

## FUGITIVE FELON PROGRAM

**1. REASON FOR ISSUE:** This Veterans Health Administration (VHA) directive states policy and standards for ensuring compliance with the prohibition against providing certain benefits, including health care, to Veterans and Veterans' dependents who are determined to be fugitive felons.

**2. SUMMARY OF MAJOR CHANGES:** This VHA directive replaces VHA Handbook 1000.02, VHA Fugitive Felon Program, dated February 23, 2012. VHA no longer presumes that any valid outstanding felony arrest warrant establishes fugitive felon status under 38 U.S.C. § 5313B. VHA only assumes a Veteran's or dependent's fugitive felon status when the Office of Inspector General notifies VHA that the individual has an outstanding felony arrest warrant. The National Crime Information Center code must suggest that the warrant is based on flight from prosecution, felony probation or felony parole violation.

**3. RELATED ISSUES:** VHA Directive 1601A.02(6), Eligibility Determination, dated July 6, 2020.

**4. RESPONSIBLE OFFICE:** VHA Member Services (15MEM) is responsible for the contents of this directive. Questions may be addressed to the Member Services Business Policy office at [VHAMSBusinessPolicyOffice@va.gov](mailto:VHAMSBusinessPolicyOffice@va.gov).

**5. RESCISSIONS:** VHA Handbook 1000.02, VHA Fugitive Felon Program, dated February 23, 2012, is rescinded.

**6. RECERTIFICATION:** This VHA directive is scheduled for recertification on or before the last working day of December 2029. This VHA directive will continue to serve as a national VHA policy until it is recertified or rescinded.

**BY DIRECTION OF THE OFFICE OF  
THE UNDER SECRETARY FOR HEALTH:**

/s/ Steven E. Braverman, MD  
Chief Operating Officer, VHA

**NOTE:** All references herein to Department of Veterans Affairs (VA) and VHA documents incorporate by reference subsequent VA and VHA documents on the same or similar subject matter.

**December 5, 2024**

**VHA DIRECTIVE 1520**

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## FUGITIVE FELON PROGRAM

### 1. PURPOSE

This Veterans Health Administration (VHA) directive states policy and responsibilities for ensuring compliance with the prohibition against providing certain benefits to fugitive felons as outlined in 38 U.S.C. § 5313B. It also states procedures for implementation, including coordination with law enforcement authorities. The Health Eligibility Center (HEC) is responsible for ensuring that Department of Veterans Affairs (VA) medical facilities and Office of Integrated Veteran Care (OIVC) Foreign Medical Program (FMP) and Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) Fugitive Felon Program (FFP) Coordinators are assigned fugitive felon cases. This directive applies to Veterans and Veterans' dependents who would be otherwise eligible for VA health care benefits. **NOTE:** *If the Veteran had been enrolled in VA health care system, they would remain enrolled, but VA would be barred from providing any benefits under Chapter 17, while the Veteran remains in a fugitive felon status. Similarly, if the Veteran had been eligible for a VA benefit, they would remain enrolled, but VA would be barred from providing them with benefits under Chapter 17 while the Veteran remains in a fugitive felon status.* **AUTHORITY:** 38 U.S.C. § 5313B.

### 2. BACKGROUND

a. Under 38 U.S.C. § 5313B, a Veteran may not be paid or otherwise provided certain VA benefits (including benefits under 38 U.S.C. Chapter 17) for any period during which such Veteran is a fugitive felon. A dependent of a Veteran may also not be paid or provided such benefits for any period during which the Veteran or dependent is a fugitive felon.

b. VA's Office of Inspector General (OIG) and Federal agencies implement FFP through Memoranda of Understanding (MOUs). These MOUs provide OIG with access to the National Crime Information Center (NCIC) databases enabling OIG to locate fugitive felons.

c. Also, in response to a qualifying request by Federal, State or local law enforcement, VA must furnish the most current address of a Veteran or a Veteran's dependent who is a fugitive felon. OIG has implemented processes and procedures that fulfill VA's requirement to furnish fugitive felon addresses to law enforcement personnel, when requested.

### 3. DEFINITIONS

a. **60-Day Notification Letter.** The 60-Day Notification Letter is the mechanism used to notify Veterans and dependents of their fugitive felon status and to provide due process prior to VHA ceasing to provide the Veteran or dependent's VA health care benefits.

b. **Arrest Warrant.** An arrest warrant is a document issued by a judge or magistrate that authorizes a law enforcement agency to take into custody a person accused of a crime.

c. **Dependent.** A dependent is a spouse, surviving spouse, child or dependent parent of a Veteran.

d. **Electronic Health Record.** Electronic health record (EHR) is the digital collection of patient health information resulting from clinical patient care, medical testing and other care-related activities. Authorized VA health care providers may access EHR to facilitate and document medical care. EHR comprises existing and forthcoming VA software including Computerized Patient Record System (CPRS), Veterans Information Systems and Technology Architecture (VistA) and Cerner platforms.

e. **Fugitive Felon.** A fugitive felon is a person who is a fugitive by reason of:

(1) Fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees; or

(2) Violating a condition of probation or parole imposed for commission of a felony under Federal or State law. ***NOTE: In this definition, the term felony includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.***

f. **National Crime Information Center.** NCIC is a computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties, missing persons). It is available to Federal, State and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year. The Criminal Justice Information Service Division of the Federal Bureau of Investigation (FBI) maintains NCIC.

g. **Originating Agency.** For purposes of this directive, the Originating Agency is the law enforcement agency who by law made a transaction request for a warrant to be entered in the FBI NCIC with prior approval from a competent judge or magistrate.

#### 4. POLICY

It is VHA policy that Veterans and dependents of Veterans are not provided VA health care or services at VA's expense while the Veteran is in a fugitive felon status. It is also VHA policy that dependents in a verified fugitive felon status are not provided VA health care or services at VA's expense.

#### 5. RESPONSIBILITIES

a. **Under Secretary for Health.** The Under Secretary for Health is responsible for ensuring overall VHA compliance with this directive.

b. **Chief Operating Officer.** The Chief Operating Officer is responsible for:

(1) Communicating the contents of this directive to each of the Veterans Integrated Services Networks (VISNs).

(2) Assisting VISN Directors to resolve implementation and compliance challenges in all VA medical facilities within that VISN.

(3) Providing oversight of VISNs to ensure compliance with this directive and its effectiveness.

c. **Assistant Under Secretary for Health for Integrated Veteran Care.** The Assistant Under Secretary for Health for Integrated Veteran Care is responsible for:

(1) Providing oversight of OIVC's Veterans and Family Members program offices (CHAMPVA and FMP) to ensure compliance with this directive, applicable statutes and regulations.

(2) Ensuring OIVC's Veterans and Family Members program offices (CHAMPVA and FMP) have the resources to implement this directive.

(3) Assigning staff to serve as primary and alternate FFP Coordinators for CHAMPVA and FMP.

(4) Ensuring the primary and alternate FMP and CHAMPVA FFP Coordinators are familiar with the FFP resources available at <https://hecapps.hec.med.va.gov/FFP/>.

**NOTE:** *This is an internal SharePoint site that is not available to the public. (See paragraph 12 b. for additional information.)*

(5) Signing the 60-Day Notification Letter when provided by FMP and CHAMPVA FFP Coordinators. **NOTE:** *The 60-Day Notification Letter must be signed by the FMP and CHAMPVA program office Director or Acting Director (as delegated by the Assistant Under Secretary for Health for Integrated Veteran Care).*

(6) Ensuring FMP and CHAMPVA FFP Coordinators mail the Veteran or dependent a 60-Day Notification Letter when the Veteran or dependent is a verified fugitive felon match. **NOTE:** *The FMP and CHAMPVA program office Director or the acting program Director are the only people authorized to sign the 60-Day Notification Letter (as delegated by the Assistant Under Secretary for Health for Integrated Veteran Care).*

(7) Ensuring the enrollment records of Veterans participating in FMP or dependents enrolled in CHAMPVA are updated to ineligible to prevent VA from providing health care and services to a Veteran or dependent who fails to provide evidence of a satisfied warrant within 60 days. **NOTE:** *The Veteran or dependent has 60 days to respond to the 60-Day Notification Letter. The 60-Day due process period is determined using the date stamped on the 60-Day Notification Letter. See Appendices D and G for sample 60-Day Notification Letters. Also, even if records are updated to ineligible to prevent*

*provision of benefits, the Veteran or dependent remains enrolled; this update is only done to ensure that VA health care benefits are not provided.*

(8) Ensuring the Veteran or dependent has been notified in writing that VA will not provide their VA benefits when the Veteran or dependent fails to provide evidence of a satisfied warrant within 60 days. **NOTE:** *The notification must explain the reason for not providing benefits to the Veteran or dependent.*

(9) Ensuring VA does not pay any claims for health care or services provided to Veterans and dependents during the verified fugitive felon status. **NOTE:** *If the claim is paid prior to verification of the Veteran's or dependent's fugitive felon status, VA will not recoup the payment.*

(10) Ensuring the recoupment of funds from community health care providers for claims paid when the Veteran or dependent was in a verified fugitive felon status.

(11) Overseeing FMP and CHAMPVA FFP Coordinators and confirming they are forwarding evidence of a satisfied warrant to VA OIG for validation.

(12) Ensuring when VA OIG has determined documents provided by a Veteran or dependent are valid, FMP or CHAMPVA FFP Coordinators update the Veteran's or dependent's enrollment record to reflect eligibility. **NOTE:** *When VA OIG determines the Veteran or dependent's documents are invalid, the Veteran or dependent's enrollment record must remain ineligible until the Veteran or dependent provides acceptable evidence of a satisfied warrant. Also, as noted above, even if records were previously designated as ineligible, the Veteran or dependent remained eligible; the records were only updated to ineligible to ensure that VA health care benefits were not provided.*

d. **VA Office of Inspector General, Office of Investigations.** The VA OIG Office of Investigations has assumed the following responsibilities:

(1) Matching fugitive felon warrant data obtained pursuant to the MOU with NCIC, State and local law enforcement authorities, against information in existing VHA databases on Veterans, dependents and employees.

(2) Sending OIG Form FFP-3, VA Investigative Summary Form (electronically) to HEC for Veterans or dependents who have an outstanding felony arrest warrant.

(3) Supporting OIVC for Veterans enrolled in FMP and for Veterans and dependents enrolled in CHAMPVA by providing fugitive felon data, gathering arrest dates, warrant information, and working with FMP and CHAMPVA FFP Coordinators to answer any questions that may arise. **NOTE:** *Request for assistance should be forwarded via email [OIG51fugitivefelonHQ@va.gov](mailto:OIG51fugitivefelonHQ@va.gov). This email address is for use by FMP and CHAMPVA FFP Coordinators only.*

(4) Confirming that a Veteran or dependent appearing as eligible for benefits in VHA files is the individual named in a valid fugitive felon warrant. **NOTE:** *Some fugitive felons may have multiple warrants.*



(5) Providing the most recent address of a Veteran or dependent to local and State law enforcement, when requested. **NOTE:** VA OIG will also provide notice of a match linked to the VA medical facility or OIVC FMP and CHAMPVA program offices that most recently provided care or paid a claim on behalf of the Veteran or dependent. When the Veteran or dependent is no longer actively receiving VA care, VA OIG will provide the most recent address, if available. VA OIG obtains Veteran and dependent addresses from VHA files.

e. **Chief of VA Police.** The Chief of VA Police has assumed the following responsibilities:

(1) Ensuring VA Police contact the Originating Agency by telephone or email to verify fugitive felon warrants.

(2) Ensuring, when a Veteran or dependent has an active warrant with an NCIC Code of 5011 (Parole Violation) or 5012 (Probation Violation) and the VA OIG Report does not clearly indicate that the parole or probation violation warrant was issued for a felony, that the VA Police confirms with the Originating Agency whether the warrant was issued for a felony.

(3) Overseeing staff and confirming VA Police are conducting a manual check to verify a Veteran or dependent's fugitive felon status when the Veteran or dependent is identified by VA OIG as a fugitive felon.

(4) Ensuring when a patient verified as a fugitive felon is receiving care at a VA medical facility, an armed law enforcement official (e.g., local police officer or a VA police officer) is stationed to guard the patient. **NOTE:** An armed law enforcement official may be necessary if the warrant was issued for a violent offense such as murder.

(5) Ensuring the documents provided by the Veteran or dependent as evidence of a satisfied warrant are reviewed by VA Police to determine the documents' validity and authenticity. **NOTE:** See paragraph 6.g. for a list of acceptable documents.

f. **VHA Member Services Director.** The VHA Member Services Director is responsible for

(1) Supporting Member Services with implementation and oversight of this directive.

(2) Providing oversight to ensure HEC have sufficient staff to perform the responsibilities identified in paragraphs 5.h. and 5.i. of this directive and that staff comply with this directive, applicable statutes and regulations.

g. **VHA Health Eligibility Center Director.** The VHA HEC Director is responsible for:

(1) Providing oversight of VHA's FFP.

(2) Ensuring HEC assigns staff to serve as primary and alternate FFP Coordinators in which they oversee cases. **NOTE:** *There are three entities within VHA in which HEC is responsible for ensuring FFP Coordinators are assigned cases. In addition to HEC itself, these are: VA medical facilities and OIVC (CHAMPVA and FMP).*

(3) Ensuring authorized VA medical facility FFP Coordinators, VISN points of contact (POC) and OIVC FMP and CHAMPVA FFP Coordinators are granted access to HEC's FFP database and added to the VHA HEC FFP Users email group ([VHAHEC\\_FFPUUsers@va.gov](mailto:VHAHEC_FFPUUsers@va.gov)).

(4) Ensuring local Office of Information and Technology (OI&T) staff upload FFP data from OIG within 2 business days of receipt to HEC's FFP database. **NOTE:** *When the OI&T Office adds new cases to HEC's FFP database, all FFP Coordinators will receive an automatic notification.*

(5) Ensuring HEC's Enrollment and Eligibility staff conduct a secondary review of all enrollment records that are modified based on fugitive felon status.

(6) Ensuring a copy of this directive is provided to all potentially impacted HEC staff within 7 business days of publication. See paragraph 8 for additional information.

**h. Health Eligibility Center Enrollment and Eligibility Fugitive Felon Program Coordinators.** HEC Enrollment and Eligibility FFP Coordinators are responsible for:

(1) Ensuring VA medical facilities, OIVC FFP Coordinators, and the VHA Senior Security Officer are notified via email when system issues prevent automatic notification that new cases were added to the HEC's FFP database.

(2) Ensuring the FFP case transfer is completed within 2 business days when a VA medical facility submits a request to HEC.

(3) Verifying the fugitive felon status of a Veteran or dependent who admits to being a fugitive felon, or when a VA medical facility FFP Coordinator obtains information that a Veteran or dependent may have a felony warrant.

(4) Establishing and updating the FFP Coordinators and VISN Enrollment POCs list on HEC's FFP database site. **NOTE:** *The FFP Coordinator and VISN Enrollment POC list must be updated within 5 business days when notified of a change.*

(5) Completing FFP training. (See paragraph 12 for additional information.)

**i. Health Eligibility Center Enrollment and Eligibility Staff.** HEC's Enrollment and Eligibility staff are responsible for conducting a secondary review of all enrollment records for Veterans that are placed in a fugitive felon status. A secondary review must also be completed when the Veteran is subsequently removed from fugitive felon status. **NOTE:** *Reviews must include verifying documents related to the fugitive felon case are uploaded to the enrollment record in the VHA Enrollment System (VES) under the document management tab.*

j. **Office of Integrated Veteran Care Fugitive Felon Program Coordinators.** OIVC Fugitive Felon Program Coordinators (FMP and CHAMPVA FFP Coordinators) are responsible for:

(1) Accessing HEC's FFP database within 2 business days of notification to retrieve and process new cases. **NOTE:** *FMP and CHAMPVA FFP Coordinators receive an email notification when new cases are uploaded to HEC's FFP database.*

(2) Mailing the 60-Day Notification Letter to Veterans and dependents verified as fugitive felons on the FFP list. **NOTE:** *The FMP and CHAMPVA FFP Coordinator must send the 60-Day Notification Letter to the Veteran or dependent by certified mail. The Veteran or dependent has 60 days to respond to the 60-Day Notification Letter. The date stamped on the letter is the date used to calculate the start of the 60-day due process period. See Appendices D and G for sample 60-Day Notification Letters. Mailing a 60-Day Notification Letter to the Veteran or dependent is not required when an active warrant for parole or probation violation is not related to a felony. The Veteran's or dependent's status in the VES remains unchanged when the parole or probation violation is not related to a felony.*

(3) Providing written notification to the Veteran or dependent of their fugitive felon status when the Veteran or dependent fails to provide evidence of a satisfied warrant within 60 days. **NOTE:** *The enrollment records of the Veteran or dependent must be updated or annotated as ineligible. Confirmation of receipt of the 60-Day Notification Letter is not required to terminate the Veteran's or dependent's health care benefits. See Appendices D and G for sample 60-Day Notification Letters. The written notification must include VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.*

(4) Notifying a community health care facility or program that they are providing care or services to a verified fugitive felon, if applicable.

(5) Forwarding evidence of a satisfied warrant provided by a Veteran or dependent to VA OIG for validation. **NOTE:** *Evidence of a satisfied warrant must be submitted to VA OIG via email at OIG51FugitiveFelonHQ@va.gov for validation.*

(6) Updating or annotating the Veteran's or dependent's enrollment record within 2 business days after VA OIG determines the documents provided by the Veteran or dependent are valid. **NOTE:** *If the Veteran's or dependent's documents are determined to be invalid by VA OIG, the Veteran or dependent enrollment record must remain marked as ineligible.*

(7) Notifying the appropriate billing office of the Veteran's or dependent's fugitive felon status in order to ensure that claims are not paid.

(8) Updating the FFP Coordinator Action tab on HEC's FFP database with the final disposition when documents provided by the Veteran or dependent as evidence of a satisfied warrant are validated.

k. **Office of Finance Payment Operations Director.** The Office of Finance Payment Operations Director is responsible for ensuring payments are recouped from community health care providers when it has been determined care or services were provided to a Veteran or dependent while the Veteran or dependent was in a verified fugitive felon status.

l. **Veterans Integrated Services Network Director.** Each VISN Director is responsible for:

(1) Ensuring all VA medical facilities within the VISN comply with this directive and informing leadership when barriers to compliance are identified.

(2) Assigning a VISN Enrollment POC to provide oversight of VA medical facility FFP Coordinators within the VISN.

m. **Veterans Integrated Services Network Enrollment Point of Contact.** The VISN Enrollment POC is responsible for:

(1) Ensuring FFP Coordinators access the FFP database within 2 business days to query, retrieve and process FFP cases, when notified by HEC.

(2) Completing an annual compliance review of FFP cases assigned to VA medical facilities within the VISN and providing a status report to the VA medical facility Director. **NOTE:** See VHA Directive 1601A.01(3), *Registration and Enrollment, dated July 7, 2020.*

n. **VA Medical Facility Director.** The VA medical facility Director is responsible for:

(1) Ensuring appropriate VA medical facility staff receive a copy of and are compliant with this directive. **NOTE:** See paragraph 9 for additional information.

(2) Assigning the VA medical facility's primary FFP Coordinator and alternate FFP Coordinator. **NOTE:** *The primary FFP Coordinator is typically the Enrollment Coordinator at the VA medical facility. The VA medical facility Director must not delegate responsibilities of the primary or alternate FFP Coordinator to the Veteran Justice Outreach (VJO) Coordinator, the VA medical facility Disruptive Behavior Committee or VA Police.*

(3) Ensuring that Administrative Officers of the Day (AODs) have access to the FFP database to determine or verify eligibility during other than regular business hours.

(4) Signing the 60-Day Notification Letter when provided by the VA medical facility FFP Coordinator. **NOTE:** *The VA medical facility Director is the only person authorized to sign the 60-Day Notification Letter.*

(5) Ensuring that the VA medical facility FFP Coordinator mails the Notice of Fugitive Felon Status Letter to the Veteran or dependent when VES fails to automatically generate the Notice of Fugitive Felon Status Letter. **NOTE:** *The VA medical facility*

*Director must sign the Letter. See Appendix H for a sample Notice of Fugitive Felon Status Letter.*

(6) Ensuring that all documents related to the Veteran or dependent's fugitive felon case are uploaded to the Document Manager tab in VES.

(7) Assigning a VA medical facility Per Diem POC to assist the VA medical facility FFP Coordinators.

(8) Ensuring the VA medical facility Per Diem POC notifies the VA medical facility FFP Coordinator when a Veteran participating in the State Home Per Diem Program is on the fugitive felon list.

(9) Ensuring the VA medical facility Per Diem POC coordinates with the VA medical facility FFP Coordinator to resolve FFP cases.

**o. VA Medical Facility Chief of Staff or Associate Director for Nursing and Patient Care Services.** The VA medical facility Chief of Staff (CoS) or Associate Director for Nursing and Patient Care Services (ADPCS) is responsible for:

(1) Identifying VA medical facility FFP Committee members and serving as co-chair with the VA medical facility FFP Coordinator. **NOTE:** *The CoS or ADPCS in consultation with the VA medical facility Director is ultimately responsible for oversight of the VA medical facility FFP Committee.* VA medical facility FFP Committee membership must include:

(a) CoS or designee.

(b) ADPCS or designee.

(c) VA Chief of Police or designee.

(d) Chief of Health Administration Service, Patient Administrative Services, Chief of Medical Administration Service, or Chief of Business Office.

(e) VA medical facility FFP Coordinator.

(f) Chief of Community Care or designee.

(g) Patient Advocate.

(h) Veteran Justice Outreach (VJO) (ad hoc).

(i) District Counsel (ad hoc).

(j) Other members (ad-hoc) (e.g., State Home Representative or POC), as determined by the VA medical facility Director, CoS or ADPCS.

(2) Ensuring the Veteran's or dependent's EHR (inclusive of Community Care) is reviewed, including all diagnostic and laboratory test results, within the 60-day waiting period (after the 60-Day Notification Letter is mailed) to determine if the Veteran's or dependent's inpatient care should be transferred to the community. **NOTE:** *The Veteran's or dependent's EHR must include appropriate clinical documentation. See paragraph 7.f. for additional information.*

(3) Reviewing the VA medical facility FFP Committee's clinical decisions on all FFP cases on a monthly basis or ad hoc as needed to ensure proper procedures are followed, including the determination "closed without further action," as appropriate.

(4) Communicating the transition plan and any needed background information to staff directly involved in the patient's care. **NOTE:** *When the Veteran or dependent is not actively receiving care, the CoS must add an administrative note in the Veteran's or dependent's EHR. The administrative note must read "EHR review completed-No further action is required," or a similar statement, in the documentation, as medically appropriate. See paragraph 7.f.(2) for additional information.*

(5) Ensuring the VA medical facility FFP Coordinator communicates that the cost for health care or services provided to the Veteran or dependent is not the responsibility of VA.

p. **VA Medical Facility Chief of Health Administration Service, Medical Administration Service, Business Office, and Patient Administration Services.** The VA Medical Facility Chief of Health Administration Service, Medical Administration Service, Business Office, and Patient Administration Services is responsible for:

(1) Ensuring new registrations are cross-referenced with HEC's FFP database, when a Veteran or dependent present for care at a VA medical facility other than their primary VA medical facility.

(2) Ensuring when the Veteran or dependent fails to provide evidence of a satisfied warrant within 60 days, the VA medical facility FFP Coordinator updates the Veteran's or dependent's enrollment status in ES within 1 business day.

(3) Ensuring when the Veteran or dependent provides evidence of a satisfied warrant, the VA medical facility FFP Coordinator updates the enrollment status within 1 business day.

q. **VA Medical Facility Fugitive Felon Program Coordinator.** The VA medical facility FFP Coordinator is typically the VA medical facility Enrollment Coordinator and is responsible for:

(1) Serving as the VA medical facility FFP Committee co-chair with the VA medical facility CoS and assisting with identifying VA medical facility FFP committee members.

(2) Updating and processing the VA medical facility's new FFP cases in HEC's FFP database within 2 business days of receipt when a system generated notification is received from HEC's FFP database.

(3) Submitting an HEC Alert to HEC to transfer FFP cases in the FFP database when a Veteran or dependent's preferred VA medical facility has changed to a different VA medical facility. **NOTE:** *The transfer of FFP cases between VA medical facilities must be completed by the HEC Enrollment and Eligibility FFP Coordinator. HEC Alert is a web-based application used to submit questions related to enrollment and eligibility. Questions can be general or Veteran-specific. All submissions are securely transmitted and handled by the HEC Enrollment Eligibility Division.*

(4) Providing the list of new FFP cases to the VA medical facility's VA Police to verify if the warrant(s) is still active.

(5) Searching the EHR immediately upon validation of the warrant to determine if the fugitive felon is a VA patient or receiving VA care. See paragraph 7.d. for additional information.

(6) Notifying VA Police when a Veteran or dependent presents for care after the 60-day due process period has ended and the Veteran or dependent may no longer be provided health care. See paragraph 7.m.

(7) Ensuring the Veteran's or dependent's enrollment record remains noted as ineligible when VA medical facility's VA Police determines the Veteran or dependent's evidence of a satisfied warrant is invalid.

(8) Cross-referencing new registrations with HEC's FFP database when a Veteran or dependent present for care at a VA medical facility other than their primary VA medical facility. **NOTE:** *The Veteran or dependent may receive care when they are within their 60-day due process period.*

(9) Providing new FFP cases to the VA medical facility Per Diem POC to match against the State Home Per Diem Resident tracking tool and determining if Veterans participating in the State Home Per Diem program are on the fugitive felon list.

(10) Updating the Veteran's current demographics in VES when the VA medical facility Per Diem POC notifies the VA medical facility FFP Coordinator of a fugitive felon match. **NOTE:** *Demographic information is needed to mail the 60-day Notification Letter. A 60-Day Notification Letter must be mailed to the Veteran and the State Home notifying the Veteran and the State Home that VA is no longer paying per diem. See Appendix F for a sample 60-Day Notification letter.*

(11) Notifying the VA medical facility Per Diem POC when the Veteran has provided or failed to provide evidence the warrant has been satisfied. **NOTE:** *The VA medical facility FFP Coordinator must coordinate with their VA medical facility VA Police to verify the documents.*

(12) Preparing and mailing the 60-Day Notification Letter to the Veteran or dependent, to include Veterans or dependents who are not actively receiving treatment, notifying them of the warrant and VHA's proposed termination of benefits. **NOTE:** *The VA medical facility Director must sign the 60-Day Notification Letter. The FFP Coordinator must send the 60-Day Notification Letter to the Veteran or dependent by certified mail. The date stamped on the letter is the date used to calculate the start of the 60-day due process period. A copy of the 60-Day Notification Letter to a Veteran must be uploaded into the Veteran's enrollment record in VES under the document management tab. See Appendices A, B and E for sample 60-Day Notification Letters.*

(13) Mailing a 60-Day Notification Letter to a Veteran or dependent is not required when an active warrant for parole or probation violation is not related to a felony. **NOTE:** *The Veteran's or dependents eligibility status remains unchanged when the parole or probation violation is not related to a felony.*

(14) Coordinating the cancelling of scheduled health care admissions and appointments.

(15) Coordinating the transition of inpatient care after the transition of care has been approved by the VA medical facility Director.

(16) Coordinating the termination of all products and services provided to the Veteran or dependent at VA's expense. The VA medical facility FFP Coordinator must issue a Notice of Adverse Action to the Veteran or dependent when the Veteran or dependent has been verified as a fugitive felon. (See Appendix I for a sample of Notice of Adverse Action Letter.)

(17) Providing written notification to the Veteran or dependent that VA will not provide VA health care or services after the Veteran or dependent fails to provide evidence of a satisfied warrant within 60 days. **NOTE:** *The enrollment records of the Veteran or dependent must be updated or annotated as ineligible. Confirmation of receipt of the 60-Day Notification Letter is not required to terminate the Veteran's or dependent's health care benefits. See Appendices D and G for sample 60-Day Notification Letters. The written notification must include VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.*

(18) Updating the Veteran or dependent's enrollment status to ineligible within 1 business day when the Veteran or dependent fails to respond to the 60-Day Notification Letter or does not provide evidence of a satisfied felony warrant. **NOTE:** *All scheduled health care admissions and appointments must be cancelled when the Veteran fails to respond to the 60-Day Notification Letter.*

(19) Updating the Veteran or dependent's enrollment status to eligible within 1 business day. **NOTE:** *VA medical facility FFP Coordinators are authorized to update a Veteran or dependent's enrollment status to eligible when the Veteran or dependent presents verified evidence that the warrant has been satisfied regardless of if the VA medical facility is not the initiating VA medical facility. All supporting documentation*



*related to the satisfied warrant must be uploaded to the Document Management tab in VES.*

(20) Preparing and mailing a letter notifying the Veteran or dependent that they are a fugitive felon and cannot be provided VA health care when the enrollment record has been updated to ineligible due to FFP. **NOTE:** *The VA medical facility Director must sign the letter. The Letter must include an explanation as to why the Veteran or dependent cannot be provided care. See Appendix H for a sample Letter.*

(21) Notifying the community health care facility or other program identified as currently providing care or services to a Veteran or dependent is a verified fugitive felon, that the Veteran or dependent cannot be provided VA health care and that claims for payment by the facility or program will not be paid by VA.

(22) Providing the list of new FFP cases with active warrants to the VA medical facility FFP Committee twice per year to conduct a review of the Veteran's or dependent's medical records and determine if a medically appropriate transfer of care to a non-VA medical facility is necessary for Veterans or dependents receiving inpatient care. **NOTE:** *Review of the Veteran or dependent's EHR must be completed prior to the end of the 60-day due process period. Veterans or dependents, in a verified fugitive felon status, are not authorized care under Chapter 17.*

(23) Notifying all VA medical facilities that provided care for a medical emergency to the Veteran or dependent during the period of verified fugitive felon status, to initiate billing, if appropriate.

(24) Forwarding billing information to the appropriate billing office for services rendered to the Veteran or dependent during their verified fugitive felon status. **NOTE:** *After completing the 60-day notification period, the VA medical facility FFP Coordinator must send the billing information to the appropriate billing office, if necessary.*

(25) Updating the Coordinator Feedback tab on HEC's FFP database with the final disposition when the Veteran or dependent provides validated evidence of a satisfied warrant. See paragraph 10.g. for additional information.

(26) Notifying the HEC Enrollment and Eligibility FFP Coordinator when there is a staffing change in the FFP Coordinator, VISN Enrollment POC and Administrative Officer of the Day (AOD) at the VA medical facility. **NOTE:** *This information is needed to maintain an updated FFP Coordinators' list to ensure appropriate personnel are notified when new cases are added to HEC's FFP database. HEC's FFP database access is restricted to FFP Coordinators, VISN Enrollment POCs and AODs.*

(27) Documenting the administrative concern note in the Veteran's or dependent's EHR. **NOTE:** *The administrative concern note must state the Veteran or dependent may no longer be provided VA health care benefits.*

(28) Completing FFP training. (See paragraph 12 for additional information.)

r. **VA Medical Facility Administrative Officer of the Day.** The AOD at the VA medical facility is responsible for verifying the fugitive felon status of Veterans and dependents who present for care outside of regular business hours.

s. **VA Medical Facility Revenue Manager.** The VA medical facility Revenue Manager is responsible for providing oversight to ensure Veterans and dependents are billed after the 60-day period for care received while in a verified fugitive felon status.

t. **VA Medical Facility Fugitive Felon Program Committee.** The VA medical facility FFP Committee is comprised of a group of clinical and nonclinical staff. The clinical staff is charged with conducting clinical reviews of the health care records of Veterans and dependents who may no longer be provided VA health care benefits based on their fugitive felon status. *The nonclinical staff is charged with performing administrative duties associated with the Veterans and dependents fugitive felon status.* The VA medical facility FFP Committee is responsible for:

(1) Conducting a complete review of the Veteran or dependent's EHR as outlined in this directive. **NOTE:** *Only clinical staff should review a Veterans or dependents EHR.*

(2) Providing written documentation of each EHR review for the VA medical facility CoS to determine if a medically appropriate transfer of care for inpatients to a non-VA medical facility is necessary for Veterans or dependents after the due process period has ended. **NOTE:** *Only clinical staff should review or make documentation in a Veteran's or dependent's EHR.*

(3) Identifying training needs related to the implementation and management of the VA medical facility FFP (see paragraph 12 for additional information).

(4) Meeting twice a year at a minimum and ad hoc as needed, when the VA medical facility FFP Coordinator notifies the VA medical facility CoS of receipt of new FFP cases.

(5) Providing updates to the VA medical facility Director after each committee meeting.

u. **VA Medical Facility Police.** The VA medical facility Police have assumed the following responsibilities:

(1) Contacting the Originating Agency by telephone or email, within 2 business days, to determine if the warrant(s) are still valid. See paragraph 6.d. for additional information.

(2) Contacting their local law enforcement or other Originating Agency to conduct a manual check to determine if the Veteran's or dependent's warrant is still active. See paragraph 6.e. for additional information. **NOTE:** *VA medical facility Police may also obtain assistance validating a fugitive felon warrant by contacting the VA Central Office of Security & Law Enforcement (OS&LE) Duty Agent by email at [vacoosle@va.gov](mailto:vacoosle@va.gov).*

(3) Reviewing documents provided as evidence of a satisfied warrant by the Veteran or dependent to determine whether the documents are valid.

v. **VA Medical Facility Per Diem Point of Contact.** The VA medical facility Per Diem POC is appointed by the VA medical facility Director and should be assigned to the VA medical facility Business Office. **NOTE:** *For further information on the role of the VA medical facility Per Diem POC, see VHA Directive 1601SH.01, State Home Per Diem Program, dated December 1, 2022.* The VA medical facility Per Diem POC is responsible for:

(1) Reviewing and matching the FFP case list against the State Home Per Diem Resident tracking tool to identify Veterans who may be fugitive felons participating in the State Home Per Diem Program.

(2) Notifying the VA medical facility FFP Coordinator to initiate the fugitive felon process when Veterans participating in the State Home Per Diem Program are verified as fugitive felons. **NOTE:** *The VA medical facility FFP Coordinator is responsible for mailing the 60-Day Notification Letter to the State Home facility and Veteran.*

(3) Ensuring when Veterans participating in the State Home Per Diem Program are verified as fugitive felons and fail to provide evidence of a felony satisfied warrant within 60 days, per diem payments are discontinued on day 61. **NOTE:** *The VA medical facility FFP Coordinator notifies the VA medical facility Per Diem POC when the Veteran provides or fails to provide evidence of a satisfied warrant.*

## 6. GENERAL REQUIREMENTS

All VA medical facility and OIVC FMP and CHAMPVA Program Offices must comply with the FFP standards and perform applicable procedures as outlined below:

a. A Veteran or dependent who has an outstanding felony arrest warrant with one or more of the NCIC offense codes listed below is a fugitive felon.

(1) 4901 – Escape.

(2) 4902 – Flight to avoid prosecution.

(3) 4999 – Flight-escape.

(4) 5011 – Parole violation.

(5) 5012 – Probation violation.

(6) 8101 – Juvenile offender abscond while on parole.

(7) 8102 – Juvenile offender abscond while on probation.

b. When HEC adds new cases to the FFP database, an automated message is sent to all FFP Coordinators. **NOTE:** *When system issues prevent automatic transmission, HEC's FFP Coordinator must notify the FFP Coordinators via email.*

c. VA OIG's confirmation that a Veteran or dependent match a valid fugitive felon warrant serves as verification the warrant was still open or active when VA OIG compared the warrant data to VA data.

d. VA Police must contact the Originating Agency by telephone or email within 2 business days of receipt of the fugitive felon list from the VA medical facility FFP Coordinator. **NOTE:** *Because of delays between VA OIG's warrant validations and VHA's application of FFP, VA medical facility VA Police need to recheck the warrants to determine if the warrants are still valid. The Veteran or dependent does not need to be in custody or arrested for the warrant to be confirmed. This directive supersedes all local Standard Operating Procedures for validating fugitive felon warrants.*

e. VA Police at the VA medical facility must contact their local law enforcement agency or the Originating Agency to conduct a manual check to determine if the Veteran's or dependent's warrant is still active. **NOTE:** *VA Police may also obtain assistance validating a fugitive felon warrant by contacting the VACO OS&LE Duty Agent by email at [vacoosledutyagentdl@va.gov](mailto:vacoosledutyagentdl@va.gov).*

f. The VA medical facility FFP Coordinator must provide the Veteran's or dependent's personally identifiable information (PII) in an encrypted email to the HEC FFP Coordinator when a Veteran or dependent admits to being a fugitive felon, or when the VA medical facility FFP Coordinator obtains information that a Veteran or dependent may have a felony warrant.

g. When the Originating Agency chooses not to extradite, the Veteran or dependent cannot be provided care until the warrant has been satisfied.

h. **Evidence of A Satisfied Warrant.** The following documents are acceptable evidence of a satisfied felony warrant:

(1) Any written statement from a Federal or State Criminal Clerk Office stating the felony warrant has been satisfied.

(2) Court docket with case number stating the case has been adjudicated and signed by a Criminal Clerk, Sheriff or Judge.

(3) Any official case adjudication document from the Originating Agency. **NOTE:** *Fugitive felon warrants are typically resolved by the felon surrendering or being arrested, or by the Originating Agency canceling the warrant due to error in issuance (i.e., mistaken identity) or by choice if allowed by law.*

## 7. VA MEDICAL FACILITY REQUIREMENTS

a. VA medical facility Directors must provide a copy of this directive to all potentially impacted staff within 7 business days of publication. The following must occur when a patient is a fugitive felon.

b. **Accessing the HEC FFP Database.** VA medical facility FFP Coordinators must access the HEC FFP database to query and retrieve their facility's cases. **NOTE:** *HEC's FFP database can be accessed using the following link: <https://hecapps.hec.med.va.gov/FFP/>. This is an internal VA website that is not available to the public.*

c. **Confirming Warrant Validity.** The VA medical facility FFP Coordinator must verify with VA Police at the VA medical facility that the fugitive felon warrant is still valid. **NOTE:** *When VA Police is not able to identify the Originating Agency, the VA medical facility FFP Coordinator must contact the HEC Enrollment and Eligibility FFP Coordinator for assistance.*

(1) If the warrant is still valid, the VA medical facility FFP Coordinator must afford the Veteran or dependent due process under 38 C.F.R. § 3.103 by preparing and mailing a 60-Day Notification Letter to the Veteran or dependent. The notification must include the warrant information and VHA's proposed termination of benefits. **NOTE:** *VA Police will determine if the Veteran or dependent is a fugitive felon based on one or more of the seven NCIC offense codes listed in paragraph 6.a.*

(2) The VA medical facility that originally changes the Veteran's or dependent's enrollment status to ineligible is the initiating VA medical facility. If a Veteran or dependent presents for care at a VA medical facility other than the initiating VA medical facility and provides evidence of a satisfied warrant, the FFP Coordinator at the treating VA medical facility must have the evidence verified by the VA medical facility's Police. **NOTE:** *If the evidence is verified, the VA medical facility FFP Coordinator must remove the fugitive felon ineligible status from the Veteran's or dependent's enrollment record and upload all supporting documentation related to the satisfied warrant to the Document Management tab in VES.*

d. **Searching VA's Electronic Health Record.** The VA medical facility FFP Coordinator must search the EHR immediately upon validation of the warrant to determine if the fugitive felon is:

(1) A patient at a VA medical facility, another government facility (sharing agreement) or a Community Care facility at VA's expense.

(2) A CHAMPVA In-house Treatment Initiative (CITI) dependent receiving care at a VA medical facility. **NOTE:** *If a VA medical facility is no longer accepting new CITI dependents, this directive applies to CHAMPVA dependents who continue to receive health care at a VA medical facility.*

(3) Receiving contract nursing home care under the Geriatric and Extended Care program in a VA-authorized skilled nursing facility.

(4) Scheduled for an outpatient clinic appointment, an ambulatory procedure or for an elective admission.

e. **Reviewing the Electronic Health Record.** The VA medical facility CoS must perform a secondary review of the fugitive felon's EHR to ensure appropriate clinical documentation. **NOTE:** *The VA medical facility FFP Committee must begin the EHR review after the Veteran or dependent has been verified as a fugitive felon. The EHR review must be completed prior to the completion of the 60-Day due process period.*

(1) The results of the EHR review and transitional care plan for Veterans or dependents receiving inpatient care must be documented in the Veteran's or dependent's EHR by the primary care physician. If a Veteran or dependent resolves the warrant with the Originating Agency during the 60-day notification period, VA will continue to cover the costs of non-VA care without change.

(2) The VA medical facility CoS must communicate the transition plan for Veterans or dependents receiving inpatient care and any needed background information to staff directly involved in the patient's care. **NOTE:** *When the Veteran or dependent is not actively receiving care, the CoS must add an administrative note in the Veteran's or dependent's EHR. The administrative note must read "EHR Review completed-No further action is required," or a similar statement, in the documentation, as medically appropriate.*

(3) The documentation must include whether transitioning health care for inpatients is required after the 60-day period and identify the staff responsible for completing the transitioning plan or whether the Veteran or dependent may simply be discharged.

(4) The VA medical facility CoS must ensure the Veteran's or dependent's EHR does not include the fugitive felon status. **NOTE:** *The VA medical facility FFP Coordinator must upload the 60-Day Notification Letter and all supporting documentation related to the Veteran's or dependent's fugitive felon status to the Document Management tab in VES.*

(5) The VA medical facility FFP Coordinator must document the administrative concern note in the Veteran's or dependent's EHR. **NOTE:** *The administrative concern note must state the Veteran or dependent may no longer be provided VA health care benefits.*

f. **Issuing the 60-Day Notification Letter.** The VA medical facility FFP Coordinator must issue a 60-Day Notification Letter to the Veteran or dependent. The letter must state that VA will no longer provide care if a response is not received within 60 days (see Appendix A for a sample 60-Day Notification Letter). **NOTE:** *The VA medical facility FFP Coordinator must send the 60-Day Notification Letter via certified mail. The date stamped on the letter is the date used to calculate the start of the 60-day due process period.*

(1) After the 60-day notification period has ended and the Veteran or dependent presents for care, the VA medical facility FFP Coordinator must contact VA Police.

(2) Within the 60-day notification period, the Veteran or dependent may be provided needed care. After the 60-day notification period unless evidence was submitted showing the Veteran or dependent were not a fugitive felon, the Veteran or dependent may be provided care only in a medical emergency under the emergency treatment authority in 38 U.S.C § 1784, subject to VA charging for the care. VA must bill the Veteran's or dependent's Other Health Insurance (OHI), if available, at the cost-based rate for emergency care provided. VA must bill the Veteran or dependent for the remainder of the balance not covered by the Veteran's or dependent's OHI. **NOTE:** 38 C.F.R. § 17.34, tentative eligibility does not apply to Veterans who are fugitive felons, as defined in this directive.

g. **Notification of Ineligible Status.** After the Veteran's or dependent's eligibility status has been changed to ineligible due to fugitive felon status, the VA medical facility FFP Coordinator must ensure a letter is mailed to the Veteran or dependent. The letter must include the reason the Veteran or dependent may not be provided care. All Veterans and dependents will be notified of changes to their benefit status. **NOTE:** When system issues prevent the automatic generation of a letter, VA medical facility FFP Coordinators must manually prepare and mail the letter to the Veteran or dependent.

h. **Updating Ineligible Status.** The VA medical facility FFP Coordinator updates the Veteran's or dependent's enrollment status to ineligible when the Veteran or dependent has not provided evidence of a satisfied felony warrant. **NOTE:** No action is required in the VES when an active warrant for parole or probation violation is not related to a felony.

i. **Restoring Provision of Care.** The VA medical facility FFP Coordinator updates the Veteran's or dependent's enrollment status to eligible when the Veteran or dependent has provided valid evidence of a satisfied felony warrant.

j. **Notifying Community Health Care Facilities.** The VA medical facility FFP Coordinator must notify community health care facilities and programs providing care or services to verified fugitive felons. Facilities and programs must be notified by confidential letter (see Appendix C).

k. **Canceling Scheduled Health Care Appointments and Termination of Health Care Benefits.** After the VA medical facility FFP Committee has completed review of the EHR, and the VA medical facility CoS concurs with transferring the Veteran or dependent's inpatient care to a non-VA medical facility, the VA medical facility CoS must confer with the VA medical facility Director for final approval and document the approval in the EHR. When transfer is approved, the VA medical facility FFP Coordinator must coordinate the cancelling of scheduled health care admissions or appointments. The VA medical facility FFP Coordinator must also coordinate the termination of all products and services provided to the Veteran or dependent at VA's

expense. The VA medical facility FFP Coordinator must issue a Notice of Adverse Action to the Veteran or dependent when the Veteran or dependent continues to present for care after being notified of ineligible status (see Appendix B). **NOTE:** For additional information on termination of health care benefits, access the following link: [https://vaww.vrm.km.va.gov/system/templates/selfservice/va\\_kanew/help/agent/locale/en-US/portal/55440000001046/content/554400000048822/Fugitive-Felon](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/55440000001046/content/554400000048822/Fugitive-Felon). This is an internal VA website that is not available to the public.

**l. Billing for Services Rendered.** After the 60-day notification period has expired, the appropriate billing office has 60 days to initiate the billing process to bill the Veteran or dependent for care or services provided by VA in a medical emergency **NOTE:** Billing must be at the current rate provided by VHA Office of Finance and must include care or treatment for service-connected conditions. The current reasonable charges list is available at: <http://vaww.cfo.med.va.gov/Revops/reaschgs.asp>. This is an internal VA website that is not available to the public.

(1) , Each VA medical facility that provided care or services in a medical emergency to a verified fugitive felon Veteran or dependent must bill for care or services rendered in that medical emergency.

(2) FFP billing transactions must follow the same procedure as any other billing for services rendered in a medical emergency to someone ineligible for VHA services. VHA must bill the Veteran or dependent at the cost-based rate. **NOTE:** For additional information on cost-based care and billing for services rendered to ineligible recipients, access the following link: [https://vaww.vrm.km.va.gov/system/templates/selfservice/va\\_kanew/help/agent/locale/en-US/portal/55440000001031/content/554400000050944/Chapter-1-Humanitarian-Care?query=fugitive%20felon](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/55440000001031/content/554400000050944/Chapter-1-Humanitarian-Care?query=fugitive%20felon). This is an internal VA website that is not available to the public.

(3) VHA is authorized to bill and receive reimbursement from the third party (OHI) for health care services provided to a verified fugitive felon Veteran or dependent of a fugitive felon. When VHA receives payment from OHI, VHA is required to bill the remaining balance at the cost-based rate for health care provided. When no OHI is present, the total balance of the cost-based rate is billed to the verified fugitive felon Veteran or the dependent of the fugitive felon.

(4) VHA must recoup payments from community health care providers who provided care to Veterans or dependents who were verified fugitive felons. The community health care providers must bill the Veteran or dependent directly for services rendered.

**m. VA Police Notification.** When the Veteran or dependent continues to present for care or services after receiving a Notice of Adverse Action (see Appendix B), they are trespassing. VA Police must follow procedures in Appendix I.



n. **Arrests.**

(1) **If an Arrest is to Occur.** All arrests of fugitive felon Veterans or dependents at a VA medical facility must follow established arrest procedures. See Appendix J for further information.

(2) **If No Arrest is to Occur.** If the Veteran or dependent presents for non-emergent care and no arrest occurs, VA is not authorized to provide health care or services.

## 8. HEALTH ELIGIBILITY CENTER REQUIREMENTS

a. The HEC Director must ensure a copy of this directive is provided to all potentially impacted staff within 7 business days of publication and ensure the following occurs when a Veteran or dependent is a fugitive felon.

b. **Coordinating with Office of Information and Technology.** When VA OIG provides HEC with new FFP case files, HEC's FFP Coordinator must notify OI&T to upload the cases to the database.

c. **Notifying VA Medical Facilities and Office of Integrated Veteran Care.** When system issues prevent automatic notification, HEC's FFP Coordinator must notify VA medical facilities and OIVC FFP Coordinators (CHAMPVA and FMP) via email.

d. **Identifying the Originating Agency.** When notified by the VA medical facility FFP Coordinator that VA Police is not able to identify the Originating Agency, HEC's FFP Coordinator must contact the VA OIG's FFP POC for assistance.

e. **Transmitting the Fugitive Felon Status.** HEC's FFP Coordinator must ensure the Veteran's or dependent's fugitive felon status is updated and appropriately transmitted to all VA medical facilities.

## 9. REQUIREMENTS FOR THE PER DIEM POINT OF CONTACT

The VA medical facility Director must ensure all Per Diem staff responsible for identifying fugitive felons participating in the State Home Per Diem program receive a copy of this directive within 7 business days of publication, and the following occurs with respect to Veterans in State Homes:

a. **Identifying State Home Participants.** The VA medical facility Per Diem POC must match the FFP list against the State Home Per Diem Resident tracking tool to identify participants who may be fugitive felons.

b. **Notifying the VA Medical Facility FFP Coordinator.** The VA medical facility Per Diem POC must notify the VA medical facility FFP Coordinator when a Veteran participating in the State Home Per Diem Program is a fugitive felon. ***NOTE: The VA medical facility FFP Coordinator and VA medical facility Per Diem POC must coordinate to ensure the 60-Day Notification Letter's mailing to the Veteran's State Home address.***

c. **Discontinuing State Home Per Diem Payments.** The VA medical facility FFP Coordinator must submit a HEC Alert to have the Veteran's enrollment record made ineligible. **NOTE:** *The VA medical facility FFP Coordinator must inform the VA medical Per Diem POC of the date to discontinue per diem payments for the Veteran, when the Veteran does not respond within 60 days.*

## 10. REQUIREMENTS FOR VHA OFFICE OF INTEGRATED VETERAN CARE VETERANS AND FAMILY MEMBERS PROGRAMS

The VHA OIVC Veterans and Family Members Program Director, as delegated by the Assistant Under Secretary for Health for Integrated Veteran Care, must ensure all potentially impacted staff receives a copy this directive within 7 business days of publication and the following occurs when a Veteran or dependent is a fugitive felon:

a. **Issuing the 60-Day Notification Letter.** The FMP or CHAMPVA FFP Coordinator must issue a 60-Day Notification Letter when the warrants are still active. For sample 60-Day Notification Letters see Appendices A, D and E. **NOTE:** *The FMP or CHAMPVA FFP Coordinator must send the 60-Day Notification Letter by certified mail. The date stamped on the letter is used to calculate the start of the 60-day due process period.*

(1) The OIVC Veterans and Family Members Programs Director, as delegated by the Assistant Under Secretary for Health for Integrated Veteran Care, must sign the 60-Day Notification letter, and the letter must include the following information:

(a) The Veteran's or dependent's complete name, Social Security Number and date of birth.

(b) VA treatment location and VA medical facility number, if applicable.

(c) Date of the warrant, warrant number, status of the warrant and the offense.

(d) The Originating Agency with the address and phone number.

(2) During the 60-day notification period, the Veteran or dependent remains eligible for reimbursement for care covered by the applicable program.

(3) If the 60-day notification period has ended and the Veteran or dependent has not provided evidence of a satisfied warrant, the Veteran or dependent may not receive reimbursement for care. **NOTE:** *When a Veteran or dependent receives care before VA verifies the Veteran's or dependent's fugitive felon status, the billing office is not authorized to pay claims for that care if the Veteran's or dependent's fugitive felon status is verified by VA police before VA pays the claim. If the claim is paid prior to verification of the Veteran's or dependent's fugitive felon status, VA will not recoup the payment.*

b. **Updating Ineligible Status.** The FMP or CHAMPVA FFP Coordinator must update the Veteran's or dependent's enrollment record to ineligible. **NOTE:** *The*

*ineligible status must be updated after the 60-day period has ended and evidence of a satisfied warrant is not received.*

(1) The FMP or CHAMPVA FFP Coordinator must verify the 60-day period has ended using the date stamped on the 60-Day Notification Letter.

(2) When evidence of a satisfied warrant is not received, the FMP or CHAMPVA FFP Coordinator must perform the following:

(a) Review the Veteran's or dependent's Enrollment and Eligibility record to identify pending claims submitted. **NOTE:** *The billing office is not authorized to pay pending claims while the Veteran or dependent is in a verified fugitive felon status.*

(b) Notify the appropriate billing office if the Veteran or dependent received care. **NOTE:** *If the Veteran or dependent received care during the verified fugitive felon status, the billing office must bill the Veteran or dependent within 60 days.*

c. **Notification of Status.** After the Veteran's or dependent's enrollment record has been updated to ineligible due to fugitive felon status, the FMP or CHAMPVA FFP Coordinator must mail a Letter to the Veteran or dependent. The Letter must include the reason the Veteran or dependent will not be provided VA care. All Veterans and dependents will be notified of their fugitive felon status. **NOTE:** *The Letter must be signed by the FMP and CHAMPVA program office Director or Acting Director, as delegated by the Assistant Under Secretary for Health for Integrated Veteran Care.*

d. **Denial of Claims.** The billing office must deny any claims submitted for care when the Veteran or dependent is in a verified fugitive felon status. **NOTE:** *When the Veteran is a fugitive felon, the Veteran's dependent may not receive care or services at VA's expense. When the dependent is a fugitive felon, it does not impact the Veteran's ability to receive care or services at VA's expense. See Appendix F for sample 60-Day Notification Letter.*

e. **Billing for Services Rendered.** After the 60-day notification period has ended, the billing office must take action to bill for services rendered in a medical emergency while the Veteran or dependent was in a verified fugitive felon status. Billing will include care or treatment for service-connected conditions. The billing rate must be at the cost-based rate.

(1) When OIVC pays a community health care provider for care or services when the Veteran or dependent was in a verified fugitive felon status, VHA Office of Finance, Payment Operations must recoup the community health care provider's payment.

(2) When a Veteran or dependent resolves the warrant with the Originating Agency, VA cannot retroactively cover community care cost during the period the Veteran or dependent was ineligible unless VA determines on the basis of evidence provided by the Veteran or dependent that the warrant was issued in error by the Originating Agency. **NOTE:** *Fugitive felon warrants are typically resolved by the felon surrendering or being arrested, or by the Originating Agency canceling the warrant due to error in issuance (i.e., mistaken identity), or by choice when allowed by law.*

f. **Erroneous Billing.** The Veteran or dependent must not be billed when the Veteran or dependent provides evidence, after the 60-day due process period has ended, that the warrant was issued in error. **NOTE:** *The VA medical facility's billing office must follow VA medical facility internal processes to ensure the Veteran or dependent is reimbursed for any payment, if billing has already occurred.*

g. **Evidence of Warrant Satisfaction.** The following documents are acceptable evidence of a satisfied warrant and must be verified by VA OIG to clear fugitive felony warrants. **NOTE:** *Documents must be submitted to VA OIG for validation by email at [OIG51FugitiveFelonHQ@va.gov](mailto:OIG51FugitiveFelonHQ@va.gov).*

(1) Any written statement from a Federal or State Criminal Clerk Office reflecting the fugitive felony warrant has been satisfied.

(2) Court docket with case number reflecting the case has been adjudicated and signed by a Criminal Clerk, Sheriff or Judge.

(3) Any official document indicating the Originating Agency adjudicated the case.

h. **Restoring Provision of Benefit.** When the Veteran or dependent provides evidence of a satisfied warrant, the FMP or CHAMPVA FFP Coordinator must perform the following: **NOTE:** *For a list of documents considered acceptable evidence of a satisfied warrant, see paragraph 6.g. of this directive.*

(1) Conduct an identity match to ensure the documentation submitted as evidence of a satisfied warrant corresponds with the initial information provided in the 60-Day Notification Letter. **NOTE:** *The Veteran or dependent and warrant information must match.*

(2) Restore the Veteran's or dependent's benefits within 2 business days when the notifications match.

(a) Ensure the Veteran or dependent's restoration of benefits status is appropriately transmitted, if applicable.

(b) Update the FFP Coordinator Action tab on HEC's FFP database to annotate the warrant's final disposition.

(3) Contact the Veteran or dependent for correct documents when the two notifications do not match. **NOTE:** *The Veteran or dependent may not be provided benefits until acceptable documents are received.*

## 11. INAPPROPRIATE DENIAL OF BENEFITS

FFP Coordinators assist Veterans and dependents who did not receive VA health care benefits or services based on an NCIC offense code that became invalid on June 23, 2014, see 38 U.S.C. § 503. **NOTE:** *Assistance may include but is not limited to*

*issuing refunds, waiving charges, or assisting the Veteran or dependent by developing an equitable relief package.*

## 12. TRAINING

a. The following training is required and outlined in VHA Directive 1601A.01(3), Registration and Enrollment, dated July 7, 2020, for all VHA Enrollment and Eligibility staff, which includes FFP Coordinators: VA Talent Management System (TMS) curricula number VHA-210 Health Benefits Advisor (HBA) Curriculum NEW, specifically Module 9, Lesson 1, Specific Categories and Other Eligibilities, which includes information regarding the Fugitive Felon Program.

b. The following training is recommended: FMP and CHAMPVA primary and alternate FFP Coordinators review guidance on the Fugitive Felon Program located at <https://hecapps.hec.med.va.gov/FFP/>. **NOTE:** *This is an internal VA website that is not available to the public.*

## 13. RECORDS MANAGEMENT

All records regardless of format (e.g., paper, electronic, electronic systems) created by this directive must be managed as required by the National Archives and Records Administration (NARA) approved records schedules found in VHA Records Control Schedule 10-1. Questions regarding any aspect of records management should be addressed to the appropriate Records Officer.

## 14. REFERENCES

- a. P. L. 107-103 § 505
- b. 38 U.S.C. § 503
- c. 38 U.S.C. § 1784
- d. 38 U.S.C. § 1728
- e. 38 U.S.C. § 1786, 38 U.S.C. § 5313B,
- f. 38 C.F.R. § 3.103.
- g. 38 C.F.R. § 17.34.
- h. VA Directive 0730, Security and Law Enforcement, dated December 12, 2012.
- i. VHA Directive 1601A.01(3), Registration and Enrollment, dated July 7, 2020.
- j. VHA Directive 1601A.02(6), Eligibility Determination, dated July 6, 2020.
- k. VHA Directive 1601SH.01, State Home Per Diem Program, dated December 1, 2022.

I. VHA Office of Finance, Revenue Operations Rates and Changes:  
<http://vaww.cfo.med.va.gov/Revops/reaschgs.asp>. **NOTE:** *This is an internal VA website that is not available to the public.*

m. OIG Form FFP-3, VA Investigative Summary Form.

December 5, 2024

VHA DIRECTIVE 1520  
APPENDIX A

**SAMPLE 60-DAY NOTIFICATION LETTER FROM VA TO CURRENT PATIENT  
IDENTIFIED AS A FUGITIVE FELON**

(Date)

VHA Patient Name

Address Line 1

Address Line 2

Dear VHA Patient:

RE: Notice of Pending Adverse Action

Under 38 U.S.C. § 5313B, the Department of Veterans Affairs (VA) is prohibited from providing or continuing to provide certain benefits to Veterans and dependents identified as fugitive felons.

A fugitive felon is a person who is a fugitive due to:

- a. Fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees.
- b. Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

This prohibition includes health care, services, medications, and any care or service provided in the community at VA's expense. The Act also requires the VA to provide law enforcement personnel when requested the current address of Veterans or dependents whose identities matched in a fugitive felon database.

This letter serves as official notification that your identity matched as a fugitive felon. Your identity matched all three criteria: name, Social Security Number, and date of birth. When the Originating Agency has local jurisdiction, it may choose to arrest you. When the Originating Agency does not have local jurisdiction, it may decide to extradite you to its area of jurisdiction and then arrest you.

Because you matched as a fugitive felon, VA must terminate health care benefits and services provided to you and your dependents. This action will be effective 60 days from the date of this letter unless you prove you are not a fugitive felon. Evidence may include but is not limited to warrant resolved, case of mistaken identity, administrative error. Under the law, this action applies to VA coverage of care in the community, clinic appointments, admissions, ambulatory procedures, medications, dental care, prosthetic devices, supplies, and other health care services.

If you fail to respond within 60 days, VA may terminate you and your dependents' health care benefits and services. Before terminating health care benefits and services, VA will conduct a confidential review of you and your dependents' medical records. However, when medically appropriate, VA will ensure the transfer of care and services to a community health care facility or program.

If you or your dependents present at a VA medical facility for a medical emergency, VA will provide emergency care to stabilize the medical condition. Once the condition is stabilized, you or your dependents will be discharged or transferred to an appropriate community health care facility. When a community health care facility provides care or service to you or your dependent, VA will not be financially or otherwise responsible for that care or service. VA will bill you for any health care or service provided by the VA on a cost-based rate. Billing includes health care or service for your service-connected condition, VA coverage for care in the community under other treatment authorities and any other eligibility as a Veteran or dependent.

VA must provide a safe environment at all VA medical facilities, Community-Based Outpatient Clinics, and other activity sites. VA must comply with the law. You may be subject to arrest by Federal or State law enforcement agencies when you are on VA property or a VA site, whether owned or leased. If you have any questions about this notification letter and how it applies to your legal VA status, please contact our VA Police at (telephone number).

You may resolve your fugitive felon status by contacting the Originating Agency (See contacting information below) that issued the felony warrant when you believe:

- a. An error was made, such as mistaken identity.
- b. The warrant has been satisfied by your arrest or surrender.
- c. There are other reasons which would resolve the warrant.

If you have evidence the felony warrant has been satisfied, you need to immediately provide this evidence to my office to ensure continuation of your eligibility for VA health care benefits. You may provide the evidence by mail or fax to [insert fax number]. You may also make an appointment by calling your local VA Medical Facility Fugitive Felon Program Coordinator at [insert phone number].

The following documents are acceptable evidence of a satisfied felony warrant:

- a. Any written statement from a Federal or State Criminal Clerk Office stating the felony warrant has been satisfied.
- b. Court docket with case number stating the case has been adjudicated and signed by a Criminal Clerk, Sheriff, or Judge.
- c. Any official document indicating the Originating Agency adjudicated the case.



**December 5, 2024**

**VHA DIRECTIVE 1520  
APPENDIX A**

If VA terminates you and your dependents' health care benefits and services and you disagree with VA's decision, you may appeal VA's decision. The enclosed VA Form 10-0998, Your Rights to Seek Further Review of Our Healthcare Benefits Decision, and Eight Point Notice explain your options in greater detail and provides instructions on how to request further review of VA's decision to terminate you and your dependents' health care benefits and services.

Thank you for your cooperation.

Sincerely,

Signature block for the VA medical facility Director

VA medical facility Name

Name: VHA Patient

DOB: XX/XX/XXXX

VA medical facility Name/Number: VA medical facility (VA medical facility number)

State Law Enforcement Agency: Originating Agency Title

Address: Originating Agency Address

Telephone Number: Originating Agency Telephone

Date of Warrant: XX/XX/XXXX

Warrant Number: List warrant number here

Offense: List offense here

Attachment: VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.

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December 5, 2024

VHA DIRECTIVE 1520  
APPENDIX B

**SAMPLE 60-DAY NOTIFICATION LETTER TO A VETERAN NOT CURRENTLY  
RECEIVING CARE OR AS A NOTICE OF ADVERSE ACTION FROM VA TO A  
FUGITIVE FELON**

(Date)

VHA Patient Name

Address Line 1

Address Line 2

Re: Notice of Adverse Action

Dear VHA Patient:

Under 38 U.S.C. § 5313B, VA is prohibited from providing or continuing to provide certain benefits to Veterans and dependents identified as fugitive felons. This prohibition includes health care, services, medications, and any care or service provided in the community at VA's expense.

A fugitive felon is a person who is a fugitive due to:

a. Fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees.

b. Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

This letter serves as official notification that your identity matched as a fugitive felon. Your identity matched all three criteria: name, Social Security Number, and date of birth. When the Originating Agency (see information below) has local jurisdiction, it may choose to arrest you. When the Originating Agency does not have local jurisdiction, it may decide to extradite you to its area of jurisdiction and then arrest you.

Because you matched as a fugitive felon, VA must terminate health care benefits and services provided to you and your dependents. This action will be effective 60 days from the date of this letter unless you prove you are not a fugitive felon. Evidence may include but is not limited to warrant resolved, case of mistaken identity, administrative error. Under the law, this action applies to VA coverage of care in the community, clinic appointments, admissions, ambulatory procedures, medications, dental care, prosthetic devices, supplies, and other health care services.

According to our records, you are enrolled in VA health care but currently not receiving care through VA. However, if you or your dependents present at a VA medical

facility for a medical emergency, VA will provide emergency care to stabilize the medical condition. Once the medical condition is stabilized, you or your dependents will be discharged or transferred to an appropriate community health care facility. When a community health care facility provides care or service to you or your dependents, VA will not be financially or otherwise responsible for that care or service. VA will bill you for any health care or service provided by the VA on a cost-based rate. Billing includes health care or service for your service-connected condition, VA coverage for care in the community under other treatment authorities, and any other eligibility as a Veteran or dependent.

You may resolve your fugitive felon status by contacting the Originating Agency that issued the felony warrant when you believe:

- a. An error was made, such as mistaken identity.
- b. The warrant has been satisfied by your arrest or surrender.
- c. There are other reasons, which would resolve the warrant.

You must contact the law enforcement agency that issued the fugitive felon warrant against you to resolve the matter. If you have or obtain evidence the warrant has been satisfied, you may provide my office with this evidence to ensure continuation of your eligibility for VA health care benefits. You may submit this evidence by mail or fax the Fugitive Felon Coordinator at (fax number).

The following documents are acceptable evidence of a satisfied felony warrant:

- a. Any written statement from a Federal or State Criminal Clerk Office stating the felony warrant has been satisfied.
- b. Court docket with case number stating the case has been adjudicated and signed by a Criminal Clerk, Sheriff, or Judge.
- c. Any official document indicating the Originating Agency adjudicated the case.

If VA terminates you and your dependents' health care benefits and services and you disagree with VA's decision, you may appeal VA's decision. The enclosed VA Form 10-0998, Your Rights to Seek Further Review of Our Healthcare Benefits Decision, and Eight Point Notice explain your options in greater detail and provides instructions on how to request further review of VA's decision to terminate you and your dependents' health care benefits and services.

Thank you for your cooperation.

Sincerely,

Signature block for the VA medical facility Director

**December 5, 2024**

**VHA DIRECTIVE 1520  
APPENDIX B**

VA medical facility Name

Name: VHA Patient Name

DOB: XX/XX/XXXX

VA Facility Name/Number: VA medical facility (VA medical facility number)

State Law Enforcement Agency: Originating Agency Title

Address: Originating Agency Address

Telephone Number: Originating Agency Telephone

Date of Warrant: XX/XX/XXXX

Warrant Number: List warrant number here

Offense: List offense here.

Attachment: VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.

**December 5, 2024**

**VHA DIRECTIVE 1520  
APPENDIX C**

**SAMPLE LETTER FROM VA TO A COMMUNITY HEALTH CARE PROVIDER**

**CONFIDENTIAL:** Information Accompanying Transition of Inpatient Healthcare for VHA Patient

VHA Patient cannot continue receiving benefits from the Department of Veterans Affairs (VA). Benefits include health care, services, and products provided to the Veteran at VA's expense.

Thank you for your assistance with this complex and sensitive matter. If you have any questions, please call me at (telephone number).

Sincerely,

Signature block for the VA medical facility Director

VA medical facility Name

December 5, 2024

VHA DIRECTIVE 1520  
APPENDIX D

**SAMPLE 60-DAY NOTIFICATION LETTER TO A CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS DEPENDENT WHEN THE VETERAN IS A FUGITIVE FELON**

(Date)

VHA Dependent

Address Line 1

Address Line 2

Re: Notification of Fugitive Felon Status and its impact on your Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) Benefits

Dear VHA Dependent:

This office has been informed that your Veteran sponsor has been identified as a fugitive felon. Under 38 U.S.C. § 5313B, the Department of Veterans Affairs (VA) is prohibited from providing or continuing to provide certain benefits to Veterans and their spouse, surviving spouse, child or dependent parent identified as a fugitive felon. The prohibition includes health care and services, including medications and any care provided in the community at VA expense, effective 60 days from the date of this letter.

A fugitive felon is a person who is a fugitive due to:

- a. Fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees.
- b. Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

The Act also requires VA to provide law enforcement personnel, upon request, the most current address of a Veteran or dependent whose identity was matched in a fugitive felon database. This will assist law enforcement personnel in apprehending fugitive felons.

This letter notifies you that the Veteran sponsor for your CHAMPVA benefits has been matched in database searches as having a felony warrant in an open status. The identity of the Veteran matched all three criteria - name, social security number, and date of birth. As required by law, the Office of Inspector General contacted the CHAMPVA regarding the outstanding warrant.

Because the Veteran sponsor for your CHAMPVA benefits has been identified as a fugitive felon, VA must terminate CHAMPVA benefits provided to you and any other

dependents. VA staff will take the appropriate steps to terminate your CHAMPVA health care benefits. In addition, VA will bill you or dependents for all VA- provided care received while your Veteran sponsor is in this fugitive felon status. Fugitive felon status is a self-inflicted status that may be resolved if the Veteran contacts the Originating Agency that issued the felony warrant. The Veteran may contact the Originating Agency that issued the felony warrant, if:

- a. An error was made, such as mistaken identity.
- b. The warrant should be canceled.
- c. The warrant has been satisfied by the Veteran's arrest or surrender.
- d. Other reasons that may resolve the warrant.

If you have evidence now that the Veteran's felony warrant has been satisfied, or you obtain such evidence, you need to provide this evidence to my attention immediately to ensure continuation of your VA health care benefits. You may provide this evidence by mail, or by fax to (303) 331-7800, or you may ask someone you trust to deliver the evidence. You may also make an appointment by calling (303) 331-7500 to provide this evidence.

If you disagree with our decision, please submit a written statement and all relevant evidence in your possession that may indicate or support your position within 60 days from the date of this letter to the address below. See attached VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.

For additional information, please contact the VA Enrollment/Eligibility Division by mail, VHA Member Services, Enrollment and Eligibility Division, 2957 Clairmont Road NE, Suite 200, Atlanta, GA 30329-1647 or call 1-855-488-8440.

VA can connect you to non-VA mental health care. Visit your nearest VA Medical Center or Vet Center and ask for mental health care. For immediate help in dealing with suicidal thoughts, please call 1-800-273-8255 and Press 1, chat online at <https://www.veteranscrisisline.net/get-help-now/chat/>, or text 838255.

If VA terminates you and your dependents' health care benefits and services and you disagree with VA's decision, you may appeal VA's decision. The enclosed VA Form 10-0998, Your Rights to Seek Further Review of Our Healthcare Benefits Decision, and Eight Point Notice explain your options in greater detail and provides instructions on how to request further review of VA's decision to terminate you and your dependents' health care benefits and services.

Thank you for your cooperation in this matter.

Sincerely,

**December 5, 2024**

**VHA DIRECTIVE 1520  
APPENDIX D**

Signature block for the VA medical facility Director

VA medical facility Name

Name: VHA Dependent

DOB: XX/XX/XXXX

VA medical facility Name/Number: VA medical facility (VA medical facility number)

Law Enforcement Agency: Originating Agency Title

Address: Originating Agency Address

Telephone Number: Originating Agency Telephone Number

Date of Warrant: XX/XX/XXXX

Warrant Number: List warrant number here.

Offense: List offense here.

Attachment: VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.



December 5, 2024

VHA DIRECTIVE 1520  
APPENDIX E

**SAMPLE 60-DAY NOTIFICATION LETTER FROM VA TO A CIVILIAN HEALTH AND  
MEDICAL PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS  
DEPENDENT IDENTIFIED AS A FUGITIVE FELON**

(Date)

VHA Patient

Address Line 1

Address Line 2

Subject: Notice of Adverse Action

Dear VHA Patient:

The Office of Inspector General informed this office you are a fugitive felon. Under 38 U.S.C. § 5313B, the Department of Veterans Affairs (VA) is prohibited from providing or continuing certain benefits to Veterans and their spouse, surviving spouse, child or dependent parent. identified as fugitive felons. This prohibition includes health care and services, medications, and any care or service provided in the community at VA's expense.

A fugitive felon is a person who is a fugitive due to:

- a. Fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees.
- b. Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

The Act also requires VA to provide law enforcement personnel, upon request, your current address. This information will assist law enforcement personnel in apprehending individuals identified as fugitive felons.

This letter serves as official notification your identity matched as a fugitive felon. Your identity matched all three criteria: name, Social Security Number, and date of birth. When the Originating Agency (see information below) has local jurisdiction, it may choose to arrest you. When the Originating Agency does not have local jurisdiction, it may decide to extradite you to its area of jurisdiction and then arrest you.

Because you matched as a fugitive felon, VA must terminate your Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) benefits. This action will be effective 60 days from the date of this letter unless you prove you are not a fugitive felon. Evidence may include but is not limited to warrant resolved, case of

mistaken identity, or administrative error. Under the law, this action applies to VA care in the community, clinic appointments, admissions, ambulatory procedures, medications, dental care, prosthetic devices, supplies, and other health care services.

VA will bill you for health care and services, medications, and any care provided in the community at VA's expense that you received while in a verified fugitive felon status.

. You may be subject to arrest by Federal or State law enforcement agencies when you are on VA property or a VA site, whether owned or leased. If you have any questions about this notification letter and how it applies to your enrollment status in VA healthcare, please contact the Enrollment Coordinator at your VA medical facility (telephone number).

You may resolve your fugitive felon status by contacting the Originating Agency that issued the felony warrant when you believe:

- a. An error was made, such as mistaken identity.
- b. The warrant has been satisfied by your arrest or surrender.
- c. There are other reasons, which would resolve the warrant.

If you have evidence the warrant has been satisfied, you need to immediately provide this evidence to my office to ensure continuation of your VA health care benefits. You may provide this evidence by mail, fax to [insert fax number], or you may make an appointment by calling [insert phone number].

The following documents are acceptable evidence of a satisfied felony warrant:

- a. Any written statement from a Federal or State Criminal Clerk Office stating the felony warrant has been satisfied.
- b. Court docket with case number stating the case has been adjudicated and signed by a Criminal Clerk, Sheriff, or Judge.
- c. Any official document from the Originating Agency indicating the case has been adjudicated.

If VA terminates your health care benefits and services and you disagree with VA's decision, you may appeal VA's decision. The enclosed VA Form 10-0998, Your Rights to Seek Further Review of Our Healthcare Benefits Decision, and Eight Point Notice explain your options in greater detail and provides instructions on how to request further review of VA's decision to terminate your health care benefits and services.

Thank you for your cooperation in this matter.

Sincerely,

**December 5, 2024**

**VHA DIRECTIVE 1520  
APPENDIX E**

<Name>

Signature block VA medical facility Director

VA medical facility Name

Name: VHA Dependent

DOB: XX/XX/XXXX

VA Facility Name/Number: VA medical facility (VA medical facility number)

Law Enforcement Agency: Originating Agency Title

Address: Originating Agency Address

Telephone Number: Originating Agency Telephone Number

Date of Warrant: XX/XX/XXXX

Warrant Number: List warrant number here

Offense: List offense here

Attachment: VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.

December 5, 2024

VHA DIRECTIVE 1520  
APPENDIX F

**SAMPLE 60-DAY NOTIFICATION LETTER FROM VA OFFICE OF INTEGRATED  
VETERAN CARE TO STATE HOME RESIDENT IDENTIFIED AS A FUGITIVE FELON**

(Date)

VHA Patient

Address Line 1

Address Line 2

Dear VHA Patient:

Re: Notice of Pending Adverse Action

Under 38 U.S.C. § 5313B, the Department of Veterans Affairs (VA) is prohibited from providing or continuing to provide certain benefits to Veterans and dependents identified as fugitive felons. These prohibitions include health care or services, medications, State Veterans Home, and any care or service provided in the community at VA's expense. The Act also requires the VA to provide law enforcement personnel when requested the current address of Veterans or dependents whose identities matched in a fugitive felon database.

A fugitive felon is a person who is a fugitive due to:

a. Fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees.

b. Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

This letter serves as official notification your identity matched as a fugitive felon. Your identity matched all three criteria: name, Social Security Number, and date of birth. When the Originating Agency (see information below) has local jurisdiction, it may choose to arrest you. When the Originating Agency does not have local jurisdiction, it may decide to extradite you to its area of jurisdiction and then arrest you.

VA must terminate your State Home Per Diem payments and any other health care benefits and services provided to you at VA's expense. This action will be effective 60 days from the date of this letter unless you prove you are not a fugitive felon. Evidence may include but is not limited to warrant resolved, case of mistaken identity, or administrative error.

You may resolve your fugitive felon status by contacting the Originating Agency that issued the felony warrant when you believe:

- a. An error was made, such as mistaken identity.
- b. The warrant has been satisfied by your arrest or surrender.
- c. There are other reasons, which would resolve the warrant.

If your felony warrant has been satisfied, you need to immediately provide evidence to your local VA medical facility FFP Coordinator to ensure continuation of your VA health care benefits. You may provide the evidence by mail, fax to [insert fax number], or have your legal representative deliver the evidence.

The following documents are acceptable evidence of a satisfied felony warrant:

- a. Any written statement from a Federal or State Criminal Clerk Office stating the felony warrant has been satisfied.
- b. Court docket with case number stating the case has been adjudicated and signed by a Criminal Clerk, Sheriff, or Judge.
- c. Any official document indicating the ORI adjudicated the case.

If VA terminates you and your dependents' health care benefits and services and you disagree with VA's decision, you may appeal VA's decision. The enclosed VA Form 10-0998, Your Rights to Seek Further Review of Our Healthcare Benefits Decision, and Eight Point Notice explain your options in greater detail and provides instructions on how to request further review of VA's decision to terminate you and your dependents' health care benefits and services.

Thank you for your cooperation.

Sincerely,

Signature block for the VA medical facility Director

CC: Director, State Home

VA medical facility Name

Name: VHA Patient

DOB: XX/XX/XXXX

VA medical facility Name/Number: VA medical facility (VA medical facility number)

State Law Enforcement Agency: Originating Agency Title

Address: Originating Agency Address

**December 5, 2024**

**VHA DIRECTIVE 1520  
APPENDIX F**

Telephone Number: Originating Agency Telephone

Date of Warrant: XX/XX/XXXX

Warrant Number: List warrant number here.

Offense: List offense here.

Attachment: VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.

December 5, 2024

VHA DIRECTIVE 1520  
APPENDIX G

**SAMPLE 60-DAY NOTIFICATION LETTER FROM VA FOREIGN MEDICAL  
PROGRAM TO A VETERAN IDENTIFIED AS A FUGITIVE FELON**

(Date)

VHA Patient

Address Line 1

Address Line 2

Subject: Notice of Adverse Action

Dear VHA Patient:

The Office of Inspector General informed this office you are a fugitive felon. Under 38 U.S.C. § 5313B, the Department of Veterans Affairs (VA) is prohibited from providing or continuing certain benefits to Veterans and dependents identified as fugitive felons. This prohibition includes health care, services, medications, and any care or service provided in the community at VA's expense.

A fugitive felon is a person who is a fugitive due to:

- a. Fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees.
- b. Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

The Act also requires VA to provide law enforcement personnel when requested the Veteran's current address when their identify match in a fugitive felon database. This information will assist law enforcement personnel in apprehending individuals who are fugitive felons.

This letter serves as official notification your identity matched as a fugitive felon. Your identity matched all three criteria: name, Social Security Number, and date of birth. When the Originating Agency (see information below) has local jurisdiction, it may choose to arrest you. When the Originating Agency does not have local jurisdiction, it may decide to extradite you to its area of jurisdiction and then arrest you.

Because you matched as a fugitive felon, VA must terminate your health care benefits and services. This action will be effective 60 days from the date of this letter unless you prove you are not a fugitive felon. Evidence may include but is not limited to warrant resolved, case of mistaken identity, or administrative error. Under the law, this action applies to VA care in the community, clinic appointments, admissions,

ambulatory procedures, medications, dental care, prosthetic devices, supplies, and other health care services. Benefits include health care services, medications, and durable medical equipment for service-connected conditions, for conditions associated with and held to be aggravating a service-connected condition, or as part of a rehabilitation program under 38 U.S.C. Chapter 31.

VA will bill you at the cost-based rate for any health care or service provided at VA's expense while you were in a verified fugitive felon status. Billing includes health care and service for your service-connected condition, VA coverage for care in the community under other treatment authorities, and any other eligibility as a Veteran.

VA must provide a safe environment at all VA medical facilities, Community-Based Outpatient Clinics, and other activity sites. VA must comply with the law. You may be subject to arrest by Federal or State law enforcement agencies when you are on VA property or a VA site, whether owned or leased. If you have any questions about this notification letter and how it applies to your legal VA status, please contact our VA Police at (telephone number).

You may resolve your fugitive felon status by contacting the Originating Agency that issued the felony warrant when you believe:

- a. An error was made, such as mistaken identity.
- b. The warrant has been satisfied by your arrest or surrender.
- c. There are other reasons, which would resolve the warrant.

If your warrant has been satisfied, you need to provide this evidence to my office immediately to ensure continuation of your eligibility for VA health care benefits. You may provide this evidence to the FMP Fugitive Felon Program (FFP) Coordinator by mail or fax to [insert fax number]. You may also contact the FMP FFP Coordinator at [telephone number].

The following documents are acceptable evidence of a satisfied felony warrant:

- a. Any written statement from a Federal or State Criminal Clerk Office stating the felony warrant has been satisfied.
- b. Court docket with case number stating the case has been adjudicated and signed by a Criminal Clerk, Sheriff, or Judge.
- c. Any official document indicating the Originating Agency adjudicated the case.

If VA terminates you and your dependents' health care benefits and services and you disagree with VA's decision, you may appeal VA's decision. The enclosed VA Form 10-0998, Your Rights to Seek Further Review of Our Healthcare Benefits Decision, and Eight Point Notice explain your options in greater detail and provides instructions on



**December 5, 2024**

**VHA DIRECTIVE 1520  
APPENDIX G**

how to request further review of VA's decision to terminate you and your dependents' health care benefits and services.

Thank you for your cooperation in this matter.

Sincerely,

Signature block for VA medical facility Director

VA medical facility Name

Name: VHA Dependent

DOB: XX/XX/XXXX

VA medical facility Name/Number: VA medical facility (VA medical facility number)

Law Enforcement Agency: Originating Agency Title

Address: Originating Agency Address

Telephone Number: Originating Agency Telephone Number

Date of Warrant: XX/XX/XXXX

Warrant Number: List warrant number here.

Offense: List offense here.

Attachment: VA Form 10-0998, Your Rights to Seek Further Review of our Healthcare Benefits Decision.

December 5, 2024

VHA DIRECTIVE 1520  
APPENDIX H

**SAMPLE LETTER FROM VA TO A VETERAN VERIFIED AS A FUGITIVE FELON**

(Date)

VHA Patient  
Address Line 1  
Address Line 2

Re: Notice of Fugitive Felon Status

Dear VHA Patient:

This letter serves as official notification that your enrollment record in the VA health care system has been modified due to your fugitive felon status. As a result, you will not be provided care or services from VA. If you have a spouse, surviving spouse, child or dependent parent receiving care or services through VA, they will also not be provided care or services. VA will end your fugitive felon status when you prove the warrant has been satisfied. Acceptable evidence of a satisfied warrant consists of the following:

(1) Any written statement from a Federal or State Criminal Clerk Office stating the felony warrant has been satisfied.

(2) Court docket with case number stating the case has been adjudicated and signed by a Criminal Clerk, Sheriff, or Judge.

(3) Any official document indicating the Originating Agency adjudicated the case.

If your warrant is satisfied, please provide this evidence by mail or in-person to the Fugitive Felon Program Coordinator at your local VA medical facility to ensure reinstatement of your VA health care benefits.

VA may provide medical care as a humanitarian service under emergency conditions to you and your spouse, surviving spouse, child or dependent parents . However, once the medical condition is stabilized, you or they will be discharged or transferred to an appropriate community health care facility, if necessary. When a community health care facility provides care or service to you or your spouse, surviving spouse, child or dependent parents, VA will not be financially or otherwise responsible for that care or service. VA will bill you for any health care or service provided by the VA for the medical emergency.

VA can connect you to mental health care, regardless of your enrollment status. Visit your nearest VA Medical Center or Vet Center and ask for mental health care. For immediate help in dealing with suicidal thoughts, please call 1-800-273-8255 and Press 1, chat online at <https://www.veteranscrisisline.net/get-help-now/chat/>, or text 838255.

**December 5, 2024**

**VHA DIRECTIVE 1520  
APPENDIX H**

If you disagree with VA's decision to terminate you and your dependents' health care benefits and services, you may appeal VA's decision. The enclosed VA Form 10-0998, Your Rights to Seek Further Review of Our Healthcare Benefits Decision, and Eight Point Notice explain your options in greater detail and provides instructions on how to request further review of VA's decision to terminate you and your dependents' health care benefits and services.

Thank you for your service to our country. We look forward to serving you.

Sincerely,

Director, Health Eligibility Center

VHA Member Services

December 5, 2024

VHA DIRECTIVE 1520  
APPENDIX I

**SAMPLE LETTER OF NOTICE FROM THE DEPARTMENT OF VETERANS AFFAIRS  
(VA) TO A VETERAN OR DEPENDENT WHO CONTINUES TO PRESENT AFTER  
NOTIFICATION OF FUGITIVE FELON STATUS**

(Date)

VHA Patient Name  
Address Line 1  
Address Line 2

Re: Notice of Adverse Action

Dear VHA Patient:

Under 38 U.S.C. § 5313B, VA is prohibited from providing or continuing to provide certain benefits to Veterans identified as fugitive felons. A dependent of a Veteran may also not be paid or provided such benefits for any period during which the Veteran or dependent is a fugitive felon. This prohibition includes health care and services including medications, and any care or services provided in the community at VA's expense.

This letter serves as a reminder since you continue to present at the (identify VA medical facility) seeking routine nonemergent care. According to our records, you were notified by VA that you would no longer be provided VA health care and services effective (insert date from notification letter). Your VA health care benefits were terminated due to your verified fugitive felon status and your failure to provide evidence of a satisfied felony warrant during the 60-day due process period.

If you continue to present for non-emergency care, you may be subject to arrest by Federal or State law enforcement agencies when you are on VA property or a VA site, whether owned or leased while you are in a verified fugitive felon status.

Thank you for your cooperation.

Sincerely,

Signature block for the VA medical facility Director

VA medical facility Name

### AUTHORITY OF LOCAL LAW ENFORCEMENT OFFICERS

1. When a patient has an active warrant, the Department of Veterans Affairs (VA) may not deny a law enforcement officer who is acting officially for a local, State or Federal law enforcement agency with jurisdiction, access to the facility, or a patient.

a. At VA facilities on a property in which the Federal Government exercises concurrent or proprietary jurisdiction, local and State officers may affect patient arrests.

b. At VA facilities on a property in which the Federal Government exercises exclusive jurisdiction, only Federal officers, including VA Police, may arrest without a warrant.

c. Local or State officers may only arrest with a warrant on property under exclusive Federal jurisdiction when the State has concurrent jurisdiction via an act of cession, which reserves the right of the State to serve or execute State civil and criminal process on Federal property. **NOTE:** *When a state retains the ability to serve process as part of the act of cession, a state may enforce civil and criminal process on VA properties, including warrants issued by a court of competent jurisdiction.*

2. VA staff must direct all non-VA law enforcement officials entering the VA medical facility to the VA medical facility Chief of Police Services to provide a formal introduction and identify the purpose of the visit. **NOTE:** *The VA medical facility Chief of Police may direct non-VA law enforcement officials to the VA medical facility Director's office, if necessary.*

3. VA medical facility Directors must cooperate fully with law enforcement authorities carrying out official investigations or a competent judicial authority.

4. The VA medical Director and staff have no legal authority to prevent the lawful questioning, arrest, or serving of process on a patient in a verified fugitive felon status. **NOTE:** *The VA medical facility can require medical clearance based on the patient's diagnosis before any lawful questioning, arrest, or serving of process occurs. The VA medical facility Director must notify VA Police when the patient is medically cleared.*

5. When the purpose of the visit is to question or arrest a patient, the responsible medical staff member, preferably the attending VA health care provider, must be immediately consulted. The health care provider must determine the effect questioning or arrest, and removal from a treatment program would have on the patient.

a. Directors and health care professionals are responsible for warning law enforcement officers of the possibilities of harm to patients who are the subject of questioning or removal from a health care program.

b. There must be a written record when a medical staff member's opinion is that the intended action would affect the patient.

c. During the conference between the law enforcement officer and the medical staff member, the staff member may not disclose any information, except as authorized by law.

d. When law enforcement insists on arresting a patient against medical advice, medical staff must request law enforcement officials postpone the arrest or arrange for the transfer of the patient to a custodial health care facility to continue needed treatment.

e. When a detailed statement of the patient's medical condition is required to postpone or effect continued treatment in a custodial facility, the law enforcement official must submit a written request for the information. The request must meet the requirements of the Privacy Act of 1974 and 38 U.S.C. §§ 5701 and 7332. Any such written request received must be forwarded to the appropriate release of information officials for consideration.

f. The VA medical facility Director and law enforcement officials may reach agreements to detain a patient against whom criminal or civil charges are pending. The VA medical facility Director may need law enforcement to provide security, pending the patient's transfer to a more secure facility. **NOTE:** *In some cases, and dependent on the type of warrant, this may include stationing an armed law enforcement official (e.g., local police officer or a VA police officer) to guard the patient.*