

under paragraph (1) and how to best engage eligible individuals during the course of mental health treatment with respect to classified information.

(b) IDENTIFICATION.—In carrying out this section, the Secretary shall ensure that an individual may elect to identify as an eligible individual on an appropriate form.

(c) DEFINITIONS.—In this section:

(1) The term “classified information” means any information or material that has been determined by an official of the United States pursuant to law to require protection against unauthorized disclosure for reasons of national security.

(2) The term “eligible individual” means a veteran or a member of the reserve components of the Armed Forces who—

(A) is eligible to receive health care furnished by the Department under this title;

(B) is seeking mental health treatment; and

(C) in the course of serving in the Armed Forces, participated in a sensitive mission or served in a sensitive unit.

(3) The term “sensitive mission” means a mission of the Armed Forces that, at the time at which an eligible individual seeks treatment, is classified.

(4) The term “sensitive unit” has the meaning given that term in section 130b(c)(4) of title 10.

(Added Pub. L. 114-315, title VI, §605(b), Dec. 16, 2016, 130 Stat. 1571; amended Pub. L. 116-283, div. A, title VII, §764(b)(1), (2)(A), Jan. 1, 2021, 134 Stat. 3727.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116-283, §764(b)(2)(A), inserted “and members of the reserve components of the Armed Forces” after “veterans” in section catchline.

Subsec. (a)(1). Pub. L. 116-283, §764(b)(1)(A)(i), substituted “eligible individual” for “eligible veteran” and “the individual” for “the veteran”.

Subsec. (a)(3). Pub. L. 116-283, §764(b)(1)(A)(ii), substituted “eligible individuals” for “eligible veterans”.

Subsec. (b). Pub. L. 116-283, §764(b)(1)(B), substituted “an individual” for “a veteran” and “eligible individual” for “eligible veteran”.

Subsec. (c)(2). Pub. L. 116-283, §764(b)(1)(C)(i), substituted “The term ‘eligible individual’ means a veteran or a member of the reserve components of the Armed Forces” for “The term ‘eligible veteran’ means a veteran” in introductory provisions.

Subsec. (c)(3). Pub. L. 116-283, §764(b)(1)(C)(ii), substituted “eligible individual” for “eligible veteran”.

#### § 1720I. Mental and behavioral health care for certain former members of the Armed Forces

(a) IN GENERAL.—The Secretary shall furnish to former members of the Armed Forces described in subsection (b)—

(1) an initial mental health assessment; and

(2) the mental healthcare or behavioral healthcare services authorized under this chapter that are required to treat the mental or behavioral health care needs of the former service members, including risk of suicide or harming others.

(b) ELIGIBLE INDIVIDUALS.—A former member of the Armed Forces described in this subsection is an individual who—

(1) is a former member of the Armed Forces, including the reserve components;

(2) while serving in the active military, naval, air, or space service, was discharged or released therefrom under a condition that is not honorable but not—

(A) a dishonorable discharge; or

(B) a discharge by court-martial;

(3) is not enrolled in the health care system established by section 1705 of this title; and

(4)(A)(i) served in the Armed Forces for a period of more than 100 cumulative days; and

(ii) was deployed in a theater of combat operations, in support of a contingency operation, or in an area at a time during which hostilities are occurring in that area during such service, including by controlling an unmanned aerial vehicle from a location other than such theater or area; or

(B) while serving in the Armed Forces, was the victim of a physical assault of a sexual nature, a battery of a sexual nature, or sexual harassment (as defined in section 1720D(f) of this title).

(c) NON-DEPARTMENT CARE.—(1) In furnishing mental or behavioral health care services to an individual under this section, the Secretary may provide such mental or behavioral health care services at a non-Department facility if—

(A) in the judgment of a mental health professional employed by the Department, the receipt of mental or behavioral health care services by that individual in facilities of the Department would be clinically inadvisable; or

(B) facilities of the Department are not capable of furnishing such mental or behavioral health care services to that individual economically because of geographical inaccessibility.

(2) The Secretary shall carry out paragraph (1) pursuant to section 1703 of this title or any other provision of law authorizing the Secretary to enter into contracts or agreements to furnish hospital care and medical services to veterans at non-Department facilities.

(d) SETTING AND REFERRALS.—In furnishing mental and behavioral health care services to individuals under this section, the Secretary shall—

(1) seek to ensure that such services are furnished in settings that are therapeutically appropriate, taking into account the circumstances that resulted in the need for such services; and

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

(e) INFORMATION.—The Secretary shall provide information on the mental and behavioral health care services available under this section. Efforts by the Secretary to provide such information—

(1) shall include notification of each eligible individual described in subsection (b) about the eligibility of the individual for covered mental and behavioral health care under this section not later than the later of—

(A) 180 days after the date of the enactment of the Military Construction, Veterans

Affairs, and Related Agencies Appropriations Act, 2018; or

(B) 180 days after the date on which the individual was discharged or released from the active military, naval, air, or space service;

(2) shall include availability of a toll-free telephone number (commonly referred to as an 800 number);

(3) shall ensure that information about the mental health care services available under this section—

(A) is revised and updated as appropriate;

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

(C) is made available to State veteran agencies and through appropriate public information services; and

(4) shall include coordination with the Secretary of Defense seeking to ensure that members of the Armed Forces and individuals who are being separated from active military, naval, air, or space service are provided appropriate information about programs, requirements, and procedures for applying for mental health care services under this section.

(f) ANNUAL REPORTS.—(1) Not later than February 15 each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the mental and behavioral health care services provided under this section.

(2) Each report submitted under paragraph (1) shall include, with respect to the year preceding the submittal of the report, the following:

(A) The number of eligible individuals who were furnished mental or behavioral health care services under this section, disaggregated by the number of men who received such services and the number of women who received such services.

(B) The number of individuals who requested an initial mental health assessment under subsection (a)(1).

(C) The types of mental or behavioral health care needs treated under this section.

(D) The demographics of individuals being treated under this section, including—

(i) age;

(ii) era of service in the Armed Forces;

(iii) branch of service in the Armed Forces; and

(iv) geographic location.

(E) The average number of visits for an individual for mental or behavioral health care under this section.

(F) Such other information as the Secretary considers appropriate.

(Added Pub. L. 115-141, div. J, title II, §258(a), Mar. 23, 2018, 132 Stat. 826, §1712I; renumbered §1720I, Pub. L. 115-182, title V, §511, June 6, 2018, 132 Stat. 1481; amended Pub. L. 115-251, title II, §205, Sept. 29, 2018, 132 Stat. 3173; Pub. L. 116-171, title I, §104, Oct. 17, 2020, 134 Stat. 782; Pub. L. 116-283, div. A, title IX, §926(a)(29), Jan. 1, 2021, 134 Stat. 3830.)

## Editorial Notes

### REFERENCES IN TEXT

The date of the enactment of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018, referred to in subsec. (e)(1)(A), is the date of enactment of div. J of Pub. L. 115-141, which was approved Mar. 23, 2018.

### AMENDMENTS

2021—Subsec. (b)(2). Pub. L. 116-283 substituted “air, or space service” for “or air service” in introductory provisions.

Subsec. (e)(1)(B), (4). Pub. L. 116-283 substituted “air, or space service” for “or air service”.

2020—Subsec. (f)(1). Pub. L. 116-171, §104(1), substituted “Not later than February 15” for “Not less frequently than once”.

Subsec. (f)(2)(C) to (F). Pub. L. 116-171, §104(2), added subpars. (C) to (E) and redesignated former subpar. (C) as (F).

2018—Pub. L. 115-182 renumbered section 1712I of this title as this section.

Subsec. (b)(3). Pub. L. 115-251 substituted “is not enrolled” for “is not otherwise eligible to enroll”.

### § 1720J. Emergent suicide care

(a) EMERGENT SUICIDE CARE.—Pursuant to this section, the Secretary shall—

(1) furnish emergent suicide care to an eligible individual at a medical facility of the Department;

(2) pay for emergent suicide care provided to an eligible individual at a non-Department facility; and

(3) reimburse an eligible individual for emergent suicide care provided to the eligible individual at a non-Department facility.

(b) ELIGIBILITY.—An individual is eligible for emergent suicide care under subsection (a) if the individual is in an acute suicidal crisis and is either of the following:

(1) A veteran (as defined in section 101).

(2) An individual described in section 1720I(b) of this title.

(c) PERIOD OF CARE.—(1) Emergent suicide care provided under subsection (a) shall be furnished to an eligible individual—

(A) through inpatient or crisis residential care, for a period not to exceed 30 days; or

(B) if care under subparagraph (A) is unavailable, or if such care is not clinically appropriate, as outpatient care for a period not to exceed 90 days.

(2) If, upon the expiration of a period under paragraph (1), the Secretary determines that the eligible individual remains in an acute suicidal crisis, the Secretary may extend such period as the Secretary determines appropriate.

(d) NOTIFICATION.—An eligible individual who receives emergent suicide care under subsection (a) at a non-Department facility (or a person acting on behalf of the individual) shall notify the Secretary of such care within seven days of admission to such facility.

(e) OUTREACH.—During any period when an eligible individual is receiving emergent suicide care under subsection (a), the Secretary shall—

(1) ensure that—

(A) in the case of an eligible individual whom the Veterans Crisis Line recommends to seek emergent suicide care at a medical