

VHA FUGITIVE FELON PROGRAM

- 1. PURPOSE:** This Veterans Health Administration (VHA) Handbook establishes procedures for ensuring compliance with the Fugitive Felon portion of Public Law (Pub. L.) 107-103 § 505, “The Veterans Education and Benefits Expansion Act of 2001,” codified at Title 38 United States Code (U.S.C.) § 5313B.
- 2. SUMMARY OF CHANGES:** This is a new Handbook defining and encompassing the VHA Fugitive Felon Program (FFP).
- 3. RELATED ISSUES:** VHA Directive 1041 (to be published).
- 4. FOLLOW-UP RESPONSIBILITY:** The Deputy Under Secretary for Health for Operations and Management (10N) is responsible for the contents of this Handbook. Questions may be referred to (202) 273- 5826.
- 5. RESCISSIONS:** None.
- 6. RECERTIFICATION:** This VHA Handbook is scheduled for re-certification on or before the last working day of November 2009.

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Acting Under Secretary for Health

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1. PURPOSE

This Veterans Health Administration (VHA) Handbook establishes procedures for ensuring compliance with the Fugitive Felon portion of Public Law (Pub. L.) 107-103 § 505, “The Veterans Education and Benefits Expansion Act of 2001,” codified at Title 38 United States Code (U.S.C.) § 5313B. In addition, this Handbook provides guidance to Network Directors, medical facility Directors, and Chief Officers on meeting their responsibilities in implementing VHA’s Fugitive Felon Program (FFP) for patients and beneficiaries.

2. DEFINITION

A fugitive felon is defined as a person who is:

- a. Fleeting to avoid custody or confinement after conviction for an offense which is a felony under the laws of the place from which the person is fleeing, or for an attempt to commit such an offense; and/or
- b. Fleeting to avoid prosecution for an offense or an attempt to commit an offense which is a felony; and/or
- c. Violating a condition of probation or parole imposed for committing a felony under Federal or State law.

NOTE: The preceding definition includes high misdemeanors under any State law that treats felony offenses as high misdemeanors.

3. AUTHORITY

a. The Veterans Education and Benefits Expansion Act (VEBEA) of 2001 requires that the Department of Veterans Affairs (VA) withhold specified benefits (including health care) from veterans and from dependents of veterans who are fugitive felons. The VEBEA requires VA, upon request, to furnish law enforcement personnel with the most current address of a veteran or dependent who is determined to be a fugitive felon. *NOTE: This assists law enforcement personnel in apprehending fugitive felons.*

b. VA Handbook 0730 describes the questioning and arrest authority of law enforcement officers; and it encourages facility Directors to cooperate to the fullest extent possible with law enforcement officers (see App. D).

4. REASONS FOR VA TO BE INVOLVED IN A FFP

a. A FFP seeks to assist United States (U.S.) law enforcement agencies in locating and apprehending felons, including dangerous felons, who have evaded justice and represent a significant safety risk to American citizens. Pub. L. 107-103 mandates that the Secretary of Veterans Affairs comply with the section of the law concerning addresses and benefits of fugitive felons.

b. VA's Inspector General in June 28, 2001, gave testimony at a hearing of the U.S. Senate Committee on Veterans' Affairs that included the following:

(1) At least one estimate indicates there could be as many as 1.9 million outstanding felony warrants existing in the U.S. Every year, U.S. law enforcement authorities issue over one million new felony warrants.

(2) Preliminary research in VA for the year 2000 indicated there may be significant amounts of money paid to fugitive felons in Compensation & Pension benefits, educational benefits, and home loan programs. While the dollar value of VA medical benefits paid has not been determined, a related finding indicated that several dozen fugitive felons were acting as fiduciaries for veterans unable to care for themselves.

(3) Being a fugitive from justice is itself a violation of Federal law.

(4) Providing financial or other benefits to fugitives may actually be facilitating illegal activity, which could lead to erosion of the public's trust and confidence in the integrity of programs and systems administered by VA.

(5) The Inspector General Act of 1978 requires agencies to avoid duplication and waste of government resources. At the same time that fugitive felons are receiving a variety of veterans' benefits, the government is expending considerable financial, technical, and human resources to locate, arrest, and bring to justice the very same fugitives. This conflict is resolved by terminating the duplicate expenditures to provide benefits.

(6) Many fugitives are violent offenders or have a propensity for violence; this poses a significant safety risk to American citizens, particularly veterans and VA employees. This is a major concern for VA administrators, particularly facility Directors.

5. BACKGROUND

a. The FFP is initiated through a Memorandum of Understanding (MOU) with Federal agencies and agreements with states as implemented and administered by the Office of Inspector General (OIG) for VA. These MOUs provides OIG with access to Federal electronic databases enabling OIG to locate fugitive felons.

b. Fugitive felons have self-inflicted their fugitive status and can resolve it by satisfying the outstanding warrant(s). The most common resolutions of outstanding felony warrants are cancellation of the warrant by the law enforcement agency that issued the warrant (i.e., the Originating Agency); arrest of the fugitive felon; or the fugitive felon's surrender to officers of the Originating Agency or official designees.

c. OIG has implemented processes and procedures that fulfill VA's requirement to furnish addresses of fugitive felons (patients) to law enforcement personnel.

d. This Handbook uses references to VHA's traditional organizational and functional models, i.e., facility Director and Chief, Human Resources Management Service (HRMS). It is

recognized that a Veterans Integrated Service Network (VISN) and/or facility must apply this Handbook within its currently approved organizational and functional models.

6. SCOPE

a. To be compliant with the requirements of Pub. L. 107-103, VHA must withhold VA benefits and, within the guidelines established in VA Handbook 0730, ensure the safety of all patients, beneficiaries, staff, and visitors as it implements FFP.

b. The Office of the Deputy Under Secretary for Health for Operations and Management (10N) administers VHA's FFP.

c. This VHA Handbook addresses VA's legal obligation to withhold specified benefits from fugitive felons who are patients or beneficiaries and to coordinate with law enforcement authorities. This policy applies to veterans and family member beneficiaries receiving VA health care benefits at VA expense in and/or through VHA.

7. RESPONSIBILITIES OF THE OIG

The OIG is responsible for:

a. Matching fugitive felon warrant data obtained via Memorandum of Understanding with the National Crime Information Center (NCIC), states, and other sources, against information in existing VHA databases on patients, beneficiaries, and employees.

b. Confirming that a veteran or family member in VHA databases has been matched to a valid Fugitive Felon Warrant. **NOTE:** *Some fugitive felons have multiple warrants.*

(1) In some cases, the fugitive felon is no longer actively receiving care in or through VHA facilities. The fugitive felon may no longer reside at the address identified during the matching process. Regardless, OIG must provide notice of a match linked to the health care facility that most recently treated the fugitive felon while providing the most current available address information to the appropriate law enforcement agency.

(2) If the fugitive felon is a family member, notice must be provided to the Health Administration Center (HAC). If the family member is being seen at a VA medical center or clinic under the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) In-house Treatment Initiative, HAC must notify the appropriate VA medical center Director.

(3) OIG's confirmation serves as verification that the warrant is still open or active at the time the warrant data was compared to VA data. Prior to taking any action, VA Police will verify by telephone with the warrant holder that the warrant is valid. This requirement is necessary because of delays between the time that data is received by the OIG and VHA's implementation of the program.

(4) It is the fugitive felon's responsibility to resolve any open warrant issue with the Originating Agency.

c. Notifying the Deputy Under Secretary for Health for Operations and Management (10N), or designee, of matches of patients. Notification should be by electronic mail and must include the OIG's FFP-3, VA Investigative Summary Form. **NOTE:** *This notice also applies to non-veteran beneficiaries matched by OIG as fugitive felons.* If an electronic notice is not available, a paper notice, including the FFP-3, must be provided to 10N by facsimile transmission, expedited mail, or hand-delivery. Given the time sensitive nature of these actions, the OIG must follow up with an immediate electronic mail message if that is not the initial means of transmission. The OIG must send these notices to the appropriate Director of Network Support and Health System Specialist in 10N.

8. RESPONSIBILITIES OF THE DEPUTY UNDER SECRETARY FOR HEALTH FOR OPERATIONS AND MANAGEMENT

The Deputy Under Secretary for Health for Operations and Management (10N) is responsible for:

a. Notifying the appropriate Network Director(s), based on the field facility or station number cited in the FFP-3 or OIG letter. 10N's notice to a Network Director must be done by electronic mail, including the FFP-3 or OIG letter. If an electronic notice is not available, a paper notice, including the FFP-3, must be provided to the Network Director by facsimile transmission, expedited mail, or hand-delivery. Notice must be accomplished within 48 hours if received by electronic mail or within 3 business days after receipt of notice from OIG, if received by facsimile transmission.

b. Providing tracking information from the Feedback Report to the OIG as requested.

9. RESPONSIBILITIES OF THE NETWORK DIRECTOR

The Network Director is responsible for:

a. Notifying the facility Director(s), based on the field facility or station number cited in the FFP-3 or OIG letter by electronic mail, including the FFP-3 or OIG letter. Notice must be accomplished in one day if received by electronic mail or within 2 business days after receipt of notice from 10N, if received by facsimile transmission.

b. Reviewing decisions, on a recurring basis, taken on all cases, including "closed without further action," as appropriate.

c. Submitting tracking information as requested by 10N.

10. RESPONSIBILITIES OF A VHA CHIEF OFFICER

A VHA Chief Officer, with line authority for programs and/or services to patients and family member beneficiaries, has the same responsibilities as the Network Director, to the extent applicable (provide notice, review, etc.).

11. RESPONSIBILITIES OF THE MEDICAL CENTER DIRECTOR, OR VHA CENTRAL OFFICE PROGRAM DIRECTOR

The Medical Center Director, or VHA Central Office Program Director, is responsible for:

- a. Implementing the procedures described in paragraphs 7 through 17, as applicable.
- b. Notifying law enforcement officers of possible harm to a patient or beneficiary if subjected to questioning or removal from a program of health care.
- c. Submitting tracking information as requested to the appropriate Network Office.
- d. Ensuring that Category I and II FFP flags are originated and accessible in the patient's record.
- e. Following established guidelines in support of this FFP Handbook.
- f. Training appropriate staff
- g. Ensuring that each FFP flag in a patient's record is accompanied by a template Progress Note. The template titles utilized will be:
 - (1) FFP Category I - non-VA Care Medically Acceptable, and
 - (2) FFP Category II - non-VA Care Medically Unacceptable.

12. RESPONSIBILITIES OF THE CHIEF OF STAFF (COS)

The Chief of Staff (COS) is responsible for:

- a. Instituting procedures to ensure that the FFP and associated processes are ethical, effective, and reviewed as noted in this directive.
- b. Identifying a Fugitive Felon Program Committee which reports to the COS.

13. RESPONSIBILITIES OF THE FUGITIVE FELON PROGRAM COMMITTEE

- a. The Fugitive Felon Program Committee is responsible for:
 - (1) Conducting the clinical reviews prescribed by this Handbook.
 - (2) Providing the written documentation of their reviews to the facility directors.
 - (3) Identifying system problems.
 - (4) Identifying training needs relating to the implementation and management of the FFP.

- b. The Fugitive Felon Program Committee needs to be comprised of:
- (1) A senior clinical chairperson.
 - (2) A member (s) of the VA Police.
 - (3) A member (s) of Health Information Management Service.
 - (4) A member (s) of Patient Safety and/or Risk Management Program.
 - (5) A Regional Counsel (ad hoc).
 - (6) A Patient Advocate.
 - (7) Other members, as needed.
 - (8) Clerical and administrative support to accomplish the required tasks.

14. PROCEDURES TO FOLLOW WHEN A PATIENT IS IDENTIFIED AS A FUGITIVE FELON

NOTE: Appendix A provides a flowchart of procedures that should occur at VA medical centers.

- a. **Facility Directors.** Facility Directors must ensure that the following occurs:

(1) **Warrant Validation.** VA medical center Police must contact the issuing agency to verify the validity of the fugitive felon warrant.

(2) **Searching Veterans Information Systems and Technology Architecture (VistA).** The facility's VistA System must be searched immediately to determine if the fugitive felon:

- (a) Is currently an inpatient at a VHA facility or in a community facility at VA expense.
- (b) Is scheduled for an outpatient clinic appointment, or an ambulatory procedure, or for elective admission.
- (c) Is currently a non-VA Fee Identification (ID) card holder or on a non-VA short-term authorization.

(3) **Flagging the Patient's Electronic Medical Record.** The patient's record must be flagged and identified a sensitive record using a software patch in VistA. The flagging action is required to indicate that the clinical review has been conducted and that the determination of the appropriateness on "no-VA care" has been made. No indications are to be placed on or in patients' paper records, such as a sticker on the outside front of a file jacket. Information Security must perform appropriate monitoring to ensure only those who have a legitimate need to know are able to access flagged records.

(4) **Notification to the Health Eligibility Center (HEC).** Appropriate documentation (e.g., FFP-3, OIG letter, or other) must be faxed to (404) 235-1355. The HEC then ensures an Ineligible Enrollment status is appropriately transmitted to affected sites.

(5) **Issuing a Letter.** Issuing a letter to the fugitive felon notifying the fugitive felon that care can no longer be provided by VA (see App. B).

(6) **Reviewing Medical Record.** Reviewing the fugitive felon's medical record to determine if the fugitive felon veteran is currently receiving care through VHA.

(a) The fugitive felon's medical record and other information, as needed, must be reviewed within 5 days to:

1. Assess the patient's or beneficiary's medical status and treatment needs;
2. Establish plans for transition of care (should a specific treatment protocol need to continue, health care treatment would have to be continued on a humanitarian basis pursuant to 38 U.S.C. 1784 at the veteran's expense).

(b) Results of the clinical review and/or transition plan must be documented in the patient's or beneficiary's medical record. Documentation in the medical record should not cite the status as a fugitive felon. It should state that eligibility for VA benefits has been terminated by the Agency and a clinical review has been completed. Documentation needs to include whether or not a care transition plan is required and who is responsible for ensuring the care transition plan is accomplished. "No further action required," or similar statement, needs to be included in the documentation, as medically appropriate. The plan and any needed background information are to be communicated as promptly as possible to VA Police and to staff members directly involved in the patient's care, as well as the necessary action(s) authorized by the facility Director.

(c) In cases where the notification letter has been sent to a patient or beneficiary identified as a fugitive felon, and the veteran or beneficiary presents for either scheduled care or unscheduled care before the clinical review and resulting plan have been completed:

1. Staff may contact VA Police to determine a plan for notifying the patient of the fugitive felon status identification; and.
2. VA police must respond to the general location of the patient or beneficiary to ensure the safety of all individuals involved.

(7) **Notifying Non-VA Health Care Facilities When Appropriate.** When specific non-VA health care facilities, programs, and/or providers are identified to assume the care of a fugitive felon patient, they need to be notified by confidential letter (see App. E).

(8) **Discontinuing VA Health Care and Services.** It is understood that discontinuing health care and services provided by VA due to loss of eligibility is potentially uncomfortable territory for VHA staff. However, 38 U.S.C, Section 5313B, provides that a veteran and/or dependent that is otherwise eligible for certain benefits, including medical care, may not be paid or otherwise provided such benefits for any period of time during which the veteran is in a

fugitive felon status. Fugitive felony warrants are typically resolved by the felon surrendering or being arrested, or by the Originating Agency, canceling the warrant due to error in issuance (i.e., mistaken identity), or by choice if/as allowed by law. **NOTE:** *Two sample notification letters to veterans are included in Appendix B and Appendix C.*

(9) **Canceling Remaining Scheduled Health Care and Debarment.** Once the clinical review has been completed and the Director has approved the action plan, sites must coordinate cancellation of any remaining scheduled health care admissions or appointments and terminating provision of all services and products, including but not limited to provision of pharmaceuticals, supplies, prosthetics, etc. It may be necessary to coordinate with a Consolidated Mail-Out Pharmacy (CMOP). If the fugitive felon has not been extradited and continues to present for care after receiving notice that she or he is no longer eligible for VHA benefits, a Letter of Debarment (see App. C) may be issued.

(10) **Billing for Services Rendered.** Sites will take action within 60 days of fugitive status notification to bill for services rendered while the veteran was in a verified fugitive felon status. The billing rate will be the humanitarian rate.

(11) **Guidance for Withholding Services.** Guidance on the contents of this handbook will be provided to all potentially impacted staff. If the veteran or beneficiary continues to present for care or services after receiving a Letter of Debarment, it will be considered trespassing and VA Police must initiate established arrest procedures.

b. **VHA Health Administration Center (HAC).** VHA's HAC is responsible for:

(1) Flagging records using internal processes.

(2) Taking action within 60 days of fugitive felon status notification to bill beneficiaries for VA services rendered while the beneficiary and/or veteran sponsor is in a fugitive felon status.

(3) Using two letters for the veteran's spouse and CHAMPVA Beneficiaries. Appendix F is a Sample Letter to a CHAMPVA Beneficiary When the Veteran's Spouse is a Fugitive Felon. Appendix G is a Sample Letter to a CHAMPVA Beneficiary Identified as a Fugitive Felon.

15. ARRESTS

a. **If an Arrest is to Occur.** If the Patient or Beneficiary is to be arrested at a VHA Facility, established procedures must be adhered to.

b. **If No Arrest is to Occur.** If no arrest will occur, but health care, services, and products must be withheld in accordance with Pub. L. 107-103, medically appropriate transfer and other transitioning of care to a non-VHA facility or program of care must be determined and enacted by VHA. VA cannot cover any costs of non-VA care, regardless of service connected status, "Millennium Bill" or other eligibilities during the time in which the patient or beneficiary is ineligible for VHA benefits due to fugitive felon status. If a veteran or beneficiary restores eligibility for care by resolving the warrant with the Originating Agency, VA cannot retroactively cover any costs of non-VA care. The exception to this is if evidence is provided to the facility Director that the Originating Agency made an error and the patient or beneficiary was

actually not in a fugitive felon status at the time the patient's or beneficiary's care was transitioned to non-VA.

16. DECISIONS REGARDING PATIENTS OR BENEFICIARIES IDENTIFIED AS FUGITIVE FELONS WHO ARE MEDICALLY ASSESSED AS NOT COMPETENT

a. The facility Director may authorize VHA staff in the facility work with the Originating Agency to determine an appropriate course of action that would resolve the warrant for fugitive felon patients or beneficiaries medically assessed as not competent to handle their own affairs, or patients for whom withholding care could result in critical medical complications, such as complications arising from discontinuation of dialysis or anti-psychotic medication, regardless of whether an arrest is planned, or only withholding of VHA care as must occur by law.

b. Extensions will be authorized for fugitive felon patients or beneficiaries who could be critically harmed by withholding of benefits, such as, but not limited to dialysis, anti-psychotic medications, or medication for controlling blood pressure.

c. VA is required to bill the veteran or guardian for all care provided at VA expense during any extension, including for humanitarian or medical risk.

17. EVIDENCE OF WARRANT SATISFACTION

Upon the presentation of evidence that the warrant has been satisfied, appropriate action must be taken to deactivate pertinent flags. This includes faxing this notification to the HEC at (404) 235-1355. Staff must remove the 'Ineligible' enrollment status which is then automatically transmitted to all affected sites. The HEC notifies the OIG that the veteran has provided proof that the warrant is cleared.

18. REMOVAL OF VETERANS FROM THE OIG FUGITIVE FELON LIST

Upon receipt of proof from the HEC, the veteran's name must be removed from the fugitive felon listing.

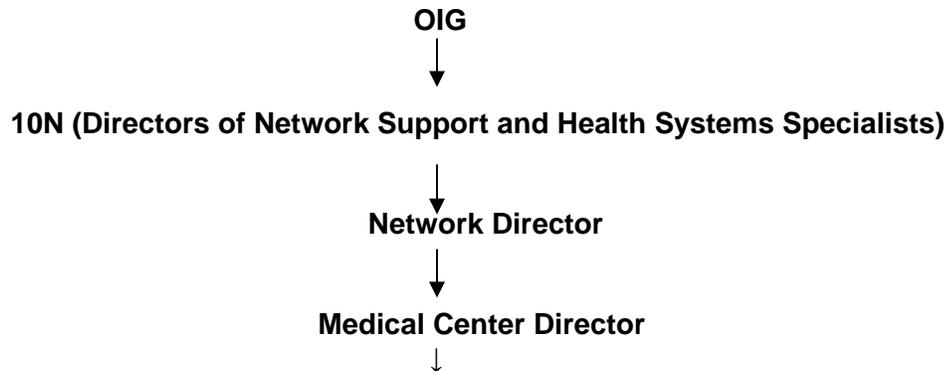
19. REFERENCES

a. Pub. L. 107-103 § 505, "The Veterans Education and Benefits Expansion Act of 2001," codified at 38 U.S.C. § 5313B, effective December 27, 2001.

b. VA Handbook 0730.

**FLOWCHART OF THE VETERANS HEALTH ADMINISTRATION (VHA) FUGITIVE
FELON PROGRAM AND PROCEDURES FOR FACILITIES**

The Office of Inspector General (OIG) searches databases monthly by name, Social Security Number, and date of birth, from Fugitive Felon (FF) Warrants in the National Crime Information Center (NCIC), State, and local law enforcement agencies' files to Veterans Health Administration (VHA) databases.



1. Department of Veterans Affairs (VA) Police must confirm with warrant holder that the warrant is valid.
2. Search the Veterans Health Information System and Technology Architecture (VistA) for any future scheduled admission, Outpatient appointment, Ambulatory Procedure appointment or non-VA Fee authorization. If an admission or appointment is imminent, expedite the Clinical Review.
3. Flag patient's VistA medical record. Make sure the flag doesn't identify future appointments or scheduled admissions.
4. Fax notification to the Health Eligibility Center (HEC) at (404) 235-1355.
5. Issue letter to patient notifying of FF match.
6. Clinical Review performed within 5 business days of the facility Director's receipt of FF notice (if applicable).
7. Develop a transition plan and notify non-VA health care provider, if appropriate, and terminate care by canceling any remaining appointments.
8. Within 60 days of notification, begin billing for VA services provided the patient while the patient in FF status.
9. Complete data entry in Fugitive Felon Program (FFP) Feedback Report (FFP-3) (a spreadsheet to the Network Office).
10. Notify the Network Director , via email, that FFP-3 has been completed.

11. If the patient provides evidence that the FF warrant has been satisfied, have VA Police confirm; fax notification to the HEC at (404) 235-1355; restore eligibility, remove flag and schedule return to care. Amend the FFP-3, and notify the Network Director.

**SAMPLE LETTER FROM THE DEPARTMENT OF VETERANS AFFAIRS (VA) TO
CURRENT PATIENT IDENTIFIED AS A FUGITIVE FELON**

(Date)

Ref. (Facility #)

Mr. Edward J. Smith
1912 White Star La.
Southampton, NY 01507

Dear Mr. Smith:

Under Public Law 107-103, “The Veterans Education and Benefits Expansion Act of 2001,” VA is prohibited from providing or continuing to provide certain benefits to veterans and dependents identified as fugitive felons. The prohibition includes health care and services, including medications and any care provided in the community at VA expense. The Act also requires VA to provide law enforcement personnel, upon request, the most current address of a veteran or dependent whose identity was matched in a fugitive felon database.

This letter notifies you that your name has been matched in the database searches as having a felony warrant against you in an open status. Your identity matched on all three criteria: name, social security number, and date of birth. As required by law, the Office of Inspector General contacted the law enforcement agency that issued the warrant against you. This agency is referred to as the “Originating Agency.” If the Originating Agency has local jurisdiction, it may choose to arrest you. If the Originating Agency does not have local jurisdiction, it may choose to extradite you to its area of jurisdiction and then arrest you.

You have been identified as a fugitive felon, and VA must terminate the health care it has been providing to you, effective 60 days from the date of this letter. Under the law, this applies even to those veterans who are service-connected or have other eligibilities, such as those for VA coverage of emergency care in communities. This applies to other beneficiaries, such as veterans’ family members who qualify as eligible dependents and includes: clinic appointments, scheduled admissions, scheduled ambulatory procedures, medication, dental care, prosthetic devices and care, supplies, and other health care services. Your computerized medical record or other health record has been flagged so that VA staff can take appropriate steps to plan transition and/or termination of your health care in VA programs or other programs at VA expense. In addition, VA will bill you and/or your beneficiaries for all VA provided care received while in this fugitive felon status.

Because you are an active outpatient, we will perform a confidential Clinical Review of your medical or health record and other relevant data and information. The purpose of this review is to assess your treatment needs and to assist you, if desired or needed, in locating alternative care outside the VA health care system. Under the law, VA cannot pay for any of this alternative care. (*Or, as an inpatient, we are notifying you that VA can no longer provide care at our expense. We will work with you to transition your care.*) If you or a beneficiary comes to a VA health care facility for a medical emergency, VA will provide emergency care on a humanitarian basis at the expense of the person receiving the care. This will be provided to stabilize the medical condition. Afterward, you or the beneficiary will be discharged or transferred to an

appropriate non-VA health care facility and will be billed for any health care provided by VA on an emergency humanitarian basis. If a non-VA health care facility provides care to you or the beneficiary, VA will not be financially or otherwise responsible for that care.

We must ensure that the VA Medical Center, and all its community clinics and other activity sites, provide a safe environment where health care and administrative business can be provided in an orderly fashion and that we are in compliance with the law. Therefore, in addition to notifying you of your match to a fugitive felon warrant, this letter also notifies you that at any time you are on VA property or at a VA site, whether owned or leased, you must abide by all prevailing laws, regulations, and policies. Failure to do so may result in arrest by VA Police and/or local law enforcement officials. Also, you may be subject to arrest by Federal or State law enforcement agencies for the fugitive felony warrant itself. If you have any questions about this notification letter and how it applies to your legal status as far as VA is concerned, please contact our VA Police at ___(telephone number)___.

Fugitive felon status is a self-inflicted status that you may resolve by contacting the Originating Agency for the felony warrant. You must contact the Originating Agency that issued a felony warrant against you, not the VA Police, if you believe:

- a. An error was made, such as mistaken identity.
- b. The warrant should be cancelled.
- c. The warrant has been satisfied by your arrest or surrender.
- d. There are other reasons, which would resolve the warrant.

If you have evidence now that the warrant has been satisfied, or you obtain such evidence, you need to provide this evidence to my office immediately. You may provide this evidence by mail or fax, or you may ask someone you trust to deliver the evidence. If the Originating Agency (warrant holder) does not have local jurisdiction, it may choose to have you arrested by local authorities, and have you extradited back to the jurisdiction responsible for the warrant.

Thank you for your cooperation.

Sincerely,

Signature block for the Director, VA Medical Center XXXXXXXX

Name:	Edward J. Smith
SSN:	031-54-6978
DOB:	07/13/50
VA Treatment Location:	VAMC XXXXXXXX, NY
Law Enforcement Agency:	Hudson County Sheriff's Office
Address:	
Telephone Number:	
Date of Warrant:	04/22/00
Offense:	Obstruction of justice

**SAMPLE LETTER TO A VETERAN NOT CURRENTLY RECEIVING CARE OR AS A
DEBARMENT FROM THE DEPARTMENT OF VETERANS AFFAIRS (VA) TO A
FUGITIVE FELON**

(Date)

Ref. (Facility #)

Ms. Mary Doe
1831 Greenwood Rd.
AnyTown, US 12345

Dear Ms. Doe:

Under Public Law 107-103, “The Veterans Education and Benefits Expansion Act of 2001,” VA is prohibited from providing or continuing to provide certain benefits to veterans and dependents identified as fugitive felons. The prohibition includes health care and services, including medications and any care provided in the community at VA expense.

Since you are currently not receiving care through VA, this letter is to confirm that you are no longer eligible or entitled to receive health care and services at or through ___(VA Medical Center Anywhere)___ while you have any felony warrant against you. You may not receive health care and services at any other Veterans Health Administration (VHA) facility or through a Department of Veterans Affairs (VA)-paid program, effective immediately. In addition, VA will bill you and/or your beneficiaries for all VA-provided care received while in this fugitive felon status.

You have been identified as a fugitive felon, VA must terminate your eligibility to receive health care, effective 60 days from the date of this letter. We realize that you are not currently receiving care from VA. If you or a beneficiary comes to a VA health care facility 60 days from the date of this letter for a medical emergency, VA will provide emergency care on a humanitarian basis at the expense of the person receiving the care. This emergency care will be provided to stabilize the person’s medical condition. Afterward, you or the beneficiary will be discharged or transferred to an appropriate non-VA health care facility and will be billed for any health care provided by VA on an emergency humanitarian basis. If a non-VA health care facility provides care to you or the beneficiary, you or the beneficiary will also be billed for that care. These billings will occur even if you are service connected, if you previously qualified for VA coverage of emergency care in your local or nearby community under other treatment authorities, or if you have any other eligibility as a veteran or beneficiary.

(only if applicable) This letter serves as official debarment from entering VA property. Failure to comply with this debarment will result in your arrest by VA Police for trespassing. If you have any questions about this Letter of Debarment, please call our VA Police at ___(telephone number)___.

Please contact the law enforcement agency that issued the felony warrant against you to try to resolve this issue (see attached). If you have evidence now that the warrant has been satisfied, or you obtain such evidence, your eligibility for VHA health care and services may be reinstated.

You may provide my office with this evidence by mail or you may fax the VA Police at ___(fax number)___.. (if this is applicable). You may also ask someone you trust to deliver that evidence to our VA Police. It is important that you not come to this facility in person while this Letter of Debarment is in force. If you come to this facility you will be arrested by VA Police for trespassing.

Thank you for your cooperation.

Sincerely,

Signature block for the Director, VA Medical Center XXXXXXXX

Name:	Edward J. Smith
SSN:	031-54-6978
DOB:	07/13/50
VA Treatment Location:	VAMC XXXXXXXX, NY
Law Enforcement Agency:	Hudson County Sheriff's Office
Address:	
Telephone Number:	
Date of Warrant:	04/22/00
Offense:	Obstruction of justice

**QUESTIONING AND THE ARREST AUTHORITY OF
LOCAL LAW ENFORCEMENT OFFICERS**

1. A law enforcement officer acting officially for an agency having local, State, or Federal law enforcement jurisdiction may not be denied access to the facility or a patient.
 - a. At facilities on property in which the Federal Government exercises concurrent or proprietary jurisdiction, local and State officers may effect patient arrests.
 - b. At facilities on property in which the Federal Government exercises exclusive jurisdiction, only Federal officers [including Department of Veterans Affairs (VA) police] may arrest without a warrant.
 - c. Local or State officers may only arrest with a warrant on property under exclusive Federal jurisdiction when the State act of cession reserves the right of the State to serve or execute State civil and criminal process on the property.
2. All non-VA law enforcement officials entering the VA health care facility need to be directed to the Office of the Director or Chief, Police and Security unit for a formal presentation of the purpose of the visit.
3. Facility Directors must cooperate to the fullest extent possible with law enforcement authorities carrying out official investigations or the orders of a judicial official given the Federal Government's jurisdiction over the facility.
4. The Director and members of the facility staff have no legal authority to prevent the lawful questioning, arrest, or serving of process on a patient.
5. When the purpose of the visit is to question or arrest a patient, the responsible medical staff member, preferably the attending physician will be immediately consulted for a determination of the effect that questioning or arrest and removal from a treatment program would have on the patient.
 - a. Directors and health care professionals have a responsibility to warn law enforcement officers of the possibilities of harm to a patient if the patient is subjected to questioning or removal from a program of health care.
 - b. A written record must be made when a medical staff member's opinion is that the intended action would have a clearly adverse effect on the patient.
 - c. During the conference between the law enforcement officer and the medical staff member, no information may be disclosed except as authorized by law.
 - d. When the seriousness of a charge against a patient causes the law enforcement officer to insist on taking the patient into custody against medical advice, every effort needs to be made to influence the law enforcement officials to seek a postponement of orders from their superiors or

to arrange for the patient's transfer to a custodial health care facility capable of continuing needed treatment.

e. If the law enforcement official requires a detailed statement of the patient's condition to achieve either a postponement or to effect continued treatment in a custodial facility, the law enforcement official must be advised to submit a written request for the information, which meets the requirements of the Privacy Act and Title 38 United States Code §§ 5701 and 7332. Any such written request received will be forwarded to the appropriate release of information officials for consideration.

f. Agreements reached by Directors and law enforcement officials to retain a patient, against whom criminal or civil charges are pending, will not include the stationing of an armed police officer, guard, or a VA police officer to guard the patient.

December 2, 2004

VHA HANDBOOK 1000.2
APPENDIX E

**SAMPLE OF A DEPARTMENT OF VETERANS AFFAIRS (VA) FACILITY
DIRECTOR'S LETTER TO A NON-VA HEALTH CARE ENTITY ASSUMING A
VETERAN'S CARE**

CONFIDENTIAL Information Accompanying Transition of Health Care for Mr. Edward J. Smith

Mr. Edward J. Smith, Social Security Number 123-45-6789, has been declared ineligible to continue receiving benefits from the Department of Veterans Affairs (VA). This includes health care, services, and products provided to him by the Veterans Health Administration (VHA).

Thank you for your assistance with this complex and sensitive matter. If you have any questions, please call me at ___(telephone number)___.

Sincerely,

Signature block for the Director, VA Medical Center XXXXXXXX

**LETTER TO CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE
DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA) BENEFICIARY WHEN THE
VETERAN SPONSOR IS A FUGITIVE FELON**

March 25, 2003

Mrs. Elizabeth J. Thompson
457 Sacramento Way
Baltimore, MD 22389

**Subject: Notification of Non-entitlement to Civilian Health and Medical Program of the
Department of Veterans Affairs (CHAMPVA) Benefits**

Dear Mrs. Thompson:

This office has been informed that your spouse has been identified as a fugitive felon. Under Public Law 107-103, "The Veterans Education and Benefits Expansion Act of 2001," VA is prohibited from providing or continuing to provide certain benefits to veterans and dependents identified as fugitive felons. The prohibition includes health care and services, including medications and any care provided in the community at VA expense.

The Act also requires VA to provide law enforcement personnel, upon request, the most current address of a veteran or dependent whose identity was matched in a fugitive felon database. This will assist law enforcement personnel in apprehending fugitive felons. The Health Administration Center is a participant in the Fugitive Felon Program.

This letter notifies you that the veteran sponsor for your Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) benefits has been matched in database searches as having a felony warrant in an open status. The identity of the veteran matched all three criteria - name, social security number, and date of birth. As required by law, the Office of Inspector General contacted the Health Administration Center regarding the outstanding warrant.

Because the veteran sponsor for your CHAMPVA benefits has been identified as a fugitive felon, the VA must terminate CHAMPVA benefits provided to you and any other dependents. Your record has been flagged so that our staff can take appropriate steps to terminate your CHAMPVA health care benefits. In addition, VA will bill you and/or beneficiaries for all VA provided care received while your veteran sponsor is in this fugitive felon status.

Fugitive felon status is a self-inflicted status that may be resolved if the veteran contacts the Origination Agency that issued the felony warrant. The veteran may contact the Origination Agency that issued the felony warrant, if:

- a. An error was made, such as mistaken identity.
- b. The warrant should be canceled.
- c. The warrant has been satisfied by the veteran's arrest or surrender.
- d. Other reasons that may resolve the warrant.

If you have evidence now that the veteran's warrant has been satisfied, or you obtain such evidence, you should provide this evidence to my attention immediately. You may provide this evidence by mail, fax at (303) 331-7800, or you may ask someone you trust to deliver the evidence. You may also make an appointment by calling (303) 331-7500 to provide this evidence.

Thank you for your cooperation in this matter.

Sincerely,

Ralph Charlip, FACHE, FAAMA
Director, Health Administration Center

Sponsor's Name:	John M. Thompson
SSN:	123-45-6789
DOB:	01/03/50
Law Enforcement Agency:	Rockwell Country Sheriff's Office
Date of Warrant:	4/19/02
Law Enforcement Agency:	Hudson County Sheriff's Office
Address:	
Telephone Number:	
Date of Warrant:	04/22/00
Offense:	Obstruction of justice

ATTACHMENT G

**LETTER TO CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE
DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA) BENEFICIARY IDENTIFIED
AS A FUGITIVE FELON**

April 8, 2003

Mrs. Mary L. Smith
1890 Ivy Lane
Houston, TX 87093

Subject: Beneficiary Matched in Fugitive Felon Database(s)

Dear Mrs. Smith:

This office has been informed that you have been identified as a fugitive felon. Under Public Law 107-103, "The Veterans Education and Benefits Expansion Act of 2001," VA is prohibited from providing or continuing certain benefits to veterans and dependents identified as fugitive felons. The prohibition includes health care and services, including medications and any care provided in the community at VA expense.

The Act also requires VA to provide law enforcement personnel, upon request, the most current address for a veteran dependent whose identity was matched in a fugitive felon database. This will assist law enforcement personnel in apprehending fugitive felons. The Health Administration Center is a participant in the Fugitive Felon Program.

This letter notifies you that your name has been matched in database searches as having a felon warrant against you in an open status. Your identity matched on all three criteria - name, social security number and date of birth. As required by law, the Office of Inspector General contacted the law enforcement agency that issued the warrant against you. This agency is referred to as the "Origination Agency." If the Originating Agency has local jurisdiction, it may choose to extradite you. If the Origination Agency does not have local jurisdiction, it may choose to extradite you to its area of jurisdiction and then arrest you. The Originating Agency may choose not to extradite you.

Because you have been identified as a fugitive felon, VA must terminate your Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) benefits. Your record has been flagged so that our staff can take appropriate steps to terminate these benefits. In addition, VA will bill you and/or beneficiaries for all VA provided care received while in this fugitive felon status.

Fugitive felon status is a self-inflicted status that you may resolve by contacting the Origination Agency for the felony warrant. You must contact the Originating Agency that issued a felony warrant against you, if you believe:

- a. An error was made, such as mistaken identity.

- b. The warrant should be canceled.
- c. The warrant has been satisfied by your arrest or surrender.
- d. There are other reasons that may resolve the warrant.

If you have evidence now that the warrant has been satisfied, or you obtain such evidence, you should provide this evidence to my office immediately. You may provide this evidence by mail, fax at (303) 331-7800, or you may ask someone you trust to deliver the evidence. You may also make an appointment by calling (303) 331-7500 to provide this evidence.

Thank you for your cooperation in this matter.

Ralph Charlip, FACHE, FAAMA
Director, Health Administration Center

Name:	Mary L. Smith
SSN:	567-89-0123
DOB:	12/22/53

Law Enforcement Agency:	Tacoma, Washington Police Department
Address:	
Telephone Number:	
Date of Warrant:	08/22/02
Offense:	Assault