

**THE AMERICAN LEGION  
DEPARTMENT OF PENNSYLVANIA  
DEPARTMENT EXECUTIVE COMMITTEE  
COMFORT INN, PITTSBURGH, PENNSYLVANIA  
APRIL 30 – MAY 1, 2022**

Resolution No. 1136

Submitted by Michael Murphy  
Department Commander

---

WHEREAS, 38 CFR § 17.38 entitles all veterans, with no exclusion of veterans living outside the United States of America mentioned, a comprehensive Medical benefits package; and

WHEREAS, Basic care states: Outpatient medical, surgical, and mental healthcare, including care for substance abuse and Inpatient hospital, medical, surgical, and mental healthcare, including care for substance abuse and Prescription drugs, including over-the-counter drugs and medical and surgical supplies available under the VA national formulary system and Emergency care in VA facilities; and emergency care in non-VA facilities in accordance with sharing contracts or if authorized by § 17.52(a)(3), § 17.53, § 17.54, §§ 17.120 through 17.132, or §§ 17.4000 through 17.4040; and

WHEREAS, Home health services authorized under 38 U.S.C. 1717 and 1720C; and

WHEREAS, Hospice care, palliative care, and institutional respite care; and Non institutional extended care services, including but not limited to non-institutional geriatric evaluation, non-institutional adult day health care, and non-institutional respite care; and

WHEREAS, Federal register document VA-2020-VHA-0010-0282 states “The legal authority for the FMP prohibits VA from furnishing “hospital care” and “medical services” outside of a State except in the case of the stated exceptions. 38 U.S.C.1724; and

WHEREAS, Provision of the “medical benefits package”, care referred to in the “medical benefits package” will be provided to individuals only if it is determined by appropriate health care professionals that the care is needed to promote, preserve, or restore the health of the individual and is in accord with generally accepted standards of medical practice; now, therefore be it

**RESOLVED, That the Department Executive Committee of The American Legion Department of Pennsylvania in regular meeting assembled at the Comfort Inn RIDC Park, Pittsburgh, PA, April 29 to May 1, 2022, urges the Foreign Medical Program act in accordance with the 38 CFR § 17.38 and provide medical benefits to all veterans, regardless of location; and be it further**

**RESOLVED; That The Secretary of Veteran Affairs instruct the Foreign Medical Program to adhere to the 38 CFR § 17.38 and provide services to all veterans, regardless of their locations; now, therefore, be it finally**

**RESOLVED, That a copy of this Resolution be forwarded to the Chair of the National Veterans & Rehabilitation Commission for consideration.**

APPROVED  REJECTED \_\_\_\_\_ REFERRED \_\_\_\_\_ CONSOLIDATED \_\_\_\_\_ FILED \_\_\_\_\_