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## **Medical**

Book I

Title 38, Parts 17, 46, 47, 51–53,  
58–64, 70, 71, and 200

Supplement No. 126

Covering period of *Federal Register* issues  
through December 1, 2019

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<b>GENERAL INSTRUCTIONS</b>
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Custom Federal Regulations Service™

**Supplemental Materials for *Book I***

**Code of Federal Regulations**

**Title 38, Parts 17, 46, 47, 51–53, 58–64, 70, 71, and 200**

***Medical***

**Supplement No. 126**

5 December 2019

Covering the period of Federal Register issues  
through December 1, 2019

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*.

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**Book I, Supplement No. 126  
December 5, 2019**

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## HIGHLIGHTS

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**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 13 November 2019, the VA published a final rule effective 13 December 2019, to amend its regulations that govern scholarships to certain health care professionals. This rulemaking implements the mandates of the VA MISSION Act of 2018 by establishing a pilot program to provide funding for the medical education of eligible veterans who are enrolled in covered medical schools. Changes:

- Added §§17.613 through 17.618.

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**Part 17 — Medical**

**Authority:** 38 U.S.C. 501, and as noted in specific sections.  
Section 17.35 is also issued under 38 U.S.C. 1724  
Section 17.38 is also issued under 38 U.S.C. 1703.  
Section 17.46 is also issued under 38 U.S.C. 1710.  
Section 17.52 is also issued under 38 U.S.C. 1701, 1703, 1710, 1712, and 3104.  
Section 17.55 is also issued under 38 U.S.C. 513, 1703, and 1728.  
Section 17.56 is also issued under 38 U.S.C. 1703 and 1728.  
Sections 17.61 through 17.74, 38 U.S.C. 501, and as noted in specific sections.  
Section 17.105 is also issued under 38 U.S.C. 501, 1721, 1722A, 1724, and 1725A.  
Section 17.108 is also issued under 38 U.S.C. 501, 1703, 1710, 1725A, and 1730A.  
Section 17.110 is also issued under 38 U.S.C. 501, 1703, 1710, 1720D, 1722A, and 1730A.  
Section 17.111 is also issued under 38 U.S.C. 101(28), 501, 1701(7), 1703, 1710, 1710B, 1720B, 1720D, and 1722A.  
Section 17.125 is also issued under 38 U.S.C. 7304  
Section 17.169 is also issued under 38 U.S.C. 1712C.  
Sections 17.380, 17.390 and 17.412 are also issued under sec. 260, Pub. L. 114-223, 130 Stat. 857 and §236, div. J, Pub. L 115-141, 132 Stat. 348.  
Section 17.410 is also issued under 38 U.S.C. 1787.  
Section 17.415 is also issued under 38 U.S.C. 7301, 7304, 7402, and 7403.  
Section 17.450 is also issued under 38 U.S.C. 1703E.  
Sections 17.613 through 17.618 are also issued under Pub. L. 115-182, sec. 304  
Sections 17.640 and 17.647 are also issued under sec. 4, Pub. L. 114-2, 129 Stat. 30.  
Sections 17.641 through 17.646 are also issued under 38 U.S.C. 501(a) and sec. 4, Pub. L. 114-2, 129 Stat. 30.  
Section 17.417 also issued under 38 U.S.C. 1701 (note), 1709A, 1712A (note), 1722B, 7301, 7330A, 7401-7403, 7406 (note).  
Section 17.655 also issued under 38 U.S.C. 501(a), 7304, 7405.  
Sections 17.4000 through 17.4040 also issued under 38 U.S.C. 1703, 1703B, and 1703C.  
Section 17.4100 et seq. is also issued under 38 U.S.C. 1703A.  
Section 17.4600 is also issued under 38 U.S.C. 1725A.  
**Ed. Note:** Nomenclature changes to Part 17 appear at 61 FR 7216, Feb. 27, 1996

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**§17.612 Cancellation, waiver, or suspension of obligation.***(a) General.*

(1) This section applies to participants in the HPSP or the VIOMPSP.

(2) Any obligation of a participant for service or payment will be cancelled upon the death of the participant.. (Authority: 38 U.S.C. 7634(a))

*(b) Waivers or suspensions.*

(1) A participant may seek a waiver or suspension of the obligated service or payment obligation incurred under this program by submitting a written request to VA setting forth the basis, circumstances, and causes which support the requested action. Requests for waivers or suspensions must be submitted to VA no later than 1 year after the date VA notifies the participant that he or she is in breach of his or her acceptance agreement. A participant seeking a waiver or suspension must comply with requests for additional information from VA no later than 30 days after the date of any such request.

(i) *Waivers.* A waiver is a permanent release by VA of the obligation either to repay any scholarship funds that have already been paid to or on behalf of the participant, or to fulfill any other acceptance agreement requirement. If a waiver is granted, then the waived amount of scholarship funds may be considered taxable income.

(ii) *Suspensions.* VA may approve an initial request for a suspension for a period of up to 1 year. A suspension may be extended for one additional year, after which time the participant will be in breach of his or her acceptance agreement. If a suspension is approved:

(A) VA will temporarily discontinue providing any scholarship funds to or on behalf of the participant while the participant's scholarship is in a suspended status; or

(B) VA will temporarily delay the enforcement of acceptance agreement requirements.

(2) The Secretary may waive or suspend any service or payment obligation incurred by a participant whenever compliance by the participant (i) is impossible, due to circumstances beyond the control of the participant or (ii) whenever the Secretary concludes that a waiver or suspension of compliance would be in the best interest of the Department of Veterans Affairs. (Authority: 38 U.S.C. 7634(b))

(c) Compliance by a participant with a service or payment obligation will be considered impossible due to circumstances beyond the control of the participant if the Secretary determines, on the basis of such information and documentation as may be required, that the participant suffers from a physical or mental disability resulting in permanent inability to perform the service or other activities which would be necessary to comply with the obligation.

(d) Waivers or suspensions of service or payment obligations, when not related to paragraph (c) of this section, and when considered in the best interest of the Department of Veterans Affairs, will be determined by the Secretary on an individual basis. (Authority: 38 U.S.C. 7634(b))

(e) Eligibility to reapply for award. Any previous participant of any federally sponsored scholarship program who breached his or her acceptance agreement or similar agreement in such scholarship program is not eligible to apply for a HPSP or VIOMPSP. This includes participants who previously applied for, and received, a waiver under this section.

(f) Finality of decisions. Decisions to approve or disapprove waiver requests are final and binding determinations. Such determinations are not subject to reconsideration or appeal. (Authority: 38 U.S.C. 7505(c), 7634(a), 7634(b))

[47 FR 10810, Mar. 12, 1982; as amended at 78 FR 51071, Aug. 20, 2013]

**Supplement *Highlight* Reference(s): 79(1)**

**§17.613 Purpose.**

The purpose of §§17.613 through 17.618 is to establish the requirement for the Veterans Healing Veterans Medical Access and Scholarship Program (VHVMASP). The VHVMASP will provide funding for the medical education of two eligible veterans from each covered medical school.

[84 FR 61552, Nov. 13, 2019]

**Supplement *Highlight* Reference(s): 126(1)**

**§17.614 Definitions.**

The following definitions apply to §§17.613 through 17.618.

*Acceptable level of academic standing* means:

- (1) Maintaining a cumulative grade point average at or above passing, as determined by the medical school;
- (2) Completing all required courses with a passing grade;
- (3) Successfully completing the required course of study for graduation within four academic years;
- (4) Successfully passing the required United States Medical Licensing Examinations steps 1 and 2, within the timeframe for graduation from medical school; and
- (5) Having no final determinations of unprofessional conduct or behavior.

*Covered medical school* means any of the following:

- (1) Texas A&M College of Medicine.
- (2) Quillen College of Medicine at East Tennessee State University.
- (3) Boonshoft School of Medicine at Wright State University.
- (4) Joan C. Edwards School of Medicine at Marshall University.
- (5) University of South Carolina School of Medicine.
- (6) Charles R. Drew University of Medicine and Science.
- (7) Howard University College of Medicine.
- (8) Meharry Medical College.
- (9) Morehouse School of Medicine.

VA means the Department of Veterans Affairs.

VHVMASP means the Veterans Healing Veterans Medical Access and Scholarship Program authorized by section 304 of the VA MISSION Act of 2018, Public Law 115-182.

[84 FR 61552, Nov. 13, 2019]

**Supplement *Highlight* Reference(s): 126(1)**

**§17.615 Eligibility.**

A veteran is considered eligible to receive funding for the VHVMASP if such veteran meets the following criteria.

(a) Has been discharged or released, under conditions other than dishonorable, from the Armed Forces for not more than 10 years before the date of application for admission to a covered medical school;

(b) Is not concurrently receiving educational assistance under chapter 30, 31, 32, 33, 34, or 35 of title 38 United States Code or chapter 1606 or 1607 of title 10 United States Code at the time the veteran would be receiving VHVMASP funding;

(c) Applies for admission to a covered medical school for the entering class of 2020;

(d) Indicates on the application to the covered medical school that they would like to be considered for the VHVMASP;

(e) Meets the minimum admissions criteria for the covered medical school to which the eligible veteran applies; and

(f) Agrees to the terms stated in §17.617.

[84 FR 61552, Nov. 13, 2019]

**Supplement *Highlight* Reference(s): 126(1)**

**§17.616 Award procedures.***(a) Distribution of funds.*

(1) Each covered medical school that opts to participate in the VHVMASP will reserve two seats in the entering class of 2020 for eligible veterans who receive funds for the VHVMASP. Funding will be awarded to two eligible veterans with the highest admissions ranking among veteran applicants for such entering class for each covered medical school.

(2) If two or more eligible veterans do not apply for admission at a covered medical school for the entering class of 2020, VA will distribute the available funding to eligible veterans who applied, and are accepted, for admission at other covered medical schools.

*(b) Amount of funds.* An eligible veteran will receive funding from the VHVMASP equal to the actual cost of the following:

(1) Tuition at the covered medical school for which the veteran enrolls for a period of not more than 4 years;

(2) Books, fees, and technical equipment;

(3) Fees associated with the National Residency Match Program;

(4) Two away rotations, performed during the fourth year of school, at a VA medical facility; and

(5) A monthly stipend for the four-year period during which the eligible veteran is enrolled in a covered medical school in an amount to be determined by VA.

[84 FR 61552, Nov. 13, 2019]

**Supplement *Highlight* Reference(s): 126(1)**

**§17.617 Agreement and obligated service.**

(a) *Agreement.* Each eligible veteran who accepts funds from the VHVMASP will enter into an agreement with VA where the eligible veteran agrees to the following:

(1) Maintain enrollment, attendance, and acceptable level of academic standing as defined by the covered medical school;

(2) Complete post-graduate training leading to eligibility for board certification in a physician specialty applicable to VA;

(3) After completion of medical school and post-graduate training, obtain and maintain a license to practice medicine in a State. Eligible veterans must ensure that State licenses are obtained in a minimal amount of time following completion of residency, or fellowship, if the veteran is enrolled in a fellowship program approved by VA. If a participant fails to obtain his or her degree, or fails to become licensed in a State no later than 90 days after completion of residency, or fellowship, if applicable, the participant is considered to be in breach of the acceptance agreement; and

(4) Serve as a full-time clinical practice employee in VA for a period of four years.

(b) *Obligated service—*

(1) *General.* An eligible veteran's obligated service will begin on the date on which the eligible veteran begins full-time permanent employment with VA as a clinical practice employee. VA will appoint the participant to such position as soon as possible, but no later than 90 days after the date that the participant completes residency, or fellowship, if applicable, or the date the participant becomes licensed in a State, whichever is later.

(2) Location and position of obligated service. VA reserves the right to make final decisions on the location and position of the obligated service.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900-0793.)

[84 FR 61552, Nov. 13, 2019]

**Supplement *Highlight* Reference(s): 126(1)**

**§17.618 Failure to comply with terms and conditions of agreement.**

(a) *Participant fails to satisfy terms of agreement.* If an eligible veteran who accepts funding for the VHVMASP breaches the terms of the agreement stated in §17.617, the United States is entitled to recover damages in an amount equal to the total amount of VHVMASP funding received by the eligible veteran.

(b) *Repayment period.* The eligible veteran will pay the amount of damages that the United States is entitled to recover under this section in full to the United States no later than 1 year after the date of the breach of the agreement.

(c) *Waivers.* The Under Secretary for Health, or designee, may waive or suspend any service or financial liability incurred by a participant whenever compliance by the participant is impossible, due to circumstances beyond the control of the participant, or whenever the Under Secretary for Health, or designee, concludes that a waiver or suspension of compliance is in the VA's best interest.

[84 FR 61552, Nov. 13, 2019]

**Supplement *Highlight* Reference(s): 126(1)**

*Next Section is §17.625*