

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.

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## 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

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## 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.”.