

110TH CONGRESS  
2D SESSION

# S. 2573

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

JANUARY 30, 2008

Mr. BURR (for himself and Mr. CRAIG) 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”.

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) are diagnosed by a physician of the De-  
 17 partment with post-traumatic stress disorder, de-  
 18 pression, anxiety disorder, or substance use disorder  
 19 related to post-traumatic stress disorder, depression,  
 20 or anxiety disorder that is service-related (as deter-  
 21 mined in accordance with subsection (b)); and

22 “(2) agree to the conditions of participation ap-  
 23 plicable to such veterans set forth in subsection (c).

24 “(b) TREATMENT OF CONDITIONS AS SERVICE-RE-  
 25 LATED.—(1) A condition of a veteran described in sub-

1 section (a)(1) shall be treated as service-related for pur-  
2 poses of this section if—

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

5 “(B) the condition is judged by the physician of  
6 the Department making the diagnosis for the vet-  
7 eran as described in subsection (a)(1) to be plausibly  
8 related to the service of the veteran in the active  
9 military, naval, or air service.

10 “(2) The Secretary shall prescribe in regulations the  
11 standards to be utilized by physicians of the Department  
12 in judging under paragraph (1)(B) whether or not a condi-  
13 tion of a veteran described in subsection (a)(1) is plausibly  
14 related to the service of the veteran in the active military,  
15 naval, or air service.

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

22 “(A) To comply substantially with the treat-  
23 ment regimen and rehabilitation plan prescribed  
24 under subsection (d) for the veteran.

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

6                   “(i) the end of the one-year period begin-  
7                   ning on the date of the commencement of the  
8                   program by the veteran; or

9                   “(ii) the conclusion of the treatment regi-  
10                  men and rehabilitation plan prescribed under  
11                  subsection (d) for the veteran.

12          “(2) As conditions for participation in the program  
13          under this section, a veteran seeking mental health care  
14          and rehabilitation under the program for a condition de-  
15          scribed in subsection (a)(1) who has filed a claim for dis-  
16          ability under this title for such condition that has not been  
17          adjudicated by the Secretary at the time of the diagnosis  
18          of the veteran described in subsection (a)(1)—

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

22                  “(B) may agree, at the election of the veteran,  
23                  to the suspension by the Secretary of adjudication of  
24                  such claim until completion by the veteran of the  
25                  treatment regimen and rehabilitation plan.

1       “(3) As conditions for participation in the program  
2 under this section, a veteran seeking mental health care  
3 and rehabilitation under the program for one or more con-  
4 ditions described in subsection (a)(1) that have been deter-  
5 mined by the Secretary to be service-connected shall agree  
6 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 an increase in  
11 disability compensation under chapter 11 of this title  
12 for or based on such condition or conditions until  
13 the earlier of—

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

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

20       “(d) TREATMENT REGIMEN AND REHABILITATION  
21 PLAN.—(1) The Secretary shall provide for each veteran  
22 who participates in the program under this section a treat-  
23 ment regimen and rehabilitation plan for the post-trau-  
24 matic stress disorder, depression, anxiety disorder, or re-  
25 lated substance use disorder of such veteran as described

1 in subsection (a)(1). The treatment regimen and rehabili-  
2 tation plan shall be devised by appropriate clinicians and  
3 other appropriate personnel of the Department assigned  
4 for that purpose.

5 “(2) The treatment regimen and rehabilitation plan  
6 for a veteran under this subsection shall include such men-  
7 tal health care and rehabilitation as the clinicians and  
8 other personnel concerned consider appropriate for the re-  
9 mediation of the condition or conditions of the veteran cov-  
10 ered by the plan.

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

14 “(e) WELLNESS STIPENDS.—(1) Subject to para-  
15 graph (4), each veteran covered by subsection (c)(1) who  
16 participates in the program under this section shall be  
17 paid a stipend as follows:

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

21 “(B) \$1,500 payable every 90 days thereafter  
22 upon certification by the clinician treating such vet-  
23 eran under the program that such veteran is in sub-  
24 stantial compliance with such treatment regimen and  
25 rehabilitation plan, except that the total amount

1 payable to such veteran under this subparagraph  
2 may not exceed \$6,000.

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

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

6 “(ii) one year after the date of the com-  
7 mencement of such treatment regimen and re-  
8 habilitation plan by the veteran.

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

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

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

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

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

24 “(B) \$500 payable every 90 days thereafter  
25 upon certification by the clinician treating such vet-

1       eran under the program that such veteran is in sub-  
2       stantial compliance with such treatment regimen and  
3       rehabilitation plan, except that the total amount  
4       payable to such veteran under this subparagraph  
5       may not exceed \$2,000.

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

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

9                       “(ii) one year after the date of the com-  
10                      mencement of such treatment regimen and re-  
11                      habilitation plan by the veteran.

12       “(4) In the event a veteran is determined by the Sec-  
13       retary to have failed to comply with any condition agreed  
14       to by the veteran under subsection (c), payment to the  
15       veteran of any stipend otherwise authorized to be payable  
16       under this subsection shall cease.

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

20       “(2)(A) A veteran may participate more than once  
21       in the program under this section if the Secretary deter-  
22       mines that such additional participation in the program  
23       will assist the veteran in achieving the remediation of the  
24       condition or conditions addressed by participation in the  
25       program.



1       “(B) The total amount of stipend payable under sub-  
2 section (e) to a veteran covered by subparagraph (A) may  
3 not exceed \$11,000.”.

4       (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of chapter 17 of such title is amended  
6 by inserting after the item relating to section 1712B the  
7 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.”.

