

**NINETY-FIRST NATIONAL CONVENTION  
OF  
THE AMERICAN LEGION  
Louisville, Kentucky  
August 25, 26, 27, 2009**

**Resolution No. 2: Uniform Payment Policy for Emergency Care at Non-Department  
of Veterans Affairs (VA) Medical Center Facilities**

**Origin: North Carolina**

**Submitted by: Veterans Affairs and Rehabilitation**

**(As amended)**

WHEREAS, The Department of Veterans Affairs (VA) Veterans Health Administration (VHA) Directive 2006-051, Standards for Nomenclature and Operations in VHA Facility Emergency Departments, states, "Facility Director is responsible for ensuring that: "policies for the provision of emergency care, for the transfer of patients, and for the diversion of emergency patients from the facility are developed, implemented, and monitored"; and

WHEREAS, Each VA Medical Center's Director is not required to follow a standard on the facility's Policy of "Divert" or diversion of veterans in emergency vehicles in route to VA Medical Centers and is not consistent with the assumption of total healthcare as advertised by the VA Medical Center Facilities; and

WHEREAS, In many instances nationally, veteran claimants are improperly billed for their emergency medical care; and

WHEREAS, Veterans Service Organizations (VSOs) with power of attorney over claimants' cases generally submit requests for VA Medical Center policy/Emergency Room Standard Operating Procedures, relating to VA Medical Center Diversion Policy; only to discover that the VA Medical Center does not provide such documentation; and

WHEREAS, Not providing such information is in clear violation of VA's duty to assist and inform under Title 38 United States Code (USC), Section 5103A, the Secretary shall assist such a claimant in developing the facts pertinent to the claim and such assistance shall include requesting information; and

WHEREAS, Because VA has local facility directors implementing local policies with public and private hospitals for the provision of Emergency Care diversion of patients, there are many variances that modify title 38 of the Code of Federal Regulation 17.52 to 17.56 by the time it reaches local VA Medical Centers; now, therefore, be it

**RESOLVED, By The American Legion in National Convention assembled in Louisville, Kentucky, August 25, 26, 27, 2009, That the Department of Veterans Affairs (VA) immediately adopt a more definitive policy on Emergency Care diversion that is consistently applied at every VA Medical Center; and, be it finally**

**RESOLVED, That the Emergency Care diversion policy does not result in unfair billing of a veteran transported from a VA Medical Center to a non-VA medical facility for emergency care.**