

**NINETY-EIGHTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Cincinnati, Ohio
August 30, 31, September 1, 2016**

Resolution No. 182: Non-Department of Veterans Affairs Emergency Care

Origin: Georgia

Submitted by: Convention Committee on Veterans Affairs & Rehabilitation

WHEREAS, Title 38, United States Code (U.S.C), Section 1703a states when Department of Veterans Affairs (VA) facilities are not “capable of furnishing economical hospital care or medical services because of geographical inaccessibility or are not capable of furnishing the care or services required, the Secretary may contract with non-Department facilities in order to furnish medical care”; and

WHEREAS, VA is permitted under Title 38 (U.S.C.) § 1728 and 1725 to make payment and reimbursement to a claimant for emergency treatment provided to service-connected and nonservice- connected veterans with a timely filing limit for unauthorized inpatient or outpatient medical care claims (two years from the date of care for service-connected veterans, and 90 days for nonservice-connected veterans); and

WHEREAS, Several veterans have reported to The American Legion that delayed payments for emergency care by the VA to the non-VA provider have resulted in numerous credit issues for veterans; and

WHEREAS, The American Legion has long urged VA to adopt a more definitive policy on emergency care that is consistently applied at every VA Medical Center; and

WHEREAS, VA’s policy cannot continue to result in unfair billing for veterans who require emergency care outside VA; and

WHEREAS, Veterans need a solid recourse plan on what to do in the event that VA delays payments of claims for emergency medical care furnished by non-VA medical providers; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Cincinnati, Ohio, August 30, 31, September 1, 2016, That The American Legion support legislation urging the Department of Veterans Affairs (VA) to promptly pay non-VA providers for emergency care furnished; and, be it finally

RESOLVED, That VA conduct outreach to veterans regarding the effect of delayed payments of claims for emergency medical care furnished by non-VA medical providers.