

115TH CONGRESS
1ST SESSION

H. R. 918

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2017

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to certain former members of the Armed Forces who are not otherwise eligible to receive such care, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veteran Urgent Access
3 to Mental Healthcare Act”.

4 **SEC. 2. EXPANSION OF MENTAL HEALTH CARE FOR CER-**
5 **TAIN FORMER MEMBERS OF THE ARMED**
6 **FORCES.**

7 (a) IN GENERAL.—Chapter 17 of title 38, United
8 States Code, is amended by inserting after section 1720H
9 the following new section:

10 **“§ 1720I. Expansion of mental health care for certain**
11 **former members of the Armed Forces**

12 “(a) IN GENERAL.—The Secretary shall furnish to
13 former members of the Armed Forces described in sub-
14 section (b)—

15 “(1) an initial mental health assessment; and

16 “(2) the mental health care services authorized
17 under this chapter that the Secretary determines are
18 required to treat the mental health care needs of the
19 former member, including risk of suicide or harming
20 others.

21 “(b) FORMER MEMBERS OF THE ARMED FORCES
22 DESCRIBED.—A former member of the Armed Forces de-
23 scribed in this subsection is an individual who meets the
24 following criteria:

1 “(1) The individual is a former member of the
2 Armed Forces, including the reserve components,
3 who—

4 “(A) served in the active military, naval, or
5 air service, and was discharged or released
6 therefrom under a condition that is not honor-
7 able except—

8 “(i) dishonorable; or

9 “(ii) bad conduct discharge;

10 “(B) has applied for a character of service
11 determination and such determination has not
12 been made; and

13 “(C) is not otherwise eligible to enroll in
14 the health care system established by section
15 1705 of this title by reason of such discharge
16 or release not meeting the requirements of sec-
17 tion 101(2) of this title.

18 “(2) While serving in the Armed Forces—

19 “(A) the former member was deployed in a
20 theater of combat operations or an area at a
21 time during which hostilities occurred in that
22 area;

23 “(B) participated in or experienced such
24 combat operations or hostilities, including by

1 controlling an unmanned aerial vehicle from a
2 location other than such theater or area; or

3 “(C) was the victim of a physical assault
4 of a sexual nature, battery of a sexual nature,
5 or sexual harassment (as defined in section
6 1720D(f) of this title).

7 “(c) NON-DEPARTMENT CARE.—(1) In furnishing
8 mental health care services to an individual under this sec-
9 tion, the Secretary may provide such mental health care
10 services at a non-Department facility if—

11 “(A) in the judgment of a mental health profes-
12 sional employed by the Department, the receipt of
13 mental health care services by that individual in fa-
14 cilities of the Department would be clinically inadvis-
15 able; or

16 “(B) facilities of the Department are not capa-
17 ble of furnishing such mental health care services to
18 that individual economically because of geographical
19 inaccessibility.

20 “(2) The Secretary shall carry out paragraph (1) pur-
21 suant to section 1703 of this title or any other provision
22 of law authorizing the Secretary to enter into contracts
23 or agreements to furnish hospital care and medical serv-
24 ices to veterans at non-Department facilities.

1 “(d) SETTING AND REFERRALS.—In furnishing men-
2 tal health care services to an individual under this section,
3 the Secretary shall—

4 “(1) seek to ensure that such mental health
5 care services are furnished in a setting that is thera-
6apeutically appropriate, taking into account the cir-
7cumstances that resulted in the need for such men-
8tal health care services; and

9 “(2) provide referral services to assist former
10 members who are not eligible for services under this
11 chapter to obtain services from sources outside the
12 Department.

13 “(e) INFORMATION.—The Secretary shall provide in-
14 formation on the mental health care services available
15 under this section. Efforts by the Secretary to provide
16 such information—

17 “(1) shall include availability of a toll-free tele-
18 phone number (commonly referred to as an 800
19 number);

20 “(2) shall ensure that information about the
21 mental health care services available under this sec-
22 tion—

23 “(A) is revised and updated as appro-
24 priate;

1 “(B) is made available and visibly posted
2 at appropriate facilities of the Department; and

3 “(C) is made available to State veteran
4 agencies and through appropriate public infor-
5 mation services; and

6 “(3) shall include coordination with the Sec-
7 retary of Defense seeking to ensure that members of
8 the Armed Forces and individuals who are being
9 separated from active military, naval, or air service
10 are provided appropriate information about pro-
11 grams, requirements, and procedures for applying
12 for mental health care services under this section.

13 “(f) ANNUAL REPORTS.—Each year, the Secretary
14 shall submit to Congress an annual report on the mental
15 health care services provided pursuant to this section.
16 Each report shall include data for the year covered by the
17 report with respect to each of the following:

18 “(1) The number of individuals who received
19 mental health care services under subsection (a),
20 disaggregated by the number of men who received
21 such services and the number of women who re-
22 ceived such services.

23 “(2) Such other information as the Secretary
24 considers appropriate.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 17 of title 38, United States
3 Code, is amended by inserting after the item relating to
4 section 1720H the following new item:

“1720I. Expansion of mental health care for certain former members of the
Armed Forces.”.

5 **SEC. 3. CHARACTER OF SERVICE DETERMINATIONS.**

6 (a) IN GENERAL.—Chapter 53 of title 38, United
7 States Code, is amended by inserting after section 5303A
8 the following new section:

9 **“§ 5303B. Character of service determinations**

10 “(a) DETERMINATION.—The Secretary shall estab-
11 lish a process by which an individual who served in the
12 Armed Forces and was discharged or dismissed therefrom
13 may seek a determination from the Secretary with respect
14 to whether such discharge or release was under a condition
15 that bars the right of such individual to a benefit under
16 the laws administered by the Secretary based upon the pe-
17 riod of service from which discharged or dismissed.

18 “(b) PROVISION OF INFORMATION.—If the Secretary
19 determines under subsection (a) that an individual is
20 barred to a benefit under the laws administered by the
21 Secretary, the Secretary shall provide to such individual
22 information regarding the ability of the individual to ad-
23 dress such condition, including pursuant to section 5303
24 of this title and chapter 79 of title 10.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by inserting
3 after the item relating to section 5303A the following new
4 item:

“5303B. Character of service determinations.”.

Passed the House of Representatives November 7,
2017.

Attest:

KAREN L. HAAS,

Clerk.