

DOCUMENT RESUME

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[Reimbursement of Sums Paid for Medical Treatment]. B-191288.
December 4, 1978. 3 pp.

Decision re: Bernice P. Brito; by Robert P. Keller, Deputy
Comptroller General.

Contact: Office of the General Counsel: Personnel Law Matters I.
Organization Concerned: Department of the Army: Kenner Army
Hospital.

Authority: 56 Comp. Gen. 131. 56 Comp. Gen. 136. 54 Comp. Gen.
747. 54 Comp. Gen. 749. Army Regulation 40-3.

The wife of a disabled veteran requested reconsideration of a settlement which held that her indebtedness for medical treatment which she and her son received at an Army medical treatment facility was a valid obligation. The treatment was erroneously authorized by hospital officials. Under Army regulations, dependents of disabled veterans are not eligible to receive medical care and are to be charged at full pay-patient rates for the type of care provided. The claim for reimbursement of the amount paid for such care was disallowed. (Author/SC)

P. Brito and P.M.

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

8518

FILE: B-191288

DATE: December 4, 1978

MATTER OF: Bernice P. Brito - Reimbursement of Sums Paid
for Medical Treatment

DIGEST: Dependents of disabled veteran received medical treatment at total cost of \$228 at an Army medical treatment facility. Although reverse side of identification card stated that dependents were not entitled to treatment, such treatment was erroneously authorized by hospital officials. Under Army regulations, dependents of disabled veterans are not eligible to receive medical care and are to be charged at full pay-patient rate for type of care provided. Claim for reimbursement of amount paid for such care is disallowed.

This action is in response to a request by Mrs. Bernice P. Brito for reconsideration of the settlement action of our Claims Division, dated August 9, 1977, which held that her indebtedness to the United States in the sum of \$228 is a valid obligation and that the amount remaining due should be paid. The indebtedness represents costs of medical and dental services rendered to Mrs. Brito and her son, Kareem, in the outpatient clinic of the Kenner Army Hospital, Department of the Army, Fort Lee, Virginia, during the period August 8, 1975, to February 23, 1976.

The record discloses that Mrs. Brito inquired about medical care for herself and her son at Kenner Army Hospital as dependents of Mr. Anthony P. Brito, a veteran who is 100 percent disabled. The claimants presented their identification cards to hospital officials and were issued medical cards by the medical records staff authorizing medical and dental treatment. Medical and dental treatment received by Mrs. Brito and her son in the outpatient clinic of Kenner Army Hospital totaled \$76 for her and \$152 for her son.

Mrs. Brito reports that on a later date, while at Kenner Hospital for dental treatment, she was informed that she and her son were not entitled to receive medical and dental treatment on a military base. Upon review of her identification card with one Sergeant Gallory, he informed her that " * * * she should not be receiving any medical services on base." He showed her a section

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on the reverse side of her identification card which read "15. Medical Care Facilities Authorized a. Uniformed Services - No b. Civilian - No." Mrs. Brito states that she did not take the time out to carefully read the instructions on the card. She was informed that she would have to pay for all services rendered to her and her son at Kenner. The claimant does not feel justified in being required to pay for the mistake of hospital officials.

This Office requested an administrative report from the Department of the Army. In its reply dated August 17, 1978, it is stated as follows:

"Army Regulation 40-3, chapter 4, is used to determine eligibility for care in an army medical treatment facility. There are no provisions within this regulation for treating dependents of Disabled Veterans.

"In accordance with chapter 3, AR 40-3, (copy attached) any person(s) not authorized care in an army medical treatment facility will be charged the full pay-patient rate for the type of care provided. Section III, AR 40-330, provides the rates to be charged for each type of treatment. Attached is a copy of AR 40-330 and DA message dated 30 July 1975 indicating \$19.00 as the correct rate for each outpatient visit.

"DD Form 1173 (Uniformed Services Identification and Privilege Card) is required to be presented by all dependents 10 years or older each time they present themselves for treatment. The same card is issued to dependents of Disabled Veterans with the exception of medical services on the reverse side of the card being indicated as 'no'. Although it is policy for medical records personnel and clinical personnel to check both sides of the card prior to treating a patient, there are instances such as this one in which an unauthorized individual receives care. When this happens and it is referred to the attention of this office, we prepare a statement for each unauthorized treatment received and bill the individual concerned. This is not a punitive action and this procedure is followed in all such cases."

The agency also reports that the indebtedness was paid in installments and that the final payment was received on August 2, 1977.

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The above-referenced regulations of the Department of the Army do not provide for outpatient medical treatment of dependents of disabled veterans in an Army medical treatment facility without charge. Persons not authorized care in such a facility are required to be charged the full pay-patient rate for the type of care provided at the applicable rates. It is unfortunate that Mrs. Brito was misinformed as to her entitlement to medical services. However, no authority existed for officials at the hospital to authorize free medical treatment to her and her son. Since the Government cannot be bound beyond the actual authority conferred upon its agents by statute or by regulations, there is no legal basis upon which reimbursement may be made. 56 Comp. Gen. 131, 136 (1976); 54 id. 747, 749 (1975).

Moreover, the identification cards issued to Mrs. Brito and her son clearly stated on the reverse side that they were not entitled to medical services at medical treatment facilities. Mrs. Brito, therefore, was also negligent in failing to carefully read the reverse side of her identification card.

In light of the foregoing, the settlement action of our Claims Division, dated August 19, 1977, disallowing Mrs. Brito's claim for reimbursement of the sum of \$228 paid by her for medical services received at Kenner Army Hospital, is hereby sustained.

Deputy

R. A. K. 111
Comptroller General
of the United States