

January 27, 2012

**TREATMENT OF FAMILY MEMBERS OF SERVICEMEMBERS RECEIVING CARE
AT A DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITY**

1. PURPOSE: This Veterans Health Administration (VHA) Directive provides policy for providing health care services to family members of Department of Defense (DOD) Servicemembers receiving care at a Department of Veterans Affairs (VA) Health Care facility (HCF).

2. BACKGROUND

a. While a recovering DOD Servicemember is receiving medical care and services at a VA Health Care facility, the Secretary of Veterans Affairs may provide medical care for eligible family members on a space-available basis.

b. VHA has historically provided care to non-Veterans under one of the following treatment authorities:

(1) Under Title 38 United States Code (U.S.C.) 1784 and Title 38 Code of Federal Regulations (CFR) Section 17.43(b) (Emergency Humanitarian Care authority), VHA may provide hospital care or treatment as a humanitarian service to persons having no eligibility and in need of emergency care while at a VA HFC. Generally, care is limited to the point that the individual is medically stable and can be discharged or safely transferred to non-VA health care.

(2) Under 38 U.S.C. 8111, VHA may provide health care to DOD beneficiaries eligible for care under 10 U.S.C. 1071 et.seq., on a referral basis under the auspices of a sharing agreement or TRICARE agreement.

(3) Under 38 U.S.C. 1781, VHA is authorized to provide medical care for survivors and dependents of certain Veterans under the Civilian Health and medical Program of the Department of Veterans Affairs (CHAMPVA) In-house Treatment Initiative (CITI), or through non-VA providers in the same or similar manner, and subject to the same or similar limitations as medical care that is furnished to certain dependents and survivors of active duty and retired members of the Armed Forces under 10 U.S.C. Chapter 55.

c. On May 5, 2010, Public Law 111-163, the Caregivers and Veterans Omnibus Health Services Act of 2010, was signed into law. The purpose of the Family Caregivers benefits program is to provide certain medical, travel, training, and financial benefits to caregivers of certain Veterans and service members who were seriously injured during service on or after September 11, 2001.

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3. POLICY: It is VHA policy to provide needed care and services as defined under paragraph 4 to a family member of a DOD Servicemember, including a member of the National Guard or Reserves, when the Servicemember is receiving care at a VA health care facility and is referred to a VA HCF.

4. ACTION: The Medical Facility Director is responsible for ensuring appropriate care and services are provided to a family member of a Servicemember under one of the following conditions (see par. 3):

a. **Emergent or Urgent Care.** The Servicemember is referred to a VA HCF for inpatient or outpatient care and a family member accompanying the Servicemember is in need of humanitarian emergency care.

b. **Routine Care.** The Servicemember is referred to a VA HCF under an existing sharing or TRICARE agreement and a family member requires routine non-emergent medical care. This (these) family member(s) must be DOD beneficiaries eligible for care under 10 U.S.C 1071 et. seq., in order to receive care under these agreements.

(1) If space and resources are available, care may be provided upon the approval of an authorized official at the Military Treatment Facility (MTF), the TRICARE Regional Managed Care Support Contractors (MCSCs), TRICARE Service Centers (TSCs), or Military Medical Support Office (MMSO).

(2) If the MTF, MMSO, or the TRICARE contractor declines to provide an authorization, VA is unable to provide treatment. VA personnel must advise the family member that care must be obtained outside VA through non-VA resources, and at their expense.

c. **Care for Family Caregivers.** A Servicemember is referred to VA for care and the family member is designated as a Family Caregiver under 38 CFR Part 71, and is eligible for caregivers' benefits authorized under 38 CFR § 71.40.

(4) **CITI Program.** On a space available basis, the VA facility may provide medical care in the same or similar manner and subject to the same or similar limitations as medical care is furnished to certain dependents and survivors of active duty and retired members of the Armed Forces under 10 U.S.C. Chapter 55, as authorized in 38 U.S.C 1781.

5. REFERENCES

a. Title 38 U.S.C. 8111

b. Title 10 U.S.C. Chapter 55.

c. Public Law 111-163, the Caregivers and Veterans Omnibus Health Services Act of 2010.

d. Title 38 U.S.C. 1781.

e. Title 38 CFR Sections 17.270 to 17.278.

f. Title 38 CFR Section 71.40.

6. FOLLOW-UP RESPONSIBILITY. The Chief Business Office (10NB) is responsible for the contents of this Directive. Questions related to this directive may be referred to Business Policy at (202) 461-1589.

7. RESCISSIONS. None. This VHA Directive expires January 31, 2017.

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Under Secretary for Health

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