

**DEPARTMENT OF AIR FORCE  
FACT SHEET FOR THE BRANDON ACT  
COMMANDER/SUPERVISOR FACILITATED REFERRAL PROGRAM**

**BACKGROUND:** On 5 May 2023, Honorable Cisneros, signed - Directive-type Memorandum (DTM) 23-005 – “Self-Initiated Referral Process for Mental Health Evaluations of Service Members” implementing Section 704 of Public Law 117-81, known as “the Brandon Act.” The Brandon Act - The Commander/Supervisor Facilitated Referral Program, states that Service members (SMs) can initiate a referral process for a mental health evaluation (MHE) through a commanding officer or supervisor who is in a grade of E-6 and above on any basis, at any time, and in any environment. The program will be implemented in two phases. Currently, Phase one implements policy for SMs on active duty. Phase two will be implemented at a later date to include all SMs not serving on active duty (on orders for 30 days or less).

**SERVICE MEMBER:**

- May request a MHE referral from their commander or supervisor who is in the grade of E-6 and above, for any reason or on any basis including, but not limited to, personal distress, personal concerns, and trouble performing duties and functioning in activities valued by the SM that may be attributable to possible changes in mental health. SMs are not required to provide a reason or basis to request and receive a referral.
  
- Can request a facilitated referral at any time and in any environment including but not limited to CONUS, OCONUS, in a deployed setting, assigned to a temporary duty station or on leave.
  
- May still request a self-referral from their Primary Care Manager or other health care provider or directly through the Medical Treatment Facility (MTF) appointment line without going through their commander or supervisor.
  
- Will report mental health issues pursuant to DoDI 6025.19.

**COMMANDING OFFICERS and SUPERVISORS (E-6 and above) will:**

- Ensure measures are in place so a SM under their command or supervision understands the procedures to request a referral for a MHE.
  
- Refer SM to a mental health provider for a MHE as soon as practical.
  
- Should utilize existing mental health resources and processes (e.g., Directors of Psychological Health) to connect Service members with mental health evaluations and care.
  
- Provide the SM’s name and contact information, information on the circumstances that led to the SM requesting the referral if voluntarily provided by the SM. Additional information that may be relevant and necessary to the health and welfare of the SM or mission accomplishment may be provided to the mental health providers. Protect SM’s privacy to the extent possible when disclosing information for referral purposes IAW applicable privacy laws and associated DoD guidance.

- Comply with the requirements in Volume 1 of DoDI 6495.02 and all other applicable DoD policy in addition to referring the SM to a mental health provider, if a SM voluntarily shares information indicating that they were the victim of a sexual assault.
- Ensure as their first priority, if the SM is exhibiting dangerous behavior that precautions are taken to protect the safety of the SM and others before the SM's arrival at the location of the evaluation. If the SM is exhibiting dangerous behavior, owing to concern of potential or imminent danger to self or others, the commanding officer or supervisor will follow safety and communication procedures for an emergency evaluation in accordance with DoDI 6490.04.
- Provide the SM the date, time, and place of the scheduled MHE.
- Reduce stigma by treating referrals for MHEs in a manner similar to referrals for other medical services, to the maximum extent practicable.
- Not request information from a mental health provider regarding the results of the MHE except for information that may be disclosed to command IAW DTM 23-005 or DODI 6490.08.

#### **TRAINING REQUIREMENT**

- Commanders/Supervisors will receive training on how to recognize personnel who may require MHEs based on the individual being an imminent danger to self or others, as demonstrated by individual behavior or apparent mental health.
- SM will receive training on how a SM may obtain a commander/supervisor initiated referral for MHE and privacy protection.
- Training will be completed via MyLearning.

#### **REFERENCES:**

- a) Public Law 117-81, Section 704, "The National Defense Authorization Act for Fiscal Year 2022," December 27, 2021
- b) Directive-type Memorandum 23-005 – "Self-Initiated Referral Process for Mental Health Evaluations of SMs," May 5, 2023 (The DTM can be found at Washington Headquarters Services website (whs.mil))
- c) DoD Instruction 6025.19, "Individual Medical Readiness Program," July 13, 2022
- d) DoD Instruction 6490.04, "Mental Health Evaluations of Members of the Military Services," March 4, 2013, as amended
- e) DoD Instruction 6490.08, "Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members," August 17, 2011
- f) DoD Instruction 6495.02, Volume 1, "Sexual Assault Prevention and Response: Program Procedures," March 28, 2013, as amended