

Resolution 02
Rehabilitation Committee

Tentative Eligibility Determination 38CFR17.34

Whereas, veterans in the past have presented themselves to Department of Veterans Affairs (VA) Medical Center Emergency Rooms for Mental Health Concerns, and

Whereas, these same veterans have been turned away because their eligibility could not be determined, and

Whereas, this action caused some veterans to commit suicide, **and**

Whereas, 38CFR 17.34 states in part "services may be authorized without further delay if it is determined that eligibility for care will be established. Tentative eligibility determinations under this section, however, will only be made if: (a) In emergencies. The applicant needs hospital care or other medical services in emergency circumstances," is ambiguous and misleading, **and**

Whereas, the Affordable Care Act requires medical facilities to treat all patients who present themselves for care at emergency rooms, **therefore**

Be It Resolved, 38 CFR 17.34 be changed to read in part "service **will be authorized without further delay. Tentative eligibility determinations under this section, however, will only be made if: (a) In emergencies. The applicant needs hospital care or other medical services in emergency circumstances**" and

Be it Further Resolved, that a paragraph be added to read "Eligibility will be determined once the emergency medical service have been provided."

Be it finally Resolved, that if approved by the Department of New York, at its annual Convention in Syracuse, New York schedule for July 20-22, 2017 this resolution be forwarded to the National Organization for Consideration at the National Conventions scheduled for August 18-24, 2017 in Reno, Nevada