

113TH CONGRESS  
1ST SESSION

# S. 819

To amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 25, 2013

Mr. BURR introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Mental  
5 Health Treatment First Act of 2013”.

1 **SEC. 2. MENTAL HEATH CARE AND REHABILITATION FOR**  
 2 **VETERANS FOR SERVICE-RELATED POST-**  
 3 **TRAUMATIC STRESS DISORDER, DEPRES-**  
 4 **SION, ANXIETY DISORDER, OR RELATED SUB-**  
 5 **STANCE USE DISORDER.**

6 (a) IN GENERAL.—Subchapter II of chapter 17 of  
 7 title 38, United States Code, is amended by inserting after  
 8 section 1712B the following new section:

9 **“§ 1712C. Mental health care and rehabilitation for**  
 10 **service-related post-traumatic stress dis-**  
 11 **order, depression, anxiety disorder, or re-**  
 12 **lated substance use disorder**

13 “(a) IN GENERAL.—The Secretary shall carry out a  
 14 program of mental health care and rehabilitation for vet-  
 15 erans who—

16 “(1) have been discharged or released from  
 17 service in the active military, naval, or air service  
 18 under conditions other than dishonorable for a pe-  
 19 riod of not more than two years;

20 “(2) are enrolled in the system of annual pa-  
 21 tient enrollment established and operated by the  
 22 Secretary under section 1705 of this title and have  
 23 been so enrolled since before the date of the enact-  
 24 ment of the Veterans Mental Health Treatment  
 25 First Act of 2013;

1           “(3) are diagnosed by a physician of the De-  
2           partment with post-traumatic stress disorder, de-  
3           pression, anxiety disorder, or substance use disorder  
4           related to post-traumatic stress disorder, depression,  
5           or anxiety disorder that is service-related (as deter-  
6           mined in accordance with subsection (b)); and

7           “(4) agree to the conditions of participation ap-  
8           plicable to such veterans set forth in subsection (c).

9           “(b) TREATMENT OF CONDITIONS AS SERVICE-RE-  
10          LATED.—(1) A condition of a veteran described in sub-  
11          section (a)(3) shall be treated as service-related for pur-  
12          poses of this section if—

13           “(A) the condition has previously been adju-  
14           dicated by the Secretary to be service-connected; or

15           “(B) the condition is judged by the physician of  
16           the Department making the diagnosis for the vet-  
17           eran as described in subsection (a)(3) to be plausibly  
18           related to the service of the veteran in the active  
19           military, naval, or air service.

20           “(2) The Secretary shall prescribe in regulations the  
21          standards to be utilized by physicians of the Department  
22          in judging under paragraph (1)(B) whether or not a condi-  
23          tion of a veteran described in subsection (a)(3) is plausibly  
24          related to the service of the veteran in the active military,  
25          naval, or air service.

1       “(c) CONDITIONS OF PARTICIPATION.—(1) As condi-  
2 tions for participation in the program under this section,  
3 a veteran seeking mental health care and rehabilitation  
4 under the program for a condition described in subsection  
5 (a)(3) who has not yet filed a claim for disability under  
6 this title for such condition shall agree as follows:

7           “(A) To comply substantially with the treat-  
8 ment regimen and rehabilitation plan prescribed  
9 under subsection (d) for the veteran.

10          “(B) Not to submit a claim for disability com-  
11 pensation under chapter 11 of this title for post-  
12 traumatic stress disorder, depression, anxiety dis-  
13 order, or a related substance use disorder until the  
14 earlier of—

15           “(i) the end of the one-year period begin-  
16 ning on the date of the commencement of the  
17 program by the veteran; or

18           “(ii) the conclusion of the treatment regi-  
19 men and rehabilitation plan prescribed under  
20 subsection (d) for the veteran.

21       “(2) As conditions for participation in the program  
22 under this section, a veteran seeking mental health care  
23 and rehabilitation under the program for a condition de-  
24 scribed in subsection (a)(3) who has filed a claim for dis-  
25 ability under this title for such condition that has not been

1 adjudicated by the Secretary at the time of the diagnosis  
2 of the veteran described in subsection (a)(3)—

3 “(A) shall agree to comply substantially with  
4 the treatment regimen and rehabilitation plan pre-  
5 scribed under subsection (d) for the veteran; and

6 “(B) may agree, at the election of the veteran,  
7 to the suspension by the Secretary of adjudication of  
8 such claim until completion by the veteran of the  
9 treatment regimen and rehabilitation plan.

10 “(3) As conditions for participation in the program  
11 under this section, a veteran seeking mental health care  
12 and rehabilitation under the program for one or more con-  
13 ditions described in subsection (a)(3) that have been deter-  
14 mined by the Secretary to be service-connected shall agree  
15 as follows:

16 “(A) To comply substantially with the treat-  
17 ment regimen and rehabilitation plan prescribed  
18 under subsection (d) for the veteran.

19 “(B) Not to submit a claim for an increase in  
20 disability compensation under chapter 11 of this title  
21 for or based on such condition or conditions until  
22 the earlier of—

23 “(i) the end of the one-year period begin-  
24 ning on the date of the commencement of the  
25 program by the veteran; or

1                   “(ii) the completion of the treatment regi-  
2                   men and rehabilitation plan prescribed under  
3                   subsection (d) for the veteran.

4           “(d) TREATMENT REGIMEN AND REHABILITATION  
5 PLAN.—(1) The Secretary shall provide for each veteran  
6 who participates in the program under this section a treat-  
7 ment regimen and rehabilitation plan for the post-trau-  
8 matic stress disorder, depression, anxiety disorder, or re-  
9 lated substance use disorder of such veteran as described  
10 in subsection (a)(3). The treatment regimen and rehabili-  
11 tation plan shall be devised by appropriate clinicians and  
12 other appropriate personnel of the Department assigned  
13 for that purpose.

14           “(2) The treatment regimen and rehabilitation plan  
15 for a veteran under this subsection shall include such men-  
16 tal health care and rehabilitation as the clinicians and  
17 other personnel concerned consider appropriate for the re-  
18 mediation of the condition or conditions of the veteran cov-  
19 ered by the plan.

20           “(3) The duration of each treatment regimen and re-  
21 habilitation plan under this subsection shall be such period  
22 as the clinician concerned considers appropriate.

23           “(e) WELLNESS STIPENDS.—(1) Subject to para-  
24 graph (4), each veteran covered by subsection (c)(1) who

1 participates in the program under this section shall be  
2 paid a stipend as follows:

3           “(A) \$2,000 payable upon commencement of  
4 the treatment regimen and rehabilitation plan pro-  
5 vided under subsection (d) for such veteran.

6           “(B) \$1,500 payable every 90 days thereafter  
7 upon certification by the clinician treating such vet-  
8 eran under the program that such veteran is in sub-  
9 stantial compliance with such treatment regimen and  
10 rehabilitation plan, except that the total amount  
11 payable to such veteran under this subparagraph  
12 may not exceed \$6,000.

13           “(C) \$3,000 payable at the earlier of—

14           “(i) the date of the conclusion of such  
15 treatment regimen and rehabilitation plan; or

16           “(ii) one year after the date of the com-  
17 mencement of such treatment regimen and re-  
18 habilitation plan by such veteran.

19           “(2) Subject to paragraph (4), each veteran covered  
20 by subsection (c)(2) who participates in the program  
21 under this section shall be paid a stipend as follows:

22           “(A) If such veteran agrees as provided in sub-  
23 paragraph (B) of subsection (c)(2), the stipend pay-  
24 able under paragraph (1).

1           “(B) If such veteran does not agree as provided  
2           in subparagraph (B) of subsection (c)(2), the sti-  
3           pend payable under paragraph (3).

4           “(3) Subject to paragraph (4), each veteran covered  
5           by subsection (c)(3) who participates in the program  
6           under this section shall be paid a stipend as follows:

7           “(A) \$667 payable upon commencement of the  
8           treatment regimen and rehabilitation plan provided  
9           under subsection (d) for such veteran.

10           “(B) \$500 payable every 90 days thereafter  
11           upon certification by the clinician treating such vet-  
12           eran under the program that such veteran is in sub-  
13           stantial compliance with such treatment regimen and  
14           rehabilitation plan, except that the total amount  
15           payable to such veteran under this subparagraph  
16           may not exceed \$2,000.

17           “(C) \$1,000 payable at the earlier of—

18           “(i) the date of the conclusion of such  
19           treatment regimen and rehabilitation plan; or

20           “(ii) one year after the date of the com-  
21           mencement of such treatment regimen and re-  
22           habilitation plan by such veteran.

23           “(4) In the event a veteran is determined by the Sec-  
24           retary to have failed to comply with any condition agreed  
25           to by the veteran under subsection (c), payment to the



1 veteran of any stipend otherwise authorized to be payable  
2 under this subsection shall cease.

3 “(f) LIMITATION ON PARTICIPATION.—(1) Except as  
4 provided in paragraph (2), a veteran may participate only  
5 once in the program under this section.

6 “(2) A veteran may participate more than once in the  
7 program under this section if the Secretary determines  
8 that such additional participation in the program will as-  
9 sist the veteran in achieving the remediation of the condi-  
10 tion or conditions addressed by participation in the pro-  
11 gram.

12 “(3) The total amount of stipend payable under sub-  
13 section (e) to a veteran covered by paragraph (2) may not  
14 exceed \$11,000.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of chapter 17 of such title is amended  
17 by inserting after the item relating to section 1712B the  
18 following new item:

“1712C. Mental health care and rehabilitation for service-related post-traumatic  
stress disorder, depression, anxiety disorder, or related sub-  
stance use disorder.”.

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