

115TH CONGRESS
2D SESSION

S. 2548

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.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2018

Mr. HELLER (for himself, Mr. CORNYN, Mr. RUBIO, and Mr. GARDNER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. EXPANSION OF MENTAL HEALTH CARE FOR CER-**
2 **TAIN FORMER MEMBERS OF THE ARMED**
3 **FORCES.**

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

7 **“§ 1720I. Expansion of mental health care for certain**
8 **former members of the Armed Forces**

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

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

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

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

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

25 “(A) served in the active military, naval, or
26 air service, and was discharged or released

1 therefrom under a condition that is not honor-
2 able except—

3 “(i) dishonorable; or

4 “(ii) bad conduct discharge;

5 “(B) has applied for a character of service
6 determination and such determination has not
7 been made; and

8 “(C) is not otherwise eligible to enroll in
9 the health care system established under section
10 1705 of this title by reason of such discharge
11 or release not meeting the requirements of sec-
12 tion 101(2) of this title.

13 “(2) While serving in the Armed Forces, the
14 former member—

15 “(A) was deployed in a theater of combat
16 operations or an area at a time during which
17 hostilities occurred in that area;

18 “(B) participated in or experienced such
19 combat operations or hostilities, including by
20 controlling an unmanned aerial vehicle from a
21 location other than such theater or area; or

22 “(C) was the victim of a physical assault
23 of a sexual nature, battery of a sexual nature,
24 or sexual harassment (as defined in section
25 1720D(f) of this title).

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

5 “(A) in the judgment of a mental health profes-
6 sional employed by the Department, the receipt of
7 mental health care services by that individual in fa-
8 cilities of the Department would be clinically inadvis-
9 able; or

10 “(B) facilities of the Department are not capa-
11 ble of furnishing such mental health care services to
12 that individual economically because of geographical
13 inaccessibility.

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

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

22 “(1) seek to ensure that such mental health
23 care services are furnished in a setting that is thera-
24apeutically appropriate, taking into account the cir-

1 cumstances that resulted in the need for such men-
2 tal health care services; and

3 “(2) provide referral services to assist former
4 members who are not eligible for services under this
5 chapter to obtain services from sources outside the
6 Department.

7 “(e) INFORMATION.—(1) The Secretary shall provide
8 information on the mental health care services available
9 under this section.

10 “(2) Efforts by the Secretary to provide information
11 under paragraph (1)—

12 “(A) shall include availability of a toll-free tele-
13 phone number (commonly referred to as an 800
14 number);

15 “(B) shall ensure that information about the
16 mental health care services available under this sec-
17 tion—

18 “(i) is revised and updated as appropriate;

19 “(ii) is made available and visibly posted at
20 appropriate facilities of the Department; and

21 “(iii) is made available to State veterans
22 agencies and through appropriate public infor-
23 mation services; and

24 “(C) shall include coordination with the Sec-
25 retary of Defense seeking to ensure that members of

1 the Armed Forces and individuals who are being
 2 separated from active military, naval, or air service
 3 are provided appropriate information about pro-
 4 grams, requirements, and procedures for applying
 5 for mental health care services under this section.

6 “(f) ANNUAL REPORTS.—(1) Not less frequently
 7 than annually, the Secretary shall submit to Congress a
 8 report on the mental health care services provided pursu-
 9 ant to this section.

10 “(2) Each report submitted under paragraph (1)
 11 shall include data for the year covered by the report with
 12 respect to each of the following:

13 “(A) The number of individuals who received
 14 mental health care services under subsection (a),
 15 disaggregated by the number of men who received
 16 such services and the number of women who re-
 17 ceived such services.

18 “(B) Such other information as the Secretary
 19 considers appropriate.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
 21 at the beginning of chapter 17 of such title is amended
 22 by inserting after the item relating to section 1720H the
 23 following new item:

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

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

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

5 **“§ 5303B. Character of service determinations**

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

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

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 53 of such title is amended
23 by inserting after the item relating to section 5303A the
24 following new item:

“5303B. Character of service determinations.”.

