

1985—Pub. L. 99-166, title I, §§101(b)(2), 107(b), Dec. 3, 1985, 99 Stat. 943, 946, added item 612B and struck out “; pilot program” after “disabilities” in item 620A.

1983—Pub. L. 98-160, title I, §§103(a)(3), 104(b), Nov. 21, 1983, 97 Stat. 996, 998, inserted “; adult day health care” in item 620 and added item 630.

1982—Pub. L. 97-295, §4(15), Oct. 12, 1982, 96 Stat. 1306, substituted “Hospital care, medical services, and nursing home care abroad” for “Hospital care and medical services abroad” in item 624.

1981—Pub. L. 97-72, title I, §§106(a)(2), 107(c)(2), (d)(2), Nov. 3, 1981, 95 Stat. 1051, 1052, 1053, added item 629, substituted “HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES” for “HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS” in item relating to subchapter IV, and substituted “Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center” for “Contracts and grants to provide hospital care, medical services and nursing home care” in item 632.

1980—Pub. L. 96-330, title IV, §401(b), Aug. 26, 1980, 94 Stat. 1051, substituted “Evidence of inability to defray necessary expenses” for “Statement under oath” in item 622.

1979—Pub. L. 96-22, title I, §§103(a)(2), 104(b), 105(b), 106(b), June 13, 1979, 93 Stat. 50, 51, 53, added items 612A, 620A, 634, and 661 to 664 and redesignated former item 634 as 635.

1977—Pub. L. 95-62, §4(b), July 5, 1977, 91 Stat. 263, struck out item 644 “Authorization of appropriations”.

1976—Pub. L. 94-581, title II, §§202(a), 203(b), Oct. 21, 1976, 90 Stat. 2855, 2856, inserted “NURSING HOME,” in chapter heading, and, in analysis of subchapter headings and section catchlines, inserted “; NURSING HOME” in item for subchapter II, inserted “; nursing home” in item 610, substituted “Care” for “Hospitalization” in item 611, and inserted “AND NURSING HOME” in item for subchapter III.

1973—Pub. L. 93-82, title I, §§103(c), 106(b), 107(b), 109(b), Aug. 2, 1973, 87 Stat. 182, 184, 186, 187, substituted “Medical care for survivors and dependents of certain veterans” and “Fitting and training in use of prosthetic appliances; seeing-eye dogs” for “Fitting and training in use of prosthetic appliances” and “Seeing-eye dogs” in items 613 and 614 respectively, substituted “natural disaster” for “fire” in item 626, added item 628, substituted “Assistance to the Republic of the Philippines” and “Contracts and grants to provide hospital care, medical services and nursing home care” for “Grants to the Republic of the Philippines” and “Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948” in items 631 and 632, respectively, and added “SUBCHAPTER VI—SICKLE CELL ANEMIA” comprising items 651 to 654.

Pub. L. 93-43, §4(c)(2), June 18, 1973, 87 Stat. 79, struck out item 625 “Arrests for crimes in hospitals and domiciliary reservations”.

1969—Pub. L. 91-178, §2(b), Dec. 30, 1969, 83 Stat. 837, added item 644.

1968—Pub. L. 90-493, §3(b), Aug. 19, 1968, 82 Stat. 809, substituted “Invalid lifts and other devices” for “Invalid lifts and other devices for pensioners” in item 617.

1964—Pub. L. 88-450, §§2(b), 6(b), Aug. 19, 1964, 78 Stat. 500, 504, inserted “and other devices” in item 617 and added item 620.

1962—Pub. L. 87-850, §1(b), Oct. 23, 1962, 76 Stat. 1126, added item 619.

Pub. L. 87-574, §2(2), Aug. 6, 1962, 76 Stat. 308, added item 618.

1959—Pub. L. 86-211, §7(b), Aug. 29, 1959, 73 Stat. 436, added item 617.

SUBCHAPTER I—GENERAL

§ 1701. Definitions

For the purposes of this chapter—

(1) The term “disability” means a disease, injury, or other physical or mental defect.

(2) The term “veteran of any war” includes any veteran awarded the Medal of Honor.

(3) The term “facilities of the Department” means—

(A) facilities over which the Secretary has direct jurisdiction;

(B) Government facilities for which the Secretary contracts; and

(C) public or private facilities at which the Secretary provides recreational activities for patients receiving care under section 1710 of this title.

(4) The term “non-Department facilities” means facilities other than Department facilities.

(5) The term “hospital care” includes—

(A)(i) medical services rendered in the course of the hospitalization of any veteran, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title;

(B) such mental health services, consultation, professional counseling, and training for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent or survivor of a veteran receiving care under the last sentence of section 1781(b) of this title; and

(C)(i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran receiving care under the last sentence of section 1781(b) of this title, and (ii) travel and incidental expenses for such dependent or survivor under the terms and conditions set forth in section 111 of this title.

(6) The term “medical services” includes, in addition to medical examination, treatment, and rehabilitative services, the following:

(A) Surgical services.

(B) Dental services and appliances as described in sections 1710 and 1712 of this title.

(C) Optometric and podiatric services.

(D) Preventive health services.

(E) In the case of a person otherwise receiving care or services under this chapter—

(i) wheelchairs, artificial limbs, trusses, and similar appliances;

(ii) special clothing made necessary by the wearing of prosthetic appliances; and

(iii) such other supplies or services as the Secretary determines to be reasonable and necessary.

(F) Travel and incidental expenses pursuant to section 111 of this title.

(7) The term “domiciliary care” includes necessary medical services and travel and incidental expenses pursuant to the provisions of section 111 of this title.

(8) The term “rehabilitative services” means such professional, counseling, and guidance services and treatment programs as are necessary to restore, to the maximum extent possible, the physical, mental, and psychological functioning of an ill or disabled person.

(9) The term “preventive health services” means—

(A) periodic medical and dental examinations;

(B) patient health education (including nutrition education);

(C) maintenance of drug use profiles, patient drug monitoring, and drug utilization education;

(D) mental health preventive services;

(E) substance abuse prevention measures;

(F) immunizations against infectious disease;

(G) prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature;

(H) genetic counseling concerning inheritance of genetically determined diseases;

(I) routine vision testing and eye care services;

(J) periodic reexamination of members of likely target populations (high-risk groups) for selected diseases and for functional decline of sensory organs, together with attendant appropriate remedial intervention; and

(K) such other health-care services as the Secretary may determine to be necessary to provide effective and economical preventive health care.

(10)(A) During the period beginning on November 30, 1999, and ending on December 31, 2008, the term "medical services" includes noninstitutional extended care services.

(B) For the purposes of subparagraph (A), the term "noninstitutional extended care services" means such alternatives to institutional extended care which the Secretary may furnish (i) directly, (ii) by contract, or (iii) (through provision of case management) by another provider or payor.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1141, §601; Pub. L. 86-598, July 7, 1960, 74 Stat. 335; Pub. L. 86-639, §2, July 12, 1960, 74 Stat. 472; Pub. L. 88-481, Aug. 22, 1964, 78 Stat. 593; Pub. L. 90-612, §2, Oct. 21, 1968, 82 Stat. 1202; Pub. L. 93-82, title I, §101, Aug. 2, 1973, 87 Stat. 179; Pub. L. 94-581, title I, §102, title II, §202(b), Oct. 21, 1976, 90 Stat. 2843, 2855; Pub. L. 95-520, §5, Oct. 26, 1978, 92 Stat. 1820; Pub. L. 96-22, title I, §102(c), title II, §201(a), June 13, 1979, 93 Stat. 48, 54; Pub. L. 96-151, title II, §§201(b), 202, Dec. 20, 1979, 93 Stat. 1093, 1094; Pub. L. 97-72, title I, §101, Nov. 3, 1981, 95 Stat. 1047; Pub. L. 97-251, §4, Sept. 8, 1982, 96 Stat. 716; Pub. L. 98-105, Sept. 30, 1983, 97 Stat. 730; Pub. L. 98-160, title I, §106(a), Nov. 21, 1983, 97 Stat. 998; Pub. L. 98-528, title I, §103(a), Oct. 19, 1984, 98 Stat. 2688; Pub. L. 99-108, §2, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99-166, title I, §102(a), Dec. 3, 1985, 99 Stat. 943; Pub. L. 99-272, title XIX, §§1901(d)(2), 19012(a), Apr. 7, 1986, 100 Stat. 378, 380; Pub. L. 99-576, title II, §203, Oct. 28, 1986, 100 Stat. 3255; Pub. L. 100-322, title I, §131, May 20, 1988, 102 Stat. 506; Pub. L. 102-54, §14(b)(8), June 13, 1991, 105 Stat. 283; renumbered §1701 and amended Pub. L. 102-83, §§4(a)(2)(E), (3)-(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-585, title V, §513, Nov. 4, 1992, 106 Stat. 4958; Pub. L. 103-446, title XII, §1202(b)(1), Nov. 2, 1994, 108 Stat. 4689; Pub. L. 104-262, title I, §§101(d)(1), 103(a), Oct. 9, 1996, 110 Stat. 3179, 3182; Pub. L. 106-117, title I, §101(b), Nov. 30, 1999, 113 Stat. 1548; Pub. L. 107-135, title

II, §208(a)(1), (e)(2), Jan. 23, 2002, 115 Stat. 2461, 2463; Pub. L. 107-330, title III, §308(g)(3), Dec. 6, 2002, 116 Stat. 2828; Pub. L. 108-170, title I, §§104(a), 106(a), Dec. 6, 2003, 117 Stat. 2044, 2045.)

CODIFICATION

The text of section 1762 of this title, which was transferred to the end of this section, redesignated as par. (9), and amended by Pub. L. 102-585, was based on Pub. L. 96-22, title I, §105(a), June 13, 1979, 93 Stat. 52, §662; renumbered §1762 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.

PRIOR PROVISIONS

Prior sections 1700 and 1701 were renumbered sections 3500 and 3501 of this title, respectively.

AMENDMENTS

2003—Par. (8). Pub. L. 108-170, §104(a), struck out "(other than those types of vocational rehabilitation services provided under chapter 31 of this title)" after "programs".

Par. (10)(A). Pub. L. 108-170, §106(a), substituted "November 30, 1999, and ending on December 31, 2008," for "the date of the enactment of the Veterans Millennium Health Care and Benefits Act and ending on December 31, 2003."

2002—Par. (5). Pub. L. 107-135, §208(e)(2), substituted "1781(b)" for "1713(b)" in subpars. (B) and (C)(i).

Par. (6). Pub. L. 107-135, §208(a)(1)(A), (B), substituted "services, the following:" for "services—" in introductory provisions and struck out concluding provisions which read as follows: "For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title shall be eligible for the same medical services as a veteran."

Par. (6)(A). Pub. L. 107-135, §208(a)(1)(C), added subpar. (A) and struck out former subpar. (A) which read as follows: "(i) surgical services, dental services and appliances as described in sections 1710 and 1712 of this title, optometric and podiatric services, preventive health services, and (in the case of a person otherwise receiving care or services under this chapter) wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies or services as the Secretary determines to be reasonable and necessary, except that the Secretary may not furnish sensori-neural aids other than in accordance with guidelines which the Secretary shall prescribe, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title; and"

Par. (6)(B) to (F). Pub. L. 107-135, §208(a)(1)(A), (C), added subpars. (B) to (F) and struck out former subpar. (B) which included in the definition of "medical services" certain necessary consultation, professional counseling, training, and mental health services.

Par. (10)(A). Pub. L. 107-330, which directed the substitution of "November 30, 1999," for "the date of the enactment of the Veterans' Millennium Health Care and Benefits Act", could not be executed because the word "Veterans" did not appear in text.

1999—Par. (10). Pub. L. 106-117 added par. (10).

1996—Par. (6)(A)(i). Pub. L. 104-262, §103(a), struck out "(in the case of a person otherwise receiving care or services under this chapter)" before "preventive health services," substituted "(in the case of a person otherwise receiving care or services under this chapter)" for "(except under the conditions described in section 1712(a)(5)(A) of this title)," and inserted "except that the Secretary may not furnish sensori-neural aids other than in accordance with guidelines which the Secretary shall prescribe," after "reasonable and necessary."

Par. (6)(B)(i)(I). Pub. L. 104-262, §101(d)(1)(A), substituted "paragraph (1) or (2) of section 1710(a)" for "section 1712(a)".

Par. (6)(B)(i)(II). Pub. L. 104-262, §101(d)(1)(B), substituted "paragraph (1), (2) or (3) of section 1710(a)" for "section 1712(a)(5)(B)".

1994—Par. (3). Pub. L. 103-446 made technical correction to directory language of Pub. L. 102-83, §4(a)(2)(E). See 1991 Amendment note below.

1992—Par. (6)(A)(i). Pub. L. 102-585, §513(b), substituted "preventive health services," for "preventive health-care services as defined in section 1762 of this title."

Par. (9). Pub. L. 102-585, §513(a), transferred the text of section 1762 of this title to the end of this section and redesignated it as par. (9), substituted "The term 'preventive health service' means" for "For the purposes of this subchapter, the term 'preventive health-care services' means", and redesignated pars. (1) to (11) as subpars. (A) to (K), respectively. See Codification note above.

1991—Pub. L. 102-83, §5(a), renumbered section 601 of this title as this section.

Par. (2). Pub. L. 102-54, §14(b)(8)(A), struck out "any veteran of the Indian Wars, or" after "includes".

Par. (3). Pub. L. 102-83, §5(c)(1), substituted "1710" for "610" in subpar. (C).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in subpars. (A) to (C).

Pub. L. 102-83, §4(a)(2)(E), as amended by Pub. L. 103-446, substituted "facilities of the Department" for "Veterans' Administration facilities".

Pub. L. 102-54, §14(b)(8)(B), (C), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: "The term 'period of war' includes each of the Indian Wars."

Par. (4). Pub. L. 102-83, §4(a)(5), substituted "non-Department" for "non-Veterans' Administration".

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Pub. L. 102-54, §14(b)(8)(E), redesignated par. (9) as (4).

Par. (5). Pub. L. 102-83, §5(c)(1), substituted "1713(b)" for "613(b)" in subpars. (B) and (C)(i).

Par. (6). Pub. L. 102-83, §5(c)(1), in subpar. (A) substituted "1710 and 1712" for "610 and 612", "1762" for "662", and "1712(a)(5)(A)" for "612(a)(5)(A)", in subpar. (B) substituted "1712(a)" for "612(a)", "1712(a)(5)(B)" for "612(a)(5)(B)", and "1713(b)" for "613(b)", and in last sentence substituted "1713(b)" for "613(b)".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 102-54, §14(b)(8)(D), substituted "612(a)(5)(A)" for "612(f)(1)(A)(i)" in subpar. (A)(i) and "612(a)(5)(B)" for "612(f)(1)(A)(ii)" in subpar. (B)(i)(II).

Par. (9). Pub. L. 102-54, §14(b)(8)(E), redesignated par. (9) as (4).

1988—Par. (4)(C). Pub. L. 100-322 added subpar. (C).

1986—Par. (4). Pub. L. 99-272, §19012(a)(1), struck out cl. (C) and provision following such clause, both relating to private facilities under contract as Veterans' Administration facilities.

Par. (6)(A)(i). Pub. L. 99-272, §19011(d)(2)(A), substituted "section 612(f)(1)(A)(i)" for "section 612(f)(1)(A)".

Par. (6)(B). Pub. L. 99-576 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

"(i) of the service-connected disability of a veteran pursuant to section 612(a) of this title, and

"(ii) in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612(f)(1)(A)(ii) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital,

for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of such family member or individual in the case of a veteran who is receiving care for a

service-connected disability, or in the case of dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title). For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title shall be eligible for the same medical services as a veteran."

Par. (6)(B)(ii). Pub. L. 99-272, §19011(d)(2)(B), substituted "section 612(f)(1)(A)(ii)" for "section 612(f)(1)(B)".

Par. (9). Pub. L. 99-272, §19012(a)(2), added par. (9).

1985—Par. (4)(C)(v). Pub. L. 99-166, §102(a), substituted "with respect to the Commonwealth of Puerto Rico shall expire on September 30, 1988" for "(except with respect to Alaska and Hawaii) shall expire on October 31, 1985" and struck out "and to the Virgin Islands" before "of the restrictions in this subclause".

Pub. L. 99-108 substituted "October 31, 1985" for "September 30, 1985".

1984—Par. (4)(C)(v). Pub. L. 98-528 substituted "September 30, 1985" for "September 30, 1984".

1983—Par. (4)(C)(v). Pub. L. 98-105 substituted "September 30, 1984" for "September 30, 1983".

Par. (6)(a)(i). Pub. L. 98-160 inserted "(in the case of a person otherwise receiving care or services under this chapter) preventive health-care services as defined in section 662 of this title."

1982—Par. (4)(C)(v). Pub. L. 97-251 substituted "September 30, 1983" for "September 30, 1982".

1981—Par. (4)(C)(v). Pub. L. 97-72 substituted "September 30, 1982" for "December 31, 1981".

1979—Par. (4). Pub. L. 96-22, §§102(c)(1), 201(a), substituted "medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of the first sentence, or the third sentence, of section 612(f) of this title or of a veteran described in section 612(g) of this title if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in facilities described in clauses (A) and (B) of this paragraph" for "medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of section 612(f) of this title" in subcl. (ii) of cl. (C), and added subcl. (vi) of cl. (C) and the provisions following cl. (C) relating to the periodic review of the necessity for continuing contractual arrangements in the case of veterans receiving contract care.

Par. (4)(C)(iii). Pub. L. 96-151, §202, inserted provisions respecting safe transfer of the veteran, and substituted "medical services in" for "hospital care in".

Par. (5)(A). Pub. L. 96-151, §201(b)(1), substituted "travel" for "transportation".

Par. (5)(C). Pub. L. 96-151, §201(b)(2), substituted provisions relating to travel and incidental expenses for provisions relating to transportation and incidental expenses.

Par. (6)(A)(i). Pub. L. 96-22, §102(c)(2), substituted "described in sections 610 and 612 of this title" for "authorized in sections 612 (b), (c), (d), and (e) of this title".

Par. (6)(B). Pub. L. 96-151, §201(b)(3), substituted "travel and incidental expenses" for "necessary expenses of travel and subsistence".

1978—Par. (4)(C)(v). Pub. L. 95-520 defined "Veterans' Administration facilities" to include certain private facilities to provide medical services to obviate the need for hospital admission, deleted reference to hospital care for veterans in a territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, substituted provision requiring the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at expense of Veterans' Administration in Government and private facilities in each noncontiguous State to be consistent with patient load or incidence of the provision of medical services

for veterans hospitalized or treated by the Veterans' Administration within the forty-eight contiguous States for prior requirement that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each noncontiguous State not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; extended termination date for exercise of subcl. (v) authority to Dec. 31, 1981, from Dec. 31, 1978, except as to Alaska and Hawaii, and authorized waiver by the Administrator, to prevent hardship, of applicability to Puerto Rico and Virgin Islands of subcl. (v) restrictions with respect to hospital patient loads and incidence of provision of medical services.

1976—Par. (4)(A). Pub. L. 94-581, §202(b)(1), substituted "direct jurisdiction" for "direct and exclusive jurisdiction".

Par. (4)(C). Pub. L. 94-581, §202(b)(2), inserted "when facilities described in clause (A) or (B) of this paragraph are not capable of furnishing economical care because of geographical inaccessibility or of furnishing the care or services required" after "contracts" in provisions preceding subcl. (i), substituted "to a veteran for the treatment of a service-connected disability or a disability for which a veteran was discharged" for "for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged" in subcl. (i), added subcls. (ii) and (iii), redesignated former subcls. (ii) and (iii) as (iv) and (v), respectively, and in subcl. (v) as so redesignated, substituted "subclause (v)" for "clause (iii)".

Par. (5)(A)(ii). Pub. L. 94-581, §202(b)(3), substituted "pursuant to the provisions of section 111 of this title" for "for any veteran who is in need of treatment for a service-connected disability or who is unable to defray the expense of transportation".

Par. (5)(B). Pub. L. 94-581, §102(1), substituted "for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title; and" for "(including (i) necessary expenses for transportation if unable to defray such expenses; or (ii) necessary expenses of transportation and subsistence in the case of a veteran who is receiving care for a service-connected disability, or in the case of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, under the terms and conditions set forth in section 111 of this title) of the members of the immediate family (including legal guardians) of a veteran or such a dependent or survivor of a veteran, or in the case of a veteran or such dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or such a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a veteran or such a dependent or a survivor of a veteran; and".

Par. (6). Pub. L. 94-581, §102(2), expanded definition of "medical services" to include rehabilitation services, podiatric services, and travel and incidental expenses pursuant to the provisions of section 111 of this title, and, for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran, such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment of the service-connected disability of a veteran pursuant to section 612(a) of this title, and, in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612(f)(1)(B) of this title where such services were initiated during the veteran's hospitalization and the provi-

sion of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.

Par. (7). Pub. L. 94-581, §102(3), substituted "necessary medical services and travel and incidental expenses pursuant to the provisions of section 111 of this title" for "transportation and incidental expenses for veterans who are unable to defray the expenses of transportation".

Par. (8). Pub. L. 94-581, §102(4), added par. (8).
1973—Par. (4)(C). Pub. L. 93-82, §101(a), extended the Administrator's contract authority for providing hospital care and medical services to persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service and removed the limitation on such authority that such care be rendered in emergency cases only.

Par. (5). Pub. L. 93-82, §101(b), incorporated existing provisions in subpar. (A) and added subpars. (B) and (C).

Par. (6). Pub. L. 93-82, §101(c), expanded definition of "medical services" to include home health services determined by the Secretary to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran receiving care under section 613(b) of this title.

1968—Par. (4)(C)(iii). Pub. L. 90-612 expanded category of veterans of wars in the Territories, Commonwealths, or possessions of the United States to include, until December 31, 1978, veterans of such wars in States not contiguous to the forty-eight contiguous States, with the annually determined average hospital patient load per thousand of hospitalized veteran population in each such noncontiguous States not to exceed the average within the forty-eight contiguous States.

1964—Par. (2). Pub. L. 88-481 included any veteran awarded the Medal of Honor.

1960—Par. (6). Pub. L. 86-639 inserted "(except under the conditions described in section 612(f)(1))".

Pub. L. 86-598 inserted "optometrists' services" after "medical examination and treatment".

EFFECTIVE DATE OF 1994 AMENDMENT

Section 1202(b) of Pub. L. 103-446 provided that the amendment made by that section is effective Aug. 6, 1991, and as if included in the enactment of Pub. L. 102-83.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 19011(d)(2) of Pub. L. 99-272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99-272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-151 effective Jan. 1, 1980, see section 206 of Pub. L. 96-151, set out as a note under section 111 of this title.

Section 107 of Pub. L. 96-22 provided that: "The amendments made to title 38, United States Code, by sections 102, 103, 104, 105, and 106 of this Act [see Tables for classification] shall be effective on October 1, 1979."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 501 of Pub. L. 93-82 provided that: "The provisions of this Act [see Tables for classification] shall become effective the first day of the first calendar month following the date of enactment [Aug. 2, 1973], except that sections 105 and 106 [amending section 626 [now 1726] of this title and enacting section 628 [now 1728] of this title] shall be effective on January 1, 1971; section 107 [enacting sections 631 and 632 [now 1731 and 1732] of this title and provisions set out as note under section

1732 of this title] shall be effective July 1, 1973; and section 203 [amending former section 4107 of this title] shall become effective beginning the first pay period following thirty days after the date of enactment of this Act [Aug. 2, 1973]."

GUIDELINES RELATING TO FURNISHING OF SENSORI-
NEURAL AIDS

Section 103(b) of Pub. L. 104-262 provided that: "Not later than 30 days after the date of the enactment of this Act [Oct. 9, 1996], the Secretary of Veterans Affairs shall prescribe the guidelines required by the amendments made by subsection (a) [amending this section] and shall furnish a copy of those guidelines to the Committees on Veterans' Affairs of the Senate and House of Representatives."

STUDY OF FEASIBILITY AND ADVISIBILITY OF ALTERNATIVE ORGANIZATIONAL STRUCTURES FOR EFFECTIVE PROVISION OF HEALTH CARE SERVICES TO VETERANS

Section 1104 of Pub. L. 103-446 directed Secretary of Veterans Affairs to submit to Congress, not later than one year after Nov. 2, 1994, report and study on feasibility and advisability of alternative organizational structures, such as the establishment of a wholly-owned Government corporation or a Government-sponsored enterprise, for the effective provision of health care services to veterans.

CONTRACT HEALTH CARE; RATIFICATION OF ACTION OF ADMINISTRATOR OF VETERANS' AFFAIRS

Section 103(b) of Pub. L. 98-528 ratified actions by Administrator of Veterans' Affairs in entering into contracts applicable to the period beginning Oct. 1, 1984, and ending Oct. 19, 1984, for care described in par. (4)(C)(v) of this section and in making waivers described in that provision.

ADMINISTRATION CAPABILITY TO PROVIDE APPROPRIATE CARE FOR GENDER-SPECIFIC DISABILITIES OF WOMEN VETERANS

Section 302 of Pub. L. 98-160, as amended by Pub. L. 102-40, title IV, §402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102-83, §§5(c)(2), 6(f), Aug. 6, 1991, 105 Stat. 406, 407, provided that: "The Secretary of Veterans Affairs shall ensure that each health-care facility under the direct jurisdiction of the Secretary is able, through services made available either by individuals appointed to positions in the Veterans Health Administration or under contracts or other agreements made under section 4117 [see 7409], 8111, or 8153 of title 38, United States Code, to provide appropriate care, in a timely fashion, for any gender-specific disability (as defined in section 1701(1) of such title) of a woman veteran eligible for such care under chapter 17 or chapter 31 of such title."

ANNUAL REPORT TO CONGRESS COVERING CONTRACT-CARE PROGRAMS

Section 201(b) of Pub. L. 96-22, which directed Chief Medical Director of the Veterans' Administration to report to appropriate committees of Congress, not later than Feb. 1, 1980, and annually thereafter, on implementation of former par. (4)(C)(v) of this section and amendments made to this section by section 201 of Pub. L. 96-22, and on numbers of veterans provided contract treatment (and average cost and duration thereof) in each State in certain enumerated categories, was repealed by Pub. L. 100-322, title I, §112(b), May 20, 1988, 102 Stat. 499.

HOSPITAL CARE AND MEDICAL SERVICES FURNISHED BY VETERANS' ADMINISTRATION IN PUERTO RICO AND VIRGIN ISLANDS; REPORT TO PRESIDENT AND CONGRESS

Section 8 of Pub. L. 95-520, as amended by Pub. L. 96-330, title IV, §407, Aug. 26, 1980, 94 Stat. 1053, directed Administrator of Veterans' Affairs, not later than Feb.

1, 1981, to submit a report to President and Congress on furnishing by Administration of hospital care and medical services in Puerto Rico and Virgin Islands, and set forth applicable criteria and considerations for the report.

§ 1702. Presumption relating to psychosis

For the purposes of this chapter, any veteran of World War II, the Korean conflict, the Vietnam era, or the Persian Gulf War who developed an active psychosis (1) within two years after discharge or release from the active military, naval, or air service, and (2) before July 26, 1949, in the case of a veteran of World War II, before February 1, 1957, in the case of a veteran of the Korean conflict, before May 8, 1977, in the case of a Vietnam era veteran, or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War, shall be deemed to have incurred such disability in the active military, naval, or air service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1141, §602; Pub. L. 90-77, title II, §203(a), Aug. 31, 1967, 81 Stat. 183; Pub. L. 97-295, §4(16), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99-576, title VII, §701(20), Oct. 28, 1986, 100 Stat. 3292; Pub. L. 102-25, title III, §334(b), Apr. 6, 1991, 105 Stat. 88; renumbered §1702, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 602 of this title as this section.

Pub. L. 102-25 substituted "the Vietnam era, or the Persian Gulf War" for "or the Vietnam era", struck out "or" before "before May 8, 1977", and inserted "or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War," after "Vietnam era veterans."

1986—Pub. L. 99-576 struck out "his" before "discharge".

1982—Pub. L. 97-295 substituted "before February 1, 1957, in the case of a veteran of the Korean conflict, or before May 8, 1977," for "or February 1, 1957, in the case of a veteran of the Korean conflict, or before the expiration of two years following termination of the Vietnam era".

1967—Pub. L. 90-77 made the presumption relating to psychosis applicable to any veteran of the Vietnam era who developed an active psychosis within two years after his discharge from active service and before the expiration of two years following termination of the Vietnam era.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

§ 1703. Contracts for hospital care and medical services in non-Department facilities

(a) When Department facilities are not capable of furnishing economical hospital care or medical services because of geographical inaccessibility or are not capable of furnishing the care or services required, the Secretary, as authorized in section 1710 of this title, may contract with non-Department facilities in order to furnish any of the following:

(1) Hospital care or medical services to a veteran for the treatment of—

- (A) a service-connected disability;
- (B) a disability for which a veteran was discharged or released from the active military, naval, or air service; or
- (C) a disability of a veteran who has a total disability permanent in nature from a service-connected disability.

(2) Medical services for the treatment of any disability of—

(A) a veteran described in section 1710(a)(1)(B) of this title;

(B) a veteran who (i) has been furnished hospital care, nursing home care, domiciliary care, or medical services, and (ii) requires medical services to complete treatment incident to such care or services; or

(C) a veteran described in section 1710(a)(2)(E) of this title, or a veteran who is in receipt of increased pension, or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance), if the Secretary has determined, based on an examination by a physician employed by the Department (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in Department facilities.

(3) Hospital care or medical services for the treatment of medical emergencies which pose a serious threat to the life or health of a veteran receiving medical services in a Department facility or nursing home care under section 1720 of this title until such time following the furnishing of care in the non-Department facility as the veteran can be safely transferred to a Department facility.

(4) Hospital care for women veterans.

(5) Hospital care, or medical services that will obviate the need for hospital admission, for veterans in a State (other than the Commonwealth of Puerto Rico) not contiguous to the contiguous States, except that the annually determined hospital patient load and incidence of the furnishing of medical services to veterans hospitalized or treated at the expense of the Department in Government and non-Department facilities in each such noncontiguous State shall be consistent with the patient load or incidence of the furnishing of medical services for veterans hospitalized or treated by the Department within the 48 contiguous States and the Commonwealth of Puerto Rico.

(6) Diagnostic services necessary for determination of eligibility for, or of the appropriate course of treatment in connection with, furnishing medical services at independent Department out-patient clinics to obviate the need for hospital admission.

(7) Outpatient dental services and treatment, and related dental appliances, for a veteran described in section 1712(a)(1)(F) of this title.

(8) Diagnostic services (on an inpatient or outpatient basis) for observation or examina-

tion of a person to determine eligibility for a benefit or service under laws administered by the Secretary.

(b) In the case of any veteran for whom the Secretary contracts to furnish care or services in a non-Department facility pursuant to a provision of subsection (a) of this section, the Secretary shall periodically review the necessity for continuing such contractual arrangement pursuant to such provision.

(c) The Secretary shall include in the budget documents which the Secretary submits to Congress for any fiscal year a detailed report on the furnishing of contract care and services during the most recently completed fiscal year under this section, sections 1712A, 1720, 1720A, 1724, and 1732 of this title, and section 115 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 501).

(d)(1) The Secretary shall conduct a program of recovery audits for fee basis contracts and other medical services contracts for the care of veterans under this section, and for beneficiaries under sections 1781, 1782, and 1783 of this title, with respect to overpayments resulting from processing or billing errors or fraudulent charges in payments for non-Department care and services. The program shall be conducted by contract.

(2) Amounts collected, by setoff or otherwise, as the result of an audit under the program conducted under this subsection shall be available, without fiscal year limitation, for the purposes for which funds are currently available to the Secretary for medical care and for payment to a contractor of a percentage of the amount collected as a result of an audit carried out by the contractor.

(3) The Secretary shall allocate all amounts collected under this subsection with respect to a designated geographic service area of the Veterans Health Administration, net of payments to the contractor, to that region.

(4) The authority of the Secretary under this subsection terminates on September 30, 2008.

(Added Pub. L. 99-272, title XIX, §19012(b)(1), Apr. 7, 1986, 100 Stat. 380, §603; amended Pub. L. 99-166, title I, §102(b)(1), Dec. 3, 1985, 99 Stat. 943; Pub. L. 99-272, title XIX, §19012(c)(5)(A), Apr. 7, 1986, 100 Stat. 382; Pub. L. 100-322, title I, §§101(e)(3), 104, 112(a), May 20, 1988, 102 Stat. 492, 493, 499; Pub. L. 100-687, div. B, title XV, §1503(a)(1), Nov. 18, 1988, 102 Stat. 4133; Pub. L. 102-54, §14(b)(9), June 13, 1991, 105 Stat. 283; renumbered §1703 and amended Pub. L. 102-83, §§4(a)(1), (3)-(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 102-585, title V, §501, Nov. 4, 1992, 106 Stat. 4955; Pub. L. 104-262, title I, §104(b), Oct. 9, 1996, 110 Stat. 3184; Pub. L. 108-422, title VI, §601, Nov. 30, 2004, 118 Stat. 2396; Pub. L. 109-13, div. A, title VI, §6080, May 11, 2005, 119 Stat. 302.)

REFERENCES IN TEXT

Section 115 of the Veterans' Benefits and Services Act of 1988, referred to in subsec. (c), is set out as a note under section 1712 of this title.

AMENDMENTS

2005—Subsec. (d)(2). Pub. L. 109-13 substituted "shall be available, without fiscal year limitation, for the purposes" for "shall be available for the purposes".

2004—Subsec. (d). Pub. L. 108-422 added subsec. (d).

1996—Subsec. (a). Pub. L. 104-262, §104(b)(1), struck out “or 1712” after “, as authorized in section 1710” in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 104-262, §104(b)(2)(A), substituted “1710(a)(1)(B)” for “1712(a)(1)(B)”.

Subsec. (a)(2)(B). Pub. L. 104-262, §104(b)(2)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: “a veteran described in paragraph (2), (3), or (4) of section 1712(a) of this title, for a purpose described in section 1712(a)(5)(B) of this title;”.

Subsec. (a)(2)(C). Pub. L. 104-262, §104(b)(2)(C), substituted “section 1710(a)(2)(E) of this title, or a veteran who is in receipt of increased pension, or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance),” for “section 1712(a)(3) (other than a veteran who is a former prisoner of war) of this title”.

Subsec. (a)(7). Pub. L. 104-262, §104(b)(3), substituted “1712(a)(1)(F)” for “1712(b)(1)(F)”.

1992—Subsec. (a)(1)(C). Pub. L. 102-585 added subpar. (C).

1991—Pub. L. 102-83, §5(a), renumbered section 603 of this title as this section.

Pub. L. 102-83, §4(a)(5), substituted “non-Department” for “non-Veterans Administration” in section catchline.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1710 or 1712” for “610 or 612” in introductory provisions, “1712(a)(1)(B)” for “612(a)(1)(B)” in par. (2)(A), “1712(a)” for “612(a)” and “1712(a)(5)(B)” for “612(a)(5)(B)” in par. (2)(B), “1712(a)(3)” for “612(a)(3)” in par. (2)(C), “1720” for “620” in par. (3), and “1712(b)(1)(F)” for “612(b)(1)(F)” in par. (7).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions and in par. (2)(C).

Pub. L. 102-83, §4(a)(5), substituted “non-Department” for “non-Veterans Administration” in introductory provisions and in pars. (3) and (5).

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans Administration” wherever appearing in introductory provisions and pars. (2), (3), (5), and (6).

Subsec. (a)(2)(B). Pub. L. 102-54, §14(b)(9)(A), struck out “section” before “paragraph”.

Subsec. (a)(7). Pub. L. 102-54, §14(b)(9)(B), substituted “section 612(b)(1)(F)” for “section 612(b)(1)(G)”.

Subsec. (a)(8). Pub. L. 102-83, §4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans Administration”.

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, §4(a)(5), substituted “non-Department” for “non-Veterans Administration”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “1712A, 1720, 1720A, 1724, and 1732” for “612A, 620, 620A, 624, and 632”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-54, §14(b)(9)(C), inserted before period at end “(Public Law 100-322: 102 Stat. 501)”.

1988—Subsec. (a). Pub. L. 100-322, §104(b)(1), substituted “furnish any of the following:” for “furnish—”.

Subsec. (a)(1). Pub. L. 100-322, §104(b)(2), (3), substituted “Hospital” for “hospital” and the period for semicolon at end.

Subsec. (a)(2). Pub. L. 100-322, §104(b)(2), (3), substituted “Medical” for “medical” and the period for semicolon at end.

Subsec. (a)(2)(B). Pub. L. 100-687 substituted “paragraph (2), (3), or (4) of section 612(a)” for “612(a)(4)”, and “612(a)(5)(B)” for “612(a)(5)”.

Pub. L. 100-322, §101(e)(3)(A), substituted “section 612(a)(4) of this title, for a purpose described in section 612(a)(5) of this title” for “section 612(f)(1)(A)(ii) of this title”.

Subsec. (a)(2)(C). Pub. L. 100-322, §101(e)(3)(B), substituted “section 612(a)(3) (other than a veteran who is a former prisoner of war)” for “section 612(g)”.

Subsec. (a)(3). Pub. L. 100-322, §104(a)(1), (b)(2), (3), substituted “Hospital” for “hospital”, inserted “or nursing home care under section 620 of this title”, and substituted the period for semicolon at end.

Subsec. (a)(4), (5). Pub. L. 100-322, §104(b)(2), (3), substituted “Hospital” for “hospital” and the period for semicolon at end.

Subsec. (a)(6). Pub. L. 100-322, §104(b)(2), (4), substituted “Diagnostic” for “diagnostic” and the period for “; or”.

Subsec. (a)(7). Pub. L. 100-322, §104(b)(2), substituted “Outpatient” for “outpatient”.

Subsec. (a)(8). Pub. L. 100-322, §104(a)(2), added par. (8).

Subsec. (c). Pub. L. 100-322, §112(a), added subsec. (c). 1986—Subsec. (a)(5). Pub. L. 99-272, §19012(c)(5)(A), made conforming amendment to Pub. L. 99-166, §102(b)(1). See 1985 Amendment note below.

1985—Subsec. (a)(5). Pub. L. 99-166, §102(b)(1), as amended by Pub. L. 99-272, §19012(c)(5)(A), inserted “(other than the Commonwealth of Puerto Rico)” after “in a State” and substituted “contiguous States and the Commonwealth of Puerto Rico” for “contiguous States, but the authority of the Administrator under this paragraph with respect to the Commonwealth of Puerto Rico shall expire on September 30, 1988, and until such date the Administrator may, if necessary to prevent hardship, waive the applicability to the Commonwealth of Puerto Rico of the restrictions in this paragraph with respect to hospital patient loads and the incidence of the furnishing of medical services”.

EFFECTIVE DATE OF 1988 AMENDMENTS

Section 1503(b) of Pub. L. 100-687 provided that: “The amendments made by subsection (a)(1) [amending this section] shall apply with respect to the furnishing of medical services by contract to veterans who apply to the Veterans Administration for medical services after June 30, 1988.”

Section 101(i) of Pub. L. 100-322 provided that: “The amendments made by this section [amending this section and sections 612 and 617 [now 1712 and 1717] of this title] shall apply with respect to the furnishing of medical services to veterans who apply for such services after June 30, 1988.”

EFFECTIVE DATE OF 1985 AMENDMENT

Section 102(b)(1) of Pub. L. 99-166, as amended by Pub. L. 99-272, title XIX, §19012(c)(5)(A), Apr. 7, 1986, 100 Stat. 382, provided that the amendment made by that section is effective Oct. 1, 1988.

RATIFICATION OF MEDICAL SERVICES CONTRACTS

Section 1503(c) of Pub. L. 100-687 ratified actions of the Administrator in contracting with facilities other than Veterans Administration facilities for furnishing medical services incident to treatment of certain veterans receiving hospital, nursing home, or domiciliary care, who applied for such services during the period beginning July 1, 1988, and ending Nov. 18, 1988.

PUERTO RICO CONTRACT CARE; LIMITATION ON INCURRING OF OBLIGATIONS

Section 102(b)(2)–(5) of Pub. L. 99-166, as amended by Pub. L. 99-272, title XIX, §19012(c)(5)(B), Apr. 7, 1986, 100 Stat. 382, limited Administrator’s authority to incur obligations for medical services for veterans residing in Puerto Rico during fiscal years 1986 to 1988.

§ 1704. Preventive health services: annual report

Not later than October 31 each year, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on preventive health services. Each such report shall include the following:

(1) A description of the programs and activities of the Department with respect to preventive health services during the preceding fiscal year, including a description of the following:

(A) The programs conducted by the Department—

(i) to educate veterans with respect to health promotion and disease prevention; and

(ii) to provide veterans with preventive health screenings and other clinical services, with such description setting forth the types of resources used by the Department to conduct such screenings and services and the number of veterans reached by such screenings and services.

(B) The means by which the Secretary addressed the specific preventive health services needs of particular groups of veterans (including veterans with service-connected disabilities, elderly veterans, low-income veterans, women veterans, institutionalized veterans, and veterans who are at risk for mental illness).

(C) The manner in which the provision of such services was coordinated with the activities of the Medical and Prosthetic Research Service of the Department and the National Center for Preventive Health.

(D) The manner in which the provision of such services was integrated into training programs of the Department, including initial and continuing medical training of medical students, residents, and Department staff.

(E) The manner in which the Department participated in cooperative preventive health efforts with other governmental and private entities (including State and local health promotion offices and not-for-profit organizations).

(F) The specific research carried out by the Department with respect to the long-term relationships among screening activities, treatment, and morbidity and mortality outcomes.

(G) The cost effectiveness of such programs and activities, including an explanation of the means by which the costs and benefits (including the quality of life of veterans who participate in such programs and activities) of such programs and activities are measured.

(2) A specific description of research activities on preventive health services carried out during that period using employees, funds, equipment, office space, or other support services of the Department, with such description setting forth—

(A) the source of funds for those activities;

(B) the articles or publications (including the authors of the articles and publications) in which those activities are described;

(C) the Federal, State, or local governmental entity or private entity, if any, with which such activities were carried out; and

(D) the clinical, research, or staff education projects for which funding applications were submitted (including the source of the funds applied for) and upon which a decision is pending or was denied.

(3) An accounting of the expenditure of funds during that period by the National Center for Preventive Health under section 7318 of this title.

(Added Pub. L. 102-585, title V, §512(a), Nov. 4, 1992, 106 Stat. 4957.)

§ 1705. Management of health care: patient enrollment system

(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary, in accordance with regulations the Secretary shall prescribe, shall establish and operate a system of annual patient enrollment. The Secretary shall manage the enrollment of veterans in accordance with the following priorities, in the order listed:

(1) Veterans with service-connected disabilities rated 50 percent or greater.

(2) Veterans with service-connected disabilities rated 30 percent or 40 percent.

(3) Veterans who are former prisoners of war or who were awarded the Purple Heart, veterans with service-connected disabilities rated 10 percent or 20 percent, and veterans described in subparagraphs (B) and (C) of section 1710(a)(2) of this title.

(4) Veterans who are in receipt of increased pension based on a need of regular aid and attendance or by reason of being permanently housebound and other veterans who are catastrophically disabled.

(5) Veterans not covered by paragraphs (1) through (4) who are unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

(6) All other veterans eligible for hospital care, medical services, and nursing home care under section 1710(a)(2) of this title.

(7) Veterans described in section 1710(a)(3) of this title who are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of such section 3(b) or as families under paragraph (3)(B) of such section 3(b).

(8) Veterans described in section 1710(a)(3) of this title who are not covered by paragraph (7).

(b) In the design of an enrollment system under subsection (a), the Secretary—

(1) shall ensure that the system will be managed in a manner to ensure that the provision of care to enrollees is timely and acceptable in quality;

(2) may establish additional priorities within each priority group specified in subsection (a), as the Secretary determines necessary; and

(3) may provide for exceptions to the specified priorities where dictated by compelling medical reasons.

(c)(1) The Secretary may not provide hospital care or medical services to a veteran under paragraph (2) or (3) of section 1710(a) of this title unless the veteran enrolls in the system of patient enrollment established by the Secretary under subsection (a).

(2) The Secretary shall provide hospital care and medical services under section 1710(a)(1) of this title, and under subparagraph (B) of section 1710(a)(2) of this title, for the 12-month period following such veteran's discharge or release from service, to any veteran referred to in such sections for a disability specified in the applicable subparagraph of such section, notwithstanding the failure of the veteran to enroll in the system of patient enrollment referred to in subsection (a) of this section.

(Added Pub. L. 104-262, title I, § 104(a)(1), Oct. 9, 1996, 110 Stat. 3182; amended Pub. L. 106-117, title I, § 112(2), Nov. 30, 1999, 113 Stat. 1556; Pub. L. 107-135, title II, § 202(a), Jan. 23, 2002, 115 Stat. 2457; Pub. L. 107-330, title III, § 308(g)(4), Dec. 6, 2002, 116 Stat. 2828.)

AMENDMENTS

2002—Subsec. (a)(7), (8). Pub. L. 107-135 added pars. (7) and (8) and struck out former par. (7) which read as follows: "Veterans described in section 1710(a)(3) of this title."

Subsec. (c)(1). Pub. L. 107-330 substituted "The Secretary" for "Effective on October 1, 1998, the Secretary".

1999—Subsec. (a)(3). Pub. L. 106-117 inserted "or who were awarded the Purple Heart" after "former prisoners of war".

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-135, title II, § 202(c), Jan. 23, 2002, 115 Stat. 2457, provided that: "The amendments made by this section [amending this section and section 1710 of this title] shall take effect on October 1, 2002."

ASSESSMENT OF IMPLEMENTATION AND OPERATION OF AMENDMENTS BY PUB. L. 104-262

Section 106 of title I of Pub. L. 104-262 provided that: "(a) ASSESSMENT SYSTEMS.—The Secretary of Veterans Affairs shall establish information systems to assess the experience of the Department of Veterans Affairs in implementing sections 101, 103, and 104 [enacting this section and section 1706 of this title, amending sections 1525, 1701, 1703, 1710, 1712, 1712A, 1717, 1718, 1720, 1722, 1729, 2104, 5317, 8110, and 8111A of this title, and enacting provisions set out as a note under section 1701 of this title], including the amendments made by those sections, during fiscal year 1997. The Secretary shall establish those information systems in time to include assessments under such systems in the report required under subsection (b).

"(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report reflecting the experience of the Department during fiscal year 1997 on—

"(1) the effect of implementation of, and provision and management of care under, sections 101, 103, and 104 (including the amendments made by those sections) on demand for health care services from the Department of Veterans Affairs by veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101;

"(2) any differing patterns of demand on the part of such veterans relating to such factors as relative distance from Department facilities and prior experience, or lack of experience, as recipients of care from the Department;

"(3) the extent to which the Department has met such demand for care; and

"(4) changes in health-care delivery patterns in Department facilities and the fiscal impact of such changes.

"(c) MATTERS TO BE INCLUDED.—The report under subsection (b) shall include detailed information with respect to fiscal year 1997 regarding the following:

"(1) The number of veterans enrolled for care at each Department medical facility and, of such veterans, the number enrolled at each such facility who had not received care from the Department during the preceding three fiscal years.

"(2) With respect to the veterans who had not received care from the Department during the three preceding fiscal years, the total cost of providing care to such veterans, shown in total and separately (A) by level of care, and (B) by reference to whether care was furnished in Department facilities or under contract arrangements.

"(3) With respect to the number of veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101, who applied for health care from the Department during fiscal year 1997—

"(A) the number who applied for care (shown in total and separately by facility);

"(B) the number who were denied enrollment (shown in total and separately by facility); and

"(C) the number who were denied care which was considered to be medically necessary but not of an emergency nature (shown in total and separately by facility).

"(4) The numbers and characteristics of, and the type and extent of health care furnished to, veterans enrolled for care (shown in total and separately by facility).

"(5) The numbers and characteristics of, and the type and extent of health care furnished to, veterans not enrolled for care (shown separately by reference to each class of eligibility, both in total and separately by facility).

"(6) The specific fiscal impact (shown in total and by geographic health-care delivery areas) of changes in delivery patterns instituted under the amendments made by this title [enacting this section and section 1706 of this title and amending sections 1525, 1701, 1703, 1710, 1712, 1712A, 1717, 1718, 1720, 1722, 1729, 2104, 5317, 8110, and 8111A of this title]."

§ 1706. Management of health care: other requirements

(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary shall, to the extent feasible, design, establish and manage health care programs in such a manner as to promote cost-effective delivery of health care services in the most clinically appropriate setting.

(b)(1) In managing the provision of hospital care and medical services under such section, the Secretary shall ensure that the Department (and each geographic service area of the Veterans Health Administration) maintains its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) within distinct programs or facilities of the Department that are dedicated to the specialized needs of those veterans in a manner that (A) affords those veterans reasonable access to care and services for those specialized needs, and (B) ensures that overall capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide such services is not reduced below the capacity of the Department, nationwide, to provide those services, as of October 9, 1996. The Secretary shall carry out this paragraph in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.

(2) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, traumatic brain injury, blindness, prosthetics and sensory aids, and mental illness) within distinct programs or facilities shall be measured for seriously mentally ill veterans as follows (with all such data to be provided by geographic service area and totaled nationally):

(A) For mental health intensive community-based care, the number of discrete intensive care teams constituted to provide such intensive services to seriously mentally ill veterans and the number of veterans provided such care.

(B) For opioid substitution programs, the number of patients treated annually and the amounts expended.

(C) For dual-diagnosis patients, the number treated annually and the amounts expended.

(D) For substance-use disorder programs—

(i) the number of beds (whether hospital, nursing home, or other designated beds) employed and the average bed occupancy of such beds;

(ii) the percentage of unique patients admitted directly to outpatient care during the fiscal year who had two or more additional visits to specialized outpatient care within 30 days of their first visit, with a comparison from 1996 until the date of the report;

(iii) the percentage of unique inpatients with substance-use disorder diagnoses treated during the fiscal year who had one or more specialized clinic visits within three days of their index discharge, with a comparison from 1996 until the date of the report;

(iv) the percentage of unique outpatients seen in a facility or geographic service area during the fiscal year who had one or more specialized clinic visits, with a comparison from 1996 until the date of the report; and

(v) the rate of recidivism of patients at each specialized clinic in each geographic service area of the Veterans Health Administration.

(E) For mental health programs, the number and type of staff that are available at each facility to provide specialized mental health treatment, including satellite clinics, outpatient programs, and community-based outpatient clinics, with a comparison from 1996 to the date of the report.

(F) The number of such clinics providing mental health care, the number and type of mental health staff at each such clinic, and the type of mental health programs at each such clinic.

(G) The total amounts expended for mental health during the fiscal year.

(3) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans within dis-

ting programs or facilities shall be measured for veterans with spinal cord dysfunction, traumatic brain injury, blindness, or prosthetics and sensory aids as follows (with all such data to be provided by geographic service area and totaled nationally):

(A) For spinal cord injury and dysfunction specialized centers and for blind rehabilitation specialized centers, the number of staffed beds and the number of full-time equivalent employees assigned to provide care at such centers.

(B) For prosthetics and sensory aids, the annual amount expended.

(C) For traumatic brain injury, the number of patients treated annually and the amounts expended.

(4) In carrying out paragraph (1), the Secretary may not use patient outcome data as a substitute for, or the equivalent of, compliance with the requirement under that paragraph for maintenance of capacity.

(5)(A) Not later than April 1 of each year through 2008, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's compliance, by facility and by service-network, with the requirements of this subsection. Each such report shall include information on recidivism rates associated with substance-use disorder treatment.

(B) In preparing each report under subparagraph (A), the Secretary shall use standardized data and data definitions.

(C) Each report under subparagraph (A) shall be audited by the Inspector General of the Department, who shall submit to Congress a certification as to the accuracy of each such report.

(6)(A) To ensure compliance with paragraph (1), the Under Secretary for Health shall prescribe objective standards of job performance for employees in positions described in subparagraph (B) with respect to the job performance of those employees in carrying out the requirements of paragraph (1). Those job performance standards shall include measures of workload, allocation of resources, and quality-of-care indicators.

(B) Positions described in this subparagraph are positions in the Veterans Health Administration that have responsibility for allocating and managing resources applicable to the requirements of paragraph (1).

(C) The Under Secretary shall develop the job performance standards under subparagraph (A) in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.

(c) The Secretary shall ensure that each primary care health care facility of the Department develops and carries out a plan to provide mental health services, either through referral or direct provision of services, to veterans who require such services.

(Added Pub. L. 104-262, title I, §104(a)(1), Oct. 9, 1996, 110 Stat. 3183; amended Pub. L. 105-368, title IX, §903(a), title X, §1005(b)(2), Nov. 11, 1998, 112 Stat. 3360, 3365; Pub. L. 107-95, §8(a), Dec. 21, 2001, 115 Stat. 919; Pub. L. 107-135, title II, §203,

Jan. 23, 2002, 115 Stat. 2458; Pub. L. 109-461, title II, § 208(a), Dec. 22, 2006, 120 Stat. 3413.)

AMENDMENTS

2006—Subsec. (b)(5)(A). Pub. L. 109-461 substituted “2008” for “2004”.

2002—Subsec. (b)(1). Pub. L. 107-135, § 203(a)(1), inserted “(and each geographic service area of the Veterans Health Administration)” after “ensure that the Department” in introductory provisions and “(and each geographic service area of the Veterans Health Administration)” after “overall capacity of the Department” in cl. (B).

Subsec. (b)(2) to (4). Pub. L. 107-135, § 203(a)(3), added pars. (2) to (4). Former pars. (2) and (3) redesignated (5) and (6), respectively.

Subsec. (b)(5). Pub. L. 107-135, § 203(a)(2), (b), redesignated par. (2) as (5), inserted “(A)” before “Not later than”, substituted “April 1 of each year through 2004” for “April 1, 1999, April 1, 2000, and April 1, 2001”, inserted at end of subpar. (A) “Each such report shall include information on recidivism rates associated with substance-use disorder treatment.”, and added subpars. (B) and (C).

Subsec. (b)(6). Pub. L. 107-135, § 203(a)(2), redesignated par. (3) as (6).

2001—Subsec. (c). Pub. L. 107-95 added subsec. (c).
1998—Subsec. (b)(1). Pub. L. 105-368, § 1005(b)(2), substituted “October 9, 1996” for “the date of the enactment of this section”.

Subsec. (b)(2). Pub. L. 105-368, § 903(a)(1), substituted “April 1, 1999, April 1, 2000, and April 1, 2001” for “April 1, 1997, April 1, 1998, and April 1, 1999”.

Subsec. (b)(3). Pub. L. 105-368, § 903(a)(2), added par. (3).

DEADLINE FOR PRESCRIBING STANDARDS

Pub. L. 105-368, title IX, § 903(b), Nov. 11, 1998, 112 Stat. 3361, provided that: “The standards of job performance required by paragraph (3) of section 1706(b) of title 38, United States Code, as added by subsection (a), shall be prescribed not later than January 1, 1999.”

§ 1707. Limitations

(a) Funds appropriated to carry out this chapter may not be used for purposes that are inconsistent with the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14401 et seq.).

(b) The Secretary may furnish sensori-neural aids only in accordance with guidelines prescribed by the Secretary.

(Added Pub. L. 105-12, § 9(i)(1), Apr. 30, 1997, 111 Stat. 27; amended Pub. L. 107-135, title II, § 208(a)(2), (f)(2), Jan. 23, 2002, 115 Stat. 2462, 2464; Pub. L. 107-330, title III, § 308(g)(5), Dec. 6, 2002, 116 Stat. 2829.)

REFERENCES IN TEXT

The Assisted Suicide Funding Restriction Act of 1997, referred to in subsec. (a), is Pub. L. 105-12, Apr. 30, 1997, 111 Stat. 23, which is classified principally to chapter 138 (§14401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 14401 of Title 42.

AMENDMENTS

2002—Pub. L. 107-135, § 208(f)(2), substituted “Limitations” for “Restriction on use of funds for assisted suicide, euthanasia, or mercy killing” as section catchline.

Pub. L. 107-135, § 208(a)(2), designated existing provisions as subsec. (a) and added subsec. (b).

Subsec. (a). Pub. L. 107-330 inserted “(42 U.S.C. 14401 et seq.)” before period at end.

EFFECTIVE DATE

Section effective Apr. 30, 1997, and applicable to Federal payments made pursuant to obligations incurred

after Apr. 30, 1997, for items and services provided on or after such date, subject to also being applicable with respect to contracts entered into, renewed, or extended after Apr. 30, 1997, as well as contracts entered into before Apr. 30, 1997, to the extent permitted under such contracts, see section 11 of Pub. L. 105-12, set out as a note under section 14401 of Title 42, The Public Health and Welfare.

§ 1708. Temporary lodging

(a) The Secretary may furnish persons described in subsection (b) with temporary lodging in a Fisher house or other appropriate facility in connection with the examination, treatment, or care of a veteran under this chapter or, as provided for under subsection (e)(5), in connection with benefits administered under this title.

(b) Persons to whom the Secretary may provide lodging under subsection (a) are the following:

(1) A veteran who must travel a significant distance to receive care or services under this title.

(2) A member of the family of a veteran and others who accompany a veteran and provide the equivalent of familial support for such veteran.

(c) In this section, the term “Fisher house” means a housing facility that—

(1) is located at, or in proximity to, a Department medical facility;

(2) is available for residential use on a temporary basis by patients of that facility and others described in subsection (b)(2); and

(3) is constructed by, and donated to the Secretary by, the Zachary and Elizabeth M. Fisher Armed Services Foundation.

(d) The Secretary may establish charges for providing lodging under this section. The proceeds from such charges shall be credited to the medical care account and shall be available until expended for the purposes of providing such lodging.

(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions—

(1) limiting the duration of lodging provided under this section;

(2) establishing standards and criteria under which charges are established for such lodging under subsection (d);

(3) establishing criteria for persons considered to be accompanying a veteran under subsection (b)(2);

(4) establishing criteria for the use of the premises of temporary lodging facilities under this section; and

(5) establishing any other limitations, conditions, and priorities that the Secretary considers appropriate with respect to lodging under this section.

(Added Pub. L. 106-419, title II, § 221(a), Nov. 1, 2000, 114 Stat. 1844.)

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR DOMICILIARY CARE AND MEDICAL TREATMENT

AMENDMENTS

1976—Pub. L. 94-581, title II, § 202(c), Oct. 21, 1976, 90 Stat. 2855, inserted “, NURSING HOME,” in subchapter heading.