

HRCMOAA Webmaster

Subject: FW: VA Proposed Standards for Community Care Program of the MISSION ACT of 2018

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Sent: Thursday, February 21, 2019 6:24 PM

Subject: VA Proposed Standards for Community Care Program of the MISSION ACT of 2018

Provided below is current information of interest/importance to Veterans and Military Retirees. The VA is set to take action/taking action on establishing rules for both **Veteran Community Care** (Access Standard AQ46) and **Urgent Care** (Access Standard AQ47). There are/will be opportunities for Public Comment. These Access Standards will be the “rules” that govern your rights, rates and privileges under an important portion of the **MISSION ACT of 2018**.

Below is some information and web links to get you started on this issue. Understand that reading this information is normally not your most earnest endeavor, but it is important to all Veterans. You now have an opportunity to provide your input to VA (and to your Congressional leaders). as you may see fit.

Semper Fi, W3

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VA Proposed Rule for Veteran Community Care Program

By
SDAHO

February 8, 2019

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The Department of Veterans Affairs (VA) has issued a [proposed rule detailing access standards](#) under the new **Veterans Community Care Program**, as required by the **MISSION Act of 2018**. **The proposed rule also establishes a new benefit for veterans to access urgent care services.**

The access standards will be used to determine whether a veteran can access care outside a VA medical facility at an eligible community provider. Specifically, the agency proposes access standards of:

- **A 30-minute average drive time standard for primary care, mental health and non-institutional extended care services**
- **A 60-minute average drive time standard for specialty care**
- **Appointment wait-time standards of 20 days for primary care, mental health care and non-institutional extended care services, and 28 days for specialty care, with certain exceptions**

For urgent care, the VA proposes a veteran could receive care at any provider in the community care network, with the possibility of a co-pay charge. Additional details on the establishment of an eligible community provider network are not included in the proposed rule and are expected to be issued in a separate interim final rule in late spring.

The MISSION Act requires the program to be implemented by June 6. Comments are due March 4.

The proposed rule for “**Access Standards**” (AQ46) is scheduled to be published on Friday, February 22, 2019.

Department of Veterans AFFAIRS
8320-01
38 CFR Part 17
RIN 2900-AQ46
Veterans Community Care Program
AGENCY: Department of Veterans Affairs.
ACTION: Proposed rule.

VA RIN: 2900-AQ46
Publication ID: Fall 2018

Title: •Veterans Community Care Program

Abstract:

The Department of Veterans Affairs (VA) intends to **add new regulations to title 38 Code of Federal Regulations to implement section 101** of Public Law 115-182 (hereafter referred to as the "Mission Act"), to establish the **Veterans Community Care Program by June 6, 2019**, under which VA will provide care to eligible Veterans through **non-VA providers in the community. Also under the Mission Act, the current Veterans Choice Program to provide community care will lapse on June 6, 2019**. To ensure this transition to the new Veterans Community Care Program occurs without a significant disruption in Veterans’ care, implementation must occur through an interim final rule to establish criteria for receipt of care or services upon VA’s authorization and the election of eligible veterans, primarily: (1) whether VA offers the care or service required; (2) whether VA operates a full-service medical facility in the State in which the Veteran resides; (3) whether the Veteran meets certain conditions related to eligibility under the 40 mile criterion in the Veterans Choice Program; (4) whether VA is able to furnish care or services in a manner that complies with designated access standards developed by the Secretary; and (5) whether the Veteran and the Veteran’s referring clinician agree that furnishing care and services through a community entity or provider is in the best medical interest of the Veteran based upon criteria developed by VA. This interim final rule will also establish criteria by which covered Veterans could receive care if VA determined a medical services line was not meeting VA’s standards for quality, with certain limitations. An interim final rule is necessary because VA requires additional time to develop the policy decisions necessary to interpret the legal criteria stated above (e.g., interpreting or defining the phrase does not offer the care or services, defining a full service medical facility, and developing the required access and quality standards), to implement the Veterans Community Care Program by June 6, 2019.

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<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201810&RIN=2900-AQ46>

Agency: Department of Veterans Affairs(VA) **Priority:** Economically Significant
RIN Status: First time published in the Unified Agenda **Agenda Stage of Rulemaking:** Final Rule Stage
Major: Yes **Unfunded Mandates:** No
EO 13771 Designation: Other
CFR Citation: [38 CFR 17.4000](#) ... (To search for a specific CFR, visit the [Code of Federal Regulations.](#))
Legal Authority: [38 U.S.C. 1703](#) [Pub. L. 115-182, sec. 101](#)

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Pub. L. 115-182, section 101	06/06/2019

Overall Description of Deadline: VA is required to establish the permanent Community Care program under 38 U.S.C. 1703 by June 6, 2019.

Statement of Need:

An interim final rule is necessary because VA requires additional time to develop the policy decisions necessary to interpret the legal criteria stated above (e.g., interpreting or defining the phrase does not offer the care or services, defining a full service medical facility, and developing the required access and quality standards), to implement the Veterans Community Care Program by June 6, 2019. Also under the Mission Act, the current Veterans Choice Program to provide community care will lapse on June 6, 2019. To ensure this transition to the new Veterans Community Care Program occurs without a significant disruption in Veterans' care, implementation must occur through an interim final rule to establish criteria for receipt of care or services upon VA's authorization and the election of eligible veterans.

Summary of the Legal Basis:

Implement section 101 of Public Law 115-182 (hereafter referred to as the Mission Act).

Alternatives: TBD

Anticipated Costs and Benefits: TBD

Risks:

The Veterans Choice Program to provide community care will lapse on June 6, 2019. If VA does not publish new regulations, it will not be able to implement the required Veterans Community Care Program, which would significantly disrupt Veterans' healthcare. More specifically, specialty care for veterans with chronic illnesses would not be readily available, critical maternity services would not be available and emergency care services would be negatively impacted and overwhelmed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/2019	
Interim Final Rule Comment Period End	06/00/2019	
Interim Final Rule Effective	06/00/2019	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

Included in the Regulatory Plan: Yes

RIN Information URL: www.regulations.gov

RIN Data Printed in the FR: No

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See AQ 46 and AQ 47 at bottom of list

**Agency Rule List - Fall 2018
Department of Veterans Affairs**

<u>Agency</u>	<u>Agenda Stage of Rulemaking</u>	<u>Title</u>	<u>RIN</u>
VA	Proposed Rule Stage	Definition of Unmarked Grave for VA Memorialization Purposes	2900-AQ28
VA	Proposed Rule Stage	Committal Services, Memorial Services and Funeral Honors	2900-AQ35
VA	Proposed Rule Stage	Revise and Streamline VA Acquisition Regulation--Part 836	2900-AQ18
VA	Proposed Rule Stage	Revise and Streamline VA Acquisition Regulation--Part 817	2900-AQ19
VA	Proposed Rule Stage	Revise and Streamline VA Acquisition Regulation--Parts 815 and 837	2900-AQ20
VA	Proposed Rule Stage	Revise and Streamline VA Acquisition Regulation--Parts 806 and 838	2900-AQ21
VA	Proposed Rule Stage	Revise and Streamline VA Acquisition Regulation--Parts 801 and 835	2900-AQ23
VA	Proposed Rule Stage	Revise and Streamline VA Acquisition Regulation--Parts 823, 824 and 843	2900-AQ24
VA	Proposed Rule Stage	Revise and Streamline VA Acquisition Regulation--Parts 809, 841 and 842	2900-AQ38
VA	Proposed Rule Stage	Revise and Streamline VA Acquisition Regulation--Part 839	2900-AQ41
VA	Proposed Rule Stage	Apportionments	2900-AP67
VA	Proposed Rule Stage	Month-of-Death Payments and Income Exclusion for Property Loss Reimbursement	2900-AP85

VA	Proposed Rule Stage	Active Service Pay	2900-AP86
VA	Proposed Rule Stage	VA Claims and Appeals Modernization	2900-AQ26
VA	Proposed Rule Stage	Family Servicemembers' Group Life Insurance Regulation Update--Member Married to Member	2900-AQ37
VA	Proposed Rule Stage	Adaptive Equipment Allowance	2900-AP39
VA	Proposed Rule Stage	Prosthetic and Rehabilitative Items and Services	2900-AP46
VA	Proposed Rule Stage	Adopting 42 CFR Part 493 Laboratory Requirements	2900-AP64
VA	Proposed Rule Stage	Equipment for Blind Veterans	2900-AP70
VA	Proposed Rule Stage	Dental Program	2900-AP79
VA	Proposed Rule Stage	Change in Rates VA Pays for Special Modes of Transportation	2900-AP89
VA	Proposed Rule Stage	Informed Consent and Advance Directives	2900-AQ16
VA	Proposed Rule Stage	Modifying Copayments for At Risk Veterans	2900-AQ30
VA	Proposed Rule Stage	Automobile Adaptive Equipment Quality and Safety Standards	2900-AQ32
VA	Proposed Rule Stage	Rental and Utility Assistance for Extremely Low-Income Veteran Families	2900-AQ40
VA	Proposed Rule Stage	Veterans Community Walk-in Care	2900-AQ47
VA	Proposed Rule Stage	Program of Comprehensive Assistance for Family Caregivers Amendments Under the VA MISSION Act of 2018	2900-AQ48
VA	Proposed Rule Stage	Program of Comprehensive Assistance for Family Caregivers Improvements	2900-AQ50

VA	Final Rule Stage	Prohibition of Interment or Memorialization of Persons Convicted of Federal or State Capital Crimes or Certain Sex Offenses	2900-AQ36
VA	Final Rule Stage	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014-V005, Parts 812 and 813)	2900-AP58
VA	Final Rule Stage	Revise and Streamline VA Acquisition Regulation--Parts 811 and 832	2900-AP81
VA	Final Rule Stage	Veterans Employment Pay for Success Grant Program	2900-AP72
VA	Final Rule Stage	Release of Information From Department of Veterans Affairs Records	2900-AQ27
VA	Final Rule Stage	Schedule for Rating Disabilities: The Hematologic and Lymphatic Systems	2900-AO19
VA	Final Rule Stage	Loan Guaranty: Ability-to-Repay Standards and Qualified Mortgage Definition Under the Truth in Lending Act	2900-AO65
VA	Final Rule Stage	Schedule for Rating Disabilities: The Genitourinary Diseases and Conditions	2900-AP16
VA	Final Rule Stage	Presumption of Herbicide Exposure and Presumption of Disability During Service for Reservists Presumed Exposed to Herbicide	2900-AP43
VA	Final Rule Stage	Streamlining Annual Rate Publication for VA Educational Benefits	2900-AP99
VA	Final Rule Stage	VA Vocational Rehabilitation and Employment Nomenclature Change for Position Title--Revision	2900-AQ11
VA	Final Rule Stage	Veterans' Group Life Insurance Increased Coverage	2900-AQ12
VA	Final Rule Stage	Economic Growth, Regulatory Relief, and Consumer Protection Act (the Act), Public Law 115-174, 132 Stat. 1296	2900-AQ42

VA	Final Rule Stage	Per Diem Paid to States for Care of Eligible Veterans in State Homes	2900-AO88
VA	Final Rule Stage	Removing Net Worth Requirement From Health Care Enrollment	2900-AP37
VA	Final Rule Stage	VA Homeless Providers Grant and Per Diem Program	2900-AP54
VA	Final Rule Stage	Approval Criteria for Rates Charged for Community Residential Care	2900-AP63
VA	Final Rule Stage	Consent for Release of VA Medical Records	2900-AP90
VA	Final Rule Stage	Fertility Counseling and Treatment for Certain Veterans and Spouses	2900-AP94
VA	Final Rule Stage	Reimbursement of Qualifying Adoption Expenses for Certain Veterans	2900-AQ01
VA	Final Rule Stage	Reimbursement for Emergency Treatment	2900-AQ08
VA	Final Rule Stage	Case Management Services Grant Program	2900-AQ15
VA	Final Rule Stage	Elimination of Copayment for Opioid Antagonists and Education on Use of Opioid Antagonists	2900-AQ31
VA	Final Rule Stage	Enrollment Provision of Hospital and Outpatient Care to Veterans	2900-AQ34
VA	Final Rule Stage	Veterans Health Administration Benefits Claims, Appeals, and Due Process	2900-AQ44
VA	Final Rule Stage	Veterans Care Agreements	2900-AQ45
VA	Final Rule Stage	Veterans Community Care Program	2900-AQ46

One Mission Act that is published is for **Urgent Care and is a Proposed rule (AQ47)**. The proposed rule for “**Access Standards**” (AQ46) is currently at OMB for formal review and VA hopes to publish it soon.

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