 CFR § 17.38(c)(5), Medical Benefits Package. In a Final Rule published on March 2, 2011 in the Federal Register, Volume 76, page 11338, the regulation was amended to read: "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. This exclusion does not apply to Veterans who are released from incarceration in a prison or jail into a temporary housing program (such as a community residential re-entry center or halfway house)." These changes were effective on April 1, 2011.

3. POLICY: It is VHA policy to provide enrolled Veterans, who are released from incarceration in prison or jail into a temporary housing program, access to the VA medical

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benefits package. These Veterans are no longer excluded from receiving VA inpatient and outpatient care as set forth in the medical benefits package.

4. ACTION: The Medical Facility Director is responsible for ensuring:

a. That enrolled Veterans who are released from incarceration in prison or jail into a temporary housing program have access to the VA medical benefits package.

b. The Medical Center Enrollment Coordinator is responsible for ensuring that eligibility staff receive training necessary to ensure that enrolled Veterans released from incarceration to a temporary housing program are not excluded from receiving the VA medical benefits package.

5. REFERENCES

a. Federal Register, Volume 76, page 11338.

b. Title 38 CFR. §17.36 and 17.38.

6. FOLLOW-UP RESPONSIBILITY: The Chief Business Office is responsible for eligibility and enrollment related questions; questions may be referred to (202) 461-1589. Veterans Justice Programs is responsible for facilitating access to VA health care for incarcerated Veterans reentering the community; questions may be referred to (202) 461-1931.

7. RECISSIONS: None. This VHA Directive expires July 31, 2016.

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