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**COMBAT VETERAN HEALTH CARE BENEFITS AND COPAY EXEMPTION POST-DISCHARGE FROM MILITARY SERVICE**

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive establishes the policy and procedures for determining eligibility for Department of Veterans Affairs (VA) health care benefits and copayment exemption for recently discharged veterans who served in a theater of combat operations after November 11, 1998.

**2. BACKGROUND**

a. Title 38, United States Code (U.S.C.), Section 1710(e)(1)(D) states that a veteran who served on active duty in a theater of combat operations (as determined by the Secretary of Veterans Affairs, in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities after November 11, 1998, is eligible for hospital care, medical services, and nursing home care for any illness, even if there is insufficient medical evidence to conclude that such condition is attributable to such service. For purposes of this policy, such veterans are considered to qualify as “combat veterans.” Treatment provided under this authority is not subject to copayment requirements.

b. Combat veterans who are treated for a condition that the VA provider finds resulted from a cause other than combat service may, however, be subject to copayments (see subpar. 4c(5), for conditions that the Under Secretary for Health has determined are not related to combat service).

c. On January 28, 2008, President George W. Bush signed into law the “National Defense Authorization Act of 2008”(NDAA), Public Law 110-181. This law, among other things, amended Title 38, United States Code (U.S.C.), Section 1710(e)(3), extending the period in which a combat-theater veteran may enroll for VA health care and receive the care and services described in preceding paragraph 2a. The law now provides that:

(1) Combat veterans who were discharged or released from active service on or after January 28, 2003, are eligible to enroll for VA health care for 5 years from the date of discharge or release and are to be placed in Priority Group (PG) 6 (unless eligible for a higher PG placement). This means that combat-theater veterans who were originally enrolled in PG 6 based on their combat service, but later moved to a lower priority category (due to the law’s former 2-year eligibility limitation) are to be placed back in PG 6 for 5 years beginning on the date of their discharge or release from active service. New combat-theater veterans have 5 years from the date of their discharge or release to enroll for VA health care. ***NOTE:** The 5-year enrollment period applicable to these veterans begins on the discharge or separation date of the service member from active duty military service, or in the case of multiple call-ups, the most recent discharge date.*

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(2) Combat veterans who were discharged from active duty before January 28, 2003, but did not enroll in VA's health care system have 3 years under this authority to enroll in VA's health care system. This 3-year period of enhanced eligibility begins on January 28, 2008, and expires after January 27, 2011, during which time the combat veteran will be placed in PG 6 (unless eligible for higher PG placement).

d. National Guard and Reserve members who were activated to serve in the Armed Forces and served in a combat theater of operations are eligible to receive health care benefits under 38 U.S.C. 1710(e)(1)(D) if they meet the title 38 definition of "veteran," as defined in 38 U.S.C. 101(2), and meet the "minimum active duty" service requirement, set forth in 38 U.S.C. 5303A (or are exempt from that statutory requirement).

**3. POLICY:** It is VHA policy that combat-theater veterans who meet the eligibility criteria of 38 U.S.C Section 1710(e)(1)(D) and who apply for VA health care within the applicable timeframe are to be enrolled in PG 6 (unless eligible for a higher PG placement) and are to receive care and services at no cost for any illness or condition possibly related to their combat service. Combat-theater veterans who were moved from PG 6 to a lower priority PG (based on the law's former 2-year limitation for eligibility in this category) must be placed back in PG 6 (unless eligible for a higher PG placement) for 5 years beginning from the date of their discharge or release. *NOTE: VA regulations exempt combat-theater veterans from copayment requirements that apply to the receipt of medications if the medications were furnished for conditions covered under this special treatment and enrollment authority.*

## 4. ACTION

a. **Under Secretary for Health.** The Under Secretary for Health has designated the Chief Business Officer (CBO), as the lead VHA officer for establishing policy in determining veterans' eligibility for health benefits.

b. **CBO**

(1) The CBO, or designee, in consultation with the Chief Public Health and Environmental Hazards Officer (13) and the Chief Readjustment Counseling Service Officer (15) is responsible for providing guidance concerning locations, dates of service, and other criteria that are used to identify service in theaters of combat operations or subject to hostilities.

(2) The CBO is responsible for providing guidance relating to the evidence or documentation needed to determine a veteran's eligibility for these combat-related health benefits. *NOTE: Specific locations that have been designated as theaters of combat or areas subject to hostilities qualifying for combat veteran status are provided in Attachment A and will be updated as changes in combat designations occur.*

c. **Facility Director.** Each facility Director is responsible for ensuring that:

(1) Facility staff involved in the eligibility process and staff involved in the provision of health care services are provided guidance on verifying a combat veteran's eligibility and providing appropriate services, respectively.

(2) Combat-theater veterans who enroll within the applicable enrollment timeframe are placed in PG 6 (unless eligible for higher PG placement) and receive free VA care and services for any condition that may be related to their combat service, consistent with law.

(3) While combat-theater veterans enrolled in PG 6 are not required to disclose income information, intake staff are trained to clearly articulate the benefits of providing this income information. These benefits may include a higher enrollment PG assignment, exemption from copayments for care and medication provided for treatment of non-combat related conditions, or eligibility for beneficiary travel benefits. If the combat veteran declines to provide income information, the combat veteran must agree to pay any applicable copayments for care that is found by VHA not to be related to combat service.

(4) VHA clinicians have wide latitude in determining if a veteran's condition may be possibly related to the veteran's combat service. This clinical determination does not require the same rigor or standards used for adjudication of a service-connected claim. It is a determination solely within the medical judgment of the treating clinician. In general, VHA clinicians need to conclude that illnesses and conditions requiring treatment or monitoring during the combat veteran's enhanced enrollment period (i.e., 5 or 3 year-period post-discharge or release, as applicable) are possibly related to combat service. Physical or mental health evaluations needed to rule out combat-related health concerns are to be provided at no cost to the enrolled combat veterans and deemed to be a health care service covered under 38 U.S.C. 1710(e)(1)(D). However, the Under Secretary for Health has determined that certain conditions will invariably be deemed to be due to causes other than combat service. These include, but are not limited to:

(a) Congenital or developmental conditions, e.g., scoliosis.

(b) Conditions which are known to have existed before military service unless there is an indication that the condition has been aggravated or exacerbated by combat service.

(c) Conditions having a specific and well-established etiology and that began after military combat service, e.g., bone fractures occurring after separation from military service, a common cold, etc.

(5) If the condition is clearly found to have resulted from a cause other than the veteran's combat service, the clinician must change the Combat Veteran treatment factor value in the Computer Patient Record System (CPRS) to "No" for that encounter and copayment charges may apply.

(6) Appropriate staff are furnished Attachment A, which contains the locations and periods of service that qualify as theaters of combat operations. *NOTE: These criteria are updated as necessary.*

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(7) Appropriate staff are aware of evidence or documentation that may be accepted as an individual veteran's proof of combat service, these include: **NOTE: Only one is required.**

(a) Notations on the DD 214 of service in a designated theater of combat operations;

(b) Receipt of the Afghanistan Campaign Medal, Iraq Campaign Medal, Armed Forces Expeditionary Medal; Kosovo Campaign Medal; Global War on Terrorism Expeditionary Medal (does not include Global War on Terrorism Service Medal); Southwest Asia Campaign Medal; Air Force Combat Action Medal (AFCAM) or other DoD authorized combat related medal; and

(c) Proof of receipt of Hostile Fire or Imminent Danger Pay (commonly referred to as "combat pay") or combat tax exemption after November 11, 1998.

**NOTE: Other evidence may be reviewed on a case-by-case basis.**

(8) Continuous enrollment for veterans who are enrolled in PG 6.

(a) Veterans will continue to be enrolled in VA's health care system after their enhanced enrollment period ends. At that time, VA reassesses the veteran's information (including all applicable eligibility factors) and makes a new enrollment priority determination.

(b) If the veteran was in PG 6 and no other eligibility factors apply, then the veteran is moved to either PG 7 or PG 8 depending on the income level. As a result of the expiration of the enhanced enrollment period, the veteran may be required to make applicable copayments.

(9) Combat-theater veterans who do not enroll within the applicable enrollment period are still eligible to enroll for VA health care, unless they are subject to the administrative ban on enrolling new veterans in PG 8. Their enrollment must be based on factors other than combat service, such as: a compensable service-connected disability, VA pension status, catastrophic disability determination, or the veteran's financial circumstances. Even if they have no current need for medical care or services they should be strongly encouraged to apply for enrollment within the applicable timeframe to preserve their eligibility for enrollment.

(10) Combat-theater veterans who are ineligible to enroll for VA care are referred to a Vet Center for readjustment counseling services, if appropriate, or to a community provider to obtain services at the veteran's expense.

(11) If a health care emergency exists for an ineligible veteran, treatment is provided under VA's humanitarian treatment authority.

(12) Combat veterans who believe they incurred disabilities during service are encouraged to apply for service-connection. **NOTE: Veterans Service Organizations can be of great value in assisting veterans with this process.**

**NOTE: VA Environmental Health programs (formerly designated as Registry programs) may provide Gulf War Registry examinations to eligible veterans who request the examination and**

*who served on active military duty in Southwest Asia during the Gulf War which began in 1990 and continues to the present including Operation Iraqi Freedom. The GW Environmental Health program is described in VHA Handbook 1303.02, accessible on Web site <http://www1.va.gov/GulfWar/>.*

## 5. REFERENCES

- a. VHA Handbook 1303.5.
- b. Title 38 U.S.C. Sections 101(2) and (21), 1710, 1712A, and 5303A.
- c. Public Law 110-181, National Defense Authorization Act of 2008.

**6. FOLLOW-UP RESPONSIBILITY:** The Chief Business Officer (16) and the Chief Public Health and Environmental Hazards Officer (13) are jointly responsible for the content of this Directive. Questions about combat veteran's eligibility may be addressed to Business Policy at (202) 254-0406. Questions about veterans seeking treatment for health conditions claimed to be related to combat operations may be addressed to the Environmental Agents Service (131) at (202) 273-8597.

**7. RESCISSIONS:** VHA Directive 2005-020, and VHA Directive 2002-049 are rescinded. This VHA Directive September 30, 2012.

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ATTACHMENT A

COMBAT VETERAN ELIGIBILITY DETERMINATION TABLE  
COMBAT ZONES, HOSTILITIES and MEDALS

The Department of Veterans Affairs (VA) utilizes the Department of Defense (DOD) “Combat Zones” listing of designated hostile fire or imminent danger pay areas. Although DOD Hostile Fire or Imminent Danger pay existed prior to November 11, 1998, only proof of such pay after November 11, 1998, is acceptable. *NOTE: The table provided at the link provided should assist in the determination of combat veteran eligibility.*

1. Definitions

a. **Combat Veteran.** A combat veteran is a veteran who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War or in combat against a hostile force during a period of hostilities after November 11, 1998.

b. **Combat Zones.** Combat zones are designated by an Executive Order from the President as areas in which the United States (U.S.) Armed Forces are engaging or have engaged in combat. An area usually becomes a combat zone and ceases to be a combat zone on the dates the President designates by Executive Order.

c. **Minimum Active Duty Service Requirement.** The minimum active duty service requirement is the shorter of the following two periods:

- (1) The full period for which they were enlisted, called or ordered to active duty, or
- (2) Twenty-four months of continuous active duty.

*NOTE: There remain categories of veterans who are expressly excluded by statute from the minimum active duty service requirement; e.g., veterans who were discharged or released from active duty for a disability incurred or aggravated in line of duty, those discharged or released from active duty under an early out or hardship discharge, etc.*

d. **Hostilities.** Hostilities refers to conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in a theater of combat operations during a period of war. To determine whether a period of hostilities is within the scope of this special authority, VA relies upon the same citation and criterion used to determine eligibility for VA Readjustment Counseling Service contained in 38 U.S.C., Section 1712A(a)(2)(B), as it applies to veterans in service after November 11, 1998. More specifically, criteria used to determine whether a veteran’s service meets the qualifications required by statute include:

- (1) Receipt of an expeditionary medal or other DOD authorized combat related medal;
- (2) Service in a location designated by an Executive Order as a combat zone;

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(3) Receipt of DOD Hostile Fire or Imminent Danger pay or combat pay tax exemption for serving in the area subject to hostilities; or

(4) Other factors as may be defined in policy and regulation by the Secretary of Veterans Affairs.

*NOTE: A certificate of award, or presentation of a medal, in and of itself, will not suffice for VA health care eligibility verification purposes without the submission of supporting documentation (such as DD 214, Proof of Receipt of Hostile Fire or Imminent Danger Pay, proof of exemption of Federal tax status for Hostile Fire or Imminent Danger Pay after November 11, 1998), other military service records or orders indicating combat service.*

e. **Hostilities or Imminent Danger Pay.** Hostile fire pay is defined as pay to anyone exposed to hostile fire or mine explosion, while imminent danger pay is paid to anyone on duty outside the United States area who is subject to physical harm or imminent danger due to wartime conditions, terrorism, civil insurrection, or civil war.

f. **Medals.** Afghanistan Campaign Medal, Iraq Campaign Medal, Armed Forces Expeditionary Medal; Global War on Terrorism Expeditionary Medal (does not include Global War on Terrorism Medal); Kosovo Campaign Medal; Southwest Asia Campaign Medal; and other DOD-authorized combat related medals.

*NOTE: This listing is current as of the date of publication of this directive. For the most current listing see <http://www.va.gov/healtheligibility/Library/pubs/CombatOperations>*