

March 19, 2004

**EXPANSION OF HEALTH CARE BENEFITS FOR CERTAIN FILIPINO VETERANS
IN THE UNITED STATES**

1. PURPOSE: This Veterans Health Administration (VHA) Directive provides policy concerning furnishing of health care benefits to certain Filipino veterans of World War II residing in the United States (U.S.). *NOTE: This Directive implements Public Law 108-170 in Title 38 Code of Federal Regulations (CFR) 3.24.*

2. BACKGROUND: On December 6, 2003, Public Law 108-170, the "Veterans Health Care, Capital Asset, and Business Improvement Act of 2003," was enacted authorizing the Department of Veterans Affairs (VA) to provide hospital care, nursing home care, and outpatient medical services to certain Filipino veterans in the same manner and subject to the same terms and conditions as apply to U.S. veterans.

a. These "certain Filipino veterans" are Commonwealth Army veterans, including those who were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces, and New Philippine Scouts who reside in the U.S., and who are citizens, or lawfully admitted for permanent residence; they are eligible for care on the same basis as U.S. veterans. Attachment B summarizes a Filipino veteran's eligibility for VA health care benefits in a table format. *NOTE: It is suggested that this quick reference guide be shared with staff performing intake and eligibility verification functions.*

b. Commonwealth Army Veterans, including those who were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces, and New Philippine Scouts that do not meet the residency and citizenship requirements described in Paragraph 4.b., are not eligible for VA care in the United States.

c. Prior to the enactment of Public Law 108-170, Commonwealth Army Filipino veterans, including those who were recognized by U.S. Army authority as belonging to organized Filipino guerilla forces, and the New Philippine Scouts were eligible for care of their service connected conditions only in VA health care facilities. If these veterans do not meet the new residency and citizenship requirements, they are eligible for care on a humanitarian basis only. These veterans need to be:

- (1) Clinically evaluated to determine if VA health care can be safely discontinued.
- (2) Assisted in obtaining non-VA care, if necessary.
- (3) Provided with their administrative appeal rights.

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3. POLICY: It is VHA policy that eligible Filipino veterans receive VA care on the same basis as U.S. veterans. *NOTE: Old Filipino Scouts have been, and remain, eligible for VA health care on the same basis as U.S. veterans. That is, those recent statutory amendments do not affect these veterans.*

4. ACTION: The medical center Director is responsible for ensuring that:

a. Local facility policy providing access to the medical benefits package to qualifying Filipino veterans is implemented. *NOTE: Those Filipino veterans receiving VA disability compensation at the full-dollar rate are considered to have met the requirement.*

b. Filipino veterans applying for health care benefits under Title 38 United States Code (U.S.C.) 1734, must complete a VA Form 10-10EZ, Application for Health Benefits, and provide proof of citizenship, or lawful permanent residency status, to qualify for this medical benefits package. *NOTE: VHA relies on the Veterans Benefits Administration (VBA) guidance in this determination.* One of the following must be presented as evidence to support their eligibility for VA health care benefits:

(1) A valid original or copy of one of the following documents:

(a) A valid U.S. passport;

(b) A birth certificate showing that he or she was born in the U.S.; or

(c) A "Report of Birth Abroad of a Citizen of the U.S.," issued by a U.S. consulate abroad.

(2) Verification by the U.S. Citizenship and Immigration Services to VA that the Filipino veteran is a naturalized citizen of the U.S.

(3) Verification by the U.S. Citizenship and Immigration Services to VA that a veteran is an alien lawfully admitted for permanent residence in the U.S.

c. A copy of the documentation used to determine the Filipino veteran's eligibility for VA health care benefits is retained in the veteran's administrative folder of the Consolidated Health Record (CHR).

d. Commonwealth Army veterans, including those who were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces, and New Philippine Scouts are entered into Veterans Health Information Systems Technology Architecture (VistA) as if they were U.S. veterans. *NOTE: The Branch of Service for these individuals should be "Other" and the Period of Service should be "WWII."*

e. Each eligible Filipino veteran applicant is manually tracked using the spreadsheet provided in Attachment A. *NOTE: This is so that when software enhancements are available to appropriately identify them as Filipino veterans, their records may be updated accordingly.*

5. REFERENCES

- a. Public Law 108-170, the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003.
- b. Title 38 U.S.C. 1734.
- c. Title 38 CFR 3.42.

6. FOLLOW-UP RESPONSIBILITY: The Chief Business Officer (16) is responsible for the content of this Directive. Questions may be directed to 202-254-0320.

7. RESCISSION: VHA Directive 2000-052 is rescinded. This VHA Directive expires March 31, 2009.

S/ Nevin M. Weaver for
Robert H. Roswell, M.D.
Under Secretary for Health

Attachments

DISTRIBUTION: CO: E-mailed 3/19/04
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ATTACHMENT A

TRACKING OF FILIPINO VETERAN APPLICANTS FOR DEPARTMENT OF
VETERANS AFFAIRS (VA) HEALTH BENEFITS

Tracking of Filipino Veteran Applicants for VA Health Benefits					
Date of Application	Name	Social Security Number (SSN)	Philippine Branch of Service	Residency or Citizenship Verified by: passport, birth certificate, full-dollar rate compensation	Eligible for Care as a Veteran (Yes or No)

ATTACHMENT B

FILIPINO VETERANS' ELIGIBILITY DETERMINATION TABLE				
<p>Note 1: If the Veterans Benefits Administration (VBA) (by Hospital Inquiry (HINQ) or Intranet BIRLS/BND Access (IBBA) indicates more than one Branch of Service (BOS), determine eligibility using BOS that gives veteran the greatest benefit.</p> <p>Note 2: Determine eligibility for Service Connected (SC) Compensable veterans by using Disability Basic Rate Table – Veteran receiving VA full-dollar rate meets Citizenship and Legal Residence test. (If unemployable and being paid half-dollar rate, consider veteran as not meeting citizenship and/or legal residence test.)</p> <p>Note 3: Determine eligibility for other veterans by confirming evidence of: (a) a valid U.S. Passport (b) Birth Certificate showing birth in the U.S. (c) A report of Birth Abroad of a citizen of the U.S. issued by a U.S. consulate abroad (d) Verification from the U.S. Citizenship and Immigration Services.</p> <p>Note 4: If non-citizen or non-resident, the veteran is not eligible for Enrollment.</p>				
BRANCH OF SERVICE (SEE NOTE 1)	DATES OF SERVICE	ELIGIBILITY SCENARIO- 1	ELIGIBILITY SCENARIO -2	ELIGIBILITY SCENARIO -3
Regular (Old) Filipino Scout (RPS, G)	Enlisted Prior to 10/6/45	Non-service connected (NSC) or SC as shown on HINQ, or other documentation that verifies service (DD Form 214, Certification of Release or Discharge from Active Duty). Treat as any other veteran. Enrollment Authorized.		
Regular Filipino Scout Service Combined with Special (New) Filipino Scout or Commonwealth Army Service (RPS, V, RSS)	Enlisted Prior to 10/6/45	NSC or SC as shown on HINQ, or other documentation that verifies service (DD Form 214, etc.). Treat as any other veteran. Enrollment authorized.		
Guerilla and Combination Service (GCS, U)	(GCS) April 1942 to June 1946	NSC or SC as shown on HINQ, or other documentation that verifies service (DD Form 214, etc), if proof of US citizenship or lawfully admitted into the U.S. for permanent residency is established. See Notes 2 and 3 for method of determining citizenship. Enrollment authorized if meets citizenship and/or residency test.	If no proof of U.S. citizenship or lawful admittance into the U.S. for permanent residency is indicated, not eligible for treatment. See Note 4.	
Commonwealth Army (CA, T)	(CA) 7/26/41 – 6/30/46			
Special (New) Philippine Scout (SPS)	(SPS) 10/6/45 to 6/30/47			