be aggravating disability from an associated service-connected condition or disability may be authorized dental treatment for only those dental conditions which, in sound professional judgment, are having a direct and material detrimental effect upon the associated basic condition or disability.

(h) Class IV. Those whose service-connected disabilities are rated at 100% by schedular evaluation or who are entitled to the 100% rate by reason of individual unemployability may be authorized any needed dental treatment.

(i) Class V. A veteran who is participating in a rehabilitation program under 38 U.S.C. chapter 31 may be authorized such dental services as are professionally determined necessary for any of the reasons enumerated in §17.47(g).

(j) Class VI. Any veterans scheduled for admission or otherwise receiving care and services under chapter 17 of 38 U.S.C. may receive outpatient dental care which is medically necessary, i.e., is for dental condition clinically determined to be complicating a medical condition currently under treatment.

§ 17.162 Eligibility for Class II dental treatment without rating action.

When an application has been made for class II dental treatment under §17.161(b), the applicant may be deemed eligible and dental treatment authorized on a one-time basis without rating action if:

(a) The examination to determine the need for dental care has been accomplished within the specified time limit after date of discharge or release unless delayed through no fault of the veteran, and sound dental judgment warrants a conclusion the condition originated in or was aggravated during service and the condition existed at the time of discharge or release from active service, and

(Authority: 38 U.S.C. 1712)

(b) The treatment will not involve replacement of a missing tooth noted at the time of Department of Veterans Affairs examination except:

(1) In conjunction with authorized extraction replacement, or

(2) When a determination can be made on the basis of sound professional judgment that a tooth was extracted or lost on active duty.

(c) Individuals whose entire tour of duty consisted of active or inactive duty for training shall not be eligible for treatment under this section.


§ 17.163 Posthospital outpatient dental treatment.

The Chief, Dental Service may authorize outpatient dental care which is reasonably necessary to complete treatment of a nonservice-connected dental condition which was begun while the veteran was receiving Department of Veterans Affairs authorized hospital care.

(Authority: 38 U.S.C. 1712(b)(5))


§ 17.164 Patient responsibility in making and keeping dental appointments.

Any veteran eligible for dental treatment on a one-time completion basis only and who has not received such treatment within 3 years after filing the application shall be presumed to have abandoned the claim for dental treatment.


§ 17.165 Emergency outpatient dental treatment.

When outpatient emergency dental care is provided, as a humanitarian
service, to individuals who have no es-
established eligibility for outpatient den-
tal care, the treatment will be re-
stricted to the alleviation of pain or ex-
treme discomfort, or the remediation of a dental condition which is deter-
mined to be endangering life or health. The provision of emergency treatment
to persons found ineligible for dental care will not entitle the applicant to
further dental treatment. Individuals provided emergency dental care who
are found to be ineligible for such care will be billed.

(Authority: 38 U.S.C. 501)

§ 17.166 Dental services for hospital or
nursing home patients and domici-
ciled members.

Persons receiving hospital, nursing
home, or domiciliary care pursuant to
the provisions of §§ 17.46 and 17.47, will
be furnished such dental services as are
professionally determined necessary to
the patients’ or members’ overall hos-
pital, nursing home, or domiciliary
care.

(30 FR 1790, Feb. 9, 1965. Redesignated at 61
FR 21966, May 13, 1996)

§ 17.170 Autopsies.

(a) Except as provided in this section, no autopsy will be performed by the
Department of Veterans Affairs unless
there is no known surviving spouse or
known next of kin; or without the con-
sent of the surviving spouse or, in a
proper case, the next of kin, unless the
patient or domiciled person was aban-
donned by the spouse, if any, or, if no
spouse, by the next of kin for a period
of not less than 6 months next pre-
ceeding death. Where no inquiry has
been made for or in regard to the dece-
dent for a period of 6 months next pre-
ceeding his death, he or she shall be
deemed to have been abandoned.

(b) If there is no known surviving spouse or known next of kin, or if the
decedent shall have been abandoned or
if the request is sent and the spouse or,
in proper cases, the next of kin fails to
reply within the reasonable time stated
in such request of the Department of
Veterans Affairs for permission to per-
form the autopsy, the Director is here-
by authorized to cause an autopsy to be
performed if in the Director’s discre-
tion he or she concludes that such au-
topsy is reasonably required for any
necessary purpose of the Department of
Veterans Affairs, including the comple-
tion of official records and advance-
ment of medical knowledge.

(c) If it is suspected that death re-
sulted from crime and if the United
States has jurisdiction over the area
where the body is found, the Director of the Department of Veterans Affairs
facility will inform the Office of In-
spector General of the known facts
concerning the death. Thereupon the
Office of Inspector General will trans-
mit all such information to the United
States Attorney for such action as may
be deemed appropriate and will inquire
whether the United States Attorney
objects to an autopsy if otherwise it be
appropriate. If the United States At-
torney has no objection, the procedure
as to autopsy will be the same as if the
death had not been reported to him or
her.

(d) If the United States does not have
exclusive jurisdiction over the area
where the body is found the local med-
ical examiner/coroner will be informed.
If the local medical examiner/coroner
delays jurisdiction the procedure
will be the same as is provided
in paragraph (c) of this section. If a
Federal crime is indicated by the evi-
dence, the procedure of paragraph (c) of
this section will also be followed.

(e) The laws of the decedent’s domi-
cile are determinative as to whether
the spouse or the next of kin is the
proper person to grant permission to
perform an autopsy and of the question
as to the order of preference among
such persons. Usually the spouse is
first entitled, except in some situations
of separation; followed by children,
parents, brothers and sisters, etc. When
the next of kin as defined by the laws
of decedent’s domicile consists of a
number of persons as children, parents,
brothers and sisters, etc., permission to
perform an autopsy may be accepted
when granted by the person in the ap-
propriate class who assumes the right
and duty of burial.