

BRANDON ACT

Background

In June 2020, Congressman Seth Moulton introduced legislation, referred to as the Brandon Act, to improve the process for referring service members for a mental health evaluation. The Brandon Act honors Petty Officer 3rd Class Brandon Caserta who died by suicide in 2018. The legislation was signed into law by President Joe Biden on December 27, 2021, as part of the National Defense Authorization Act for Fiscal Year 2022.

DOD issued guidance on May 5, 2023, to establish policy, assign responsibilities, and provide procedures for service members to initiate a referral for a mental health evaluation.

Policy Guidance

- Service members can initiate a referral process for a mental health evaluation through a commanding officer or supervisor who is in a grade above E-5 on any basis, at any time, and in any environment.
- The Department fosters a culture of support to create an environment that promotes help-seeking behaviors and to reduce the stigma for seeking mental health care.
- Service member patient rights and confidentiality are protected as much as possible, in accordance with requirements for confidentiality of health information under the Health Insurance Portability and Accountability Act of 1996, and applicable privacy laws and regulations.
- The commanding officer or supervisor will refer a service member to a mental health provider for a mental health evaluation, as soon as possible, following a request by the service member.
- As always, service members may independently seek mental health care without involving their supervisor or commander.
- The Brandon Act is not meant to replace other methods of seeking care, rather it provides an additional method for service members to seek confidential care

Key Takeaways

- Service members may request a referral for any reason or on any basis.
- Service members are not required to provide a reason or basis to request and receive a referral.
- Commanding officers or supervisors in a grade above E-5 will ensure measures are in place so a service member under their command understands the procedures to request a referral for a mental health evaluation.
- Service members may also continue seeking mental health services directly from their mental health clinic or provider.
- Mental health providers will conduct the mental health evaluation and provide necessary clinical care.

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- Mental health providers will assess the service member's medical readiness for duty with specific consideration for mental health, risk of harm to self or others, symptom severity, prognosis for return to duty, and risk of decompensation, aggravation, or further injury if participation in occupational activities continues.
- The Defense Health Agency worked closely with the Military Departments on education and training to enable the Military Departments to educate all service members on the process to seek support by requesting a referral for a mental health evaluation. The Defense Health Agency also worked closely with the Military Departments to implement training for commanding officers and supervisors who received requests from service members for a mental health evaluation to ensure requests were handled in an appropriate and timely manner.

Learn More



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