

Custom Federal Regulations Service™

**This is supplemental material  
for Book I of your set of  
Federal Regulations**

Title 38, Parts 17, 46, 47, 51–53,  
58–61, and 70

*Medical*

**Veterans Benefits Administration**

Supplement No. 53

Covering period of *Federal Register* issues  
through January 4, 2010

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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, 58–61, and 70

*Medical*

## Veterans Benefits Administration

Supplement No. 53

5 January 2010

Covering the period of Federal Register issues  
through January 4, 2010

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. 53  
January 5, 2010**

*Remove these  
old pages*

*Add these  
new pages*

*Section(s)  
Affected*

**Do not file this supplement until you confirm that  
all prior supplements have been filed**

17.110-1 to 17.110-2

17.110-1 to 17.110-2

§17.110

**Be sure to complete the  
*Supplement Filing Record* (page I-8)  
when you have finished filing this material.**

## HIGHLIGHTS

### Book I, Supplement No. 53 January 5, 2010

**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 31 December 2009, the VA published an interim final rule, effective that same date, to amend regulations concerning the copayment required for certain medications in order to freeze copayments at the current rate for the next 6 months, and thereafter resume increasing copayments in accordance with any change in the prescription drug component of the Medical Consumer Price Index. Change:

- In §17.110, revised paragraph (b).

EC

**§17.110 Copayments for medication.**

(a) *General.* This section sets forth requirements regarding copayments for medications provided to veterans by VA.

(b) *Copayments.*

(1) *Copayment amount.* Unless exempted under paragraph (c) of this section, a veteran is obligated to pay VA a copayment for each 30-day or less supply of medication provided by VA on an outpatient basis (other than medication administered during treatment). For the period from January 1, 2010 through June 30, 2010, the copayment amount is \$8. Thereafter, the copayment amount for each calendar year or other period as determined by the Secretary will be established by using the prescription drug component of the Medical Consumer Price Index as follows: The Index as of the previous September 30 will be divided by the Index as of September 30, 2001. The ratio so obtained will be multiplied by the original copayment amount of \$7. The new copayment amount will be this result, rounded down to the whole dollar amount.

**Note to paragraph (b)(1):** Example for determining copayment amount.

The ratio of the prescription drug component of the Medical Consumer Price Index for September 30, 2005, to the corresponding Index for September 30, 2001, was 1.1542. This ratio, when multiplied by the original copayment amount of \$7 equals \$8.08, and the copayment amount beginning in calendar year 2006, rounded down to the whole dollar amount, was set at \$8.

(2) The total amount of copayments in a calendar year for a veteran enrolled in one of the priority categories 2 through 6 of VA's health care system (see §17.36) shall not exceed the cap established for the calendar year. During the period from January 1, 2010 through June 30, 2010, the cap will be \$960. If the copayment amount increases after June 30, 2010, the cap of \$960 shall be increased by \$120 for each \$1 increase in the copayment amount.

(3) *Information on copayment/cap amounts.* Current copayment and cap amounts are available at any VA Medical Center and on our Web site, <http://www.va.gov>. Notice of any increases to the copayment and corresponding increases to annual cap amount will be published in the *Federal Register*.

(c) *Medication not subject to the copayment requirements.* The following are exempt from the copayment requirements of this section:

- (1) Medication for a veteran who has a service-connected disability rated 50% or more based on a service-connected disability or unemployability;
- (2) Medication for a veteran's service-connected disability;
- (3) Medication for a veteran whose annual income (as determined under 38 U.S.C. 1503) does not exceed the maximum annual rate of VA pension

which would be payable to such veteran if such veteran were eligible for pension under 38 U.S.C. 1521;

- (4) Medication authorized under 38 U.S.C. 1710(e) for Vietnam-era herbicide-exposed veterans, radiation-exposed veterans, Persian Gulf War veterans, or post-Persian Gulf War combat-exposed veterans;
- (5) Medication for treatment of sexual trauma as authorized under 38 U.S.C. 1720D;
- (6) Medication for treatment of cancer of the head or neck authorized under 38 U.S.C. 1720E; and
- (7) Medications provided as part of a VA approved research project authorized by 38 U.S.C. 7303. (Authority: 38 U.S.C. 501, 1710, 1720D, 1722A)

[66 FR 63451, Dec. 6, 2001, as amended at 74 FR 69285, Dec. 31, 2009]

**Supplement *Highlights* reference:** 53(1)