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for Book I of your set of
Federal Regulations**

Title 38, Parts 17, 46, 47, 51–53,
58–62, 70, 71, and 200

Medical

Veterans Benefits Administration

Supplement No. 68

Covering period of *Federal Register* issues
through April 1, 2012

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GENERAL INSTRUCTIONS

Custom Federal Regulations Service™

Supplemental Materials for *Book I*

Code of Federal Regulations

Title 38, Parts 17, 46, 47, 51–53, 58–62, 70, 71, and 200

Medical

Veterans Benefits Administration

Supplement No. 68

5 April 2012

Covering the period of Federal Register issues
through April 1, 2012

When **Book I** was originally prepared, it was current through final regulations published in the *Federal Register* of 15 January 2000. These supplemental materials are designed to keep your regulations up to date. You should file the attached pages immediately, and record the fact that you did so on the *Supplement Filing Record* which is at page I-8 of Book I, *Medical*.

**To ensure accuracy and timeliness of your materials,
it is important that you follow these simple procedures:**

1. Always file your supplemental materials immediately upon receipt.
2. Before filing, always check the Supplement Filing Record (page I-8) to be sure that all prior supplements have been filed. If you are missing any supplements, contact the Veterans Benefits Administration at the address listed on page I-2.
3. After filing, enter the relevant information on the Supplement Filing Record sheet (page I-8)—the date filed, name/initials of filer, and date through which the *Federal Register* is covered.
4. If as a result of a failure to file, or an undelivered supplement, you have more than one supplement to file at a time, be certain to file them in chronological order, lower number first.
5. Always retain the filing instructions (simply insert them at the back of the book) as a backup record of filing and for reference in case of a filing error.
6. Be certain that you *permanently discard* any pages indicated for removal in the filing instructions in order to avoid confusion later.

To execute the filing instructions, simply remove *and throw away* the pages listed under *Remove These Old Pages*, and replace them in each case with the corresponding pages from this supplement listed under *Add These New Pages*. Occasionally new pages will be added without removal of any old material (reflecting new regulations), and occasionally old pages will be removed without addition of any new material (reflecting rescinded regulations)—in these cases the word *None* will appear in the appropriate column.

FILING INSTRUCTIONS

**Book I, Supplement No. 68
April 5, 2011**

<i>Remove these <u>old pages</u></i>	<i>Add these <u>new pages</u></i>	<i>Section(s) <u>Affected</u></i>
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**Do not file this supplement until you confirm that
all prior supplements have been filed**

17.108-3 to 17.108-4

17.108-3 to 17.108-4

§17.108

**Be sure to complete the
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when you have finished filing this material.**

HIGHLIGHTS

Book I, Supplement No. 68 April 5, 2012

Supplement Highlights references: Where substantive changes are made in the text of regulations, the paragraphs of *Highlights* sections are cited at the end of the relevant section of text. Thus, if you are reading §17.100, you will see a note at the end of that section which reads: “Supplement *Highlights* references—37(1).” This means that paragraph 1 of the *Highlights* section in Supplement No. 37 contains information about the changes made in §17.100. By keeping and filing the *Highlights* sections, you will have a reference source explaining all substantive changes in the text of the regulations.

Supplement frequency: Beginning 1 January 2000, supplements for this Book I will be issued *every month* during which a final rule addition or modification is made to the parts of Title 38 covered by this book. Supplements will be numbered consecutively as issued.

Modifications in this supplement include the following:

1. On 6 March 2012, the VA published a direct final rule, effective 7 May 2012, to amend its regulation that governs VA services that are not subject to copayment requirements for inpatient hospital care or outpatient medical care. Specifically, the regulation is amended to exempt in-home video telehealth care from having any required copayment. Change:

- In §17.108, added paragraph (e)(16).



- (7) A veteran whose entitlement to disability compensation is suspended because of the receipt of military retirement pay.
- (8) A veteran of the Mexican border period or of World War I.
- (9) A military retiree provided care under an interagency agreement as defined in section 113 of Public Law 106-117, 113 Stat. 1545.
- (10) A veteran who VA determines to be unable to defray the expenses of necessary care under 38 U.S.C. 1722(a).
- (11) A veteran who VA determines to be catastrophically disabled, as defined in 38 CFR 17.36(e).

(e) *Services not subject to copayment requirements for inpatient hospital care or outpatient medical care.* The following are not subject to the copayment requirements under this section:

- (1) Care provided to a veteran for a noncompensable zero percent service-connected disability;
- (2) Care authorized under 38 U.S.C. 1710(e) for Vietnam-era herbicide-exposed veterans, radiation-exposed veterans, Gulf War veterans, or post-Gulf War combat-exposed veterans;
- (3) Special registry examinations (including any follow-up examinations or testing ordered as part of the special registry examination) offered by VA to evaluate possible health risks associated with military service;
- (4) Counseling and care for sexual trauma as authorized under 38 U.S.C 1720D;
- (5) Compensation and pension examinations requested by the Veterans Benefits Administration;
- (6) Care provided as part of a VA-approved research project authorized by 38 U.S.C. 7303;
- (7) Outpatient dental care provided under 38 U.S.C. 1712;
- (8) Readjustment counseling and related mental health services authorized under 38 U.S.C 1712A;
- (9) Emergency treatment paid for under 38 U.S.C. 1725 or 1728;
- (10) Care or services authorized under 38 U.S.C. 1720E for certain veterans regarding cancer of the head or neck;

- (11) Publicly announced VA public health initiatives (e.g., health fairs) or an outpatient visit solely consisting of preventive screening and immunizations (e.g. influenza immunization, pneumococcal immunization, hypertension screening, hepatitis C screening, tobacco screening, alcohol screening, hyperlipidemia screening, breast cancer screening, cervical cancer screening, screening for colorectal cancer by fecal occult blood testing, and education about the risks and benefits of prostate cancer screening);
- (12) Weight management counseling (individual and group);
- (13) Smoking cessation counseling (individual and group);
- (14) Laboratory services, flat film radiology services, and electrocardiograms;
- (15) Hospice care; and
- (16) In-home video telehealth care.

(f) *Additional care not subject to outpatient copayment.* Outpatient care is not subject to the outpatient copayment requirements under this section when provided to a veteran during a day for which the veteran is required to make a copayment for extended care services that were provided either directly by VA or obtained for VA by contract. (Authority: 38 U.S.C. 501, 1710, 1730A)

[66 FR 63448, Dec. 6, 2001, as amended at 66 FR 64904, Dec. 14, 2001; 67 FR 21998, May 2, 2002; 68 FR 60854, Oct. 24, 2003; 70 FR 22596, May 2, 2005; 71 FR 2464, Jan. 17, 2006; 73 FR 20532, Apr. 16, 2008; 73 FR 65260, Nov. 3, 2008; 75 FR 54030, Sept. 3, 2010; 76 FR 52274, Aug. 22, 2011; 77 FR 13198, Mar. 6, 2012]

Supplement *Highlights* references: 21(1), 27(1), 31(1), 40(1), 57(1), 64(1), 68(1).

Next Section is §17.110