

**ONE HUNDRED AND FIRST NATIONAL CONVENTION  
OF  
THE AMERICAN LEGION  
Indianapolis, Indiana  
August 27, 28, 29, 2019**

**Resolution No. 18: Payment For Emergency Transportation To A Department Of Veterans Affairs Medical Facility**

**Origin: Minnesota**

**Submitted by: Convention Committee on Veterans Affairs & Rehabilitation**

WHEREAS, Veterans who encounter a medical emergency as defined by Public Law 106-117, Veterans Millennium Health Care and Benefits Act, can have their emergency ambulance transportation expenses paid by the Department of Veterans Affairs (VA) in accordance with the requirements set forth Title 38 United States Code 1725 and corresponding regulations, 38 Code of Federal Regulations (C.F.R.) 1000 through 1008; and

WHEREAS, 38 C.F.R. 1003, covers payment or reimbursement for ambulance services, including air ambulance services, if the conditions set forth in 38 C.F.R. 1003 (a) through (e) are met; and

WHEREAS, Subsection (a) of 38 C.F.R. 1003 requires that the emergency treatment be provided at a non-VA facility; and

WHEREAS, Emergency transportation companies are required by law to transport patients to the nearest medical facility; which can result in VA denying payment of a veterans emergency ambulance transportation expenses if the veterans is transported to a VA medical facility and the veteran is not eligible for payment of emergency ambulance transportation expenses under VA's beneficiary travel rules set forth in Title 38 U.S.C. 111 and corresponding regulations 38 CFR Part 70, Subpart A Beneficiary Travel and Special Mode Transportation; and

WHEREAS, A veteran whose emergency ambulance transportation would have been reimbursed by VA under Title 38 U.S.C. 1725 and VA's corresponding regulation 38 C.F.R. 1000 through 1008 if the veteran was taken to a non-VA facility; and;

WHEREAS, VA is denying payment of the emergency ambulance transportation expenses because the veteran was transported to a VA medical facility, had no choice in the decision where they are transported, and does not qualify for payment under Title 38 U.S.C. 111 and VA's corresponding regulations 38 CFR Part 70, Subpart A Beneficiary Travel and Special Mode Transportation; now, therefore, be it

**RESOLVED, By The American Legion in National Convention assembled in Indianapolis, Indiana, August 27, 28, 29, 2019, That Congress enact legislation to resolve the inequity between Title 38 U.S.C. 111 and Title 38 U.S.C. 1725 and allow the Department of Veterans Affairs (VA) to pay for a veteran's emergency transportation when the veteran is transported by an emergency transportation company to a VA medical facility, does not qualify for payment of emergency transportation expenses under Title 38 U.S.C. 111 but meets all of the payment requirements set forth under Title 38 U.S.C. 1725.**