

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.

§ 1710. Eligibility for hospital, nursing home, and domiciliary care

(a)(1) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services which the Secretary determines to be needed—

(A) to any veteran for a service-connected disability; and

(B) to any veteran who has a service-connected disability rated at 50 percent or more.

(2) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed to any veteran—

(A) who has a compensable service-connected disability rated less than 50 percent or, with respect to nursing home care during any period during which the provisions of section 1710A(a) of this title are in effect, a compensable service-connected disability rated less than 70 percent;

(B) whose discharge or release from active military, naval, or air service was for a disability that was incurred or aggravated in the line of duty;

(C) who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section;

(D) who is a former prisoner of war or who was awarded the Purple Heart;

(E) who is a veteran of the Mexican border period or of World War I;

(F) who was exposed to a toxic substance, radiation, or other conditions, as provided in subsection (e); or

(G) who is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

(3) In the case of a veteran who is not described in paragraphs (1) and (2), the Secretary may, to the extent resources and facilities are available and subject to the provisions of subsections (f) and (g), furnish hospital care, medical services, and nursing home care which the Secretary determines to be needed.

(4) The requirement in paragraphs (1) and (2) that the Secretary furnish hospital care and medical services, the requirement in section 1710A(a) of this title that the Secretary provide nursing home care, the requirement in section 1710B of this title that the Secretary provide a program of extended care services, and the requirement in section 1745 of this title to provide nursing home care and prescription medicines to veterans with service-connected disabilities in State homes shall be effective in any fiscal year only to the extent and in the amount provided in advance in appropriations Acts for such purposes.

(5) During any period during which the provisions of section 1710A(a) of this title are not in effect, the Secretary may furnish nursing home care which the Secretary determines is needed to any veteran described in paragraph (1), with the priority for such care on the same basis as if provided under that paragraph.

(b)(1) The Secretary may furnish to a veteran described in paragraph (2) of this subsection such domiciliary care as the Secretary determines is needed for the purpose of the furnishing of medical services to the veteran.

(2) This subsection applies in the case of the following veterans:

(A) Any veteran whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension that would be applicable to the veteran if the veteran were eligible for pension under section 1521(d) of this title.

(B) Any veteran who the Secretary determines has no adequate means of support.

(c) While any veteran is receiving hospital care or nursing home care in any Department facility, the Secretary may, within the limits of Department facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which such veteran is hospitalized, if the veteran is willing, and the Secretary finds such services to be reasonably necessary to protect the health of such veteran. The Secretary may furnish dental services and treatment, and related dental appliances, under this subsection for a non-service-connected dental condition or disability of a veteran only (1) to the extent that the Secretary determines that the dental facilities of the Department to be used to furnish such services, treatment, or appliances are not needed to furnish services, treatment, or appliances for dental conditions or disabilities described in section 1712(a) of this title, or (2) if (A) such non-service-connected dental condition or disability is associated with or aggravating a disability for which such veteran is receiving hospital care, or (B) a compelling medical reason or a dental emergency requires furnishing dental services, treatment, or appliances (excluding the furnishing of such services, treatment, or appliances of a routine nature) to such veteran during the period of hospitalization under this section.

(d) In no case may nursing home care be furnished in a hospital not under the direct jurisdiction of the Secretary except as provided in section 1720 of this title.

(e)(1)(A) A Vietnam-era herbicide-exposed veteran is eligible (subject to paragraph (2)) for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

(B) A radiation-exposed veteran is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disease suffered by the veteran that is—

(i) a disease listed in section 1112(c)(2) of this title; or

(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation.

(C) Subject to paragraphs (2) and (3) of this subsection, a veteran who served on active duty

in the Southwest Asia theater of operations during the Persian Gulf War is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such service.

(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after November 11, 1998, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.

(E) Subject to paragraphs (2) and (3), a veteran who participated in a test conducted by the Department of Defense Desert Test Center as part of a program for chemical and biological warfare testing from 1962 through 1973 (including the program designated as "Project Shipboard Hazard and Defense (SHAD)" and related land-based tests) is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such illness is attributable to such testing.

(2)(A) In the case of a veteran described in paragraph (1)(A), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to—

(i) a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in paragraph (4)(A)(ii); or

(ii) a disease for which the National Academy of Sciences, in a report issued in accordance with section 3 of the Agent Orange Act of 1991, has determined that there is limited or suggestive evidence of the lack of a positive association between occurrence of the disease in humans and exposure to a herbicide agent.

(B) In the case of a veteran described in subparagraph (C), (D), or (E) of paragraph (1), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than the service or testing described in such subparagraph.

(3) Hospital care, medical services, and nursing home care may not be provided under or by virtue of subsection (a)(2)(F)—

(A) in the case of care for a veteran described in paragraph (1)(A), after December 31, 2002;

(B) in the case of care for a veteran described in paragraph (1)(C), after December 31, 2002;

(C) in the case of care for a veteran described in paragraph (1)(D), after a period of 2 years beginning on the date of the veteran's dis-

charge or release from active military, naval, or air service; and

(D) in the case of care for a veteran described in paragraph (1)(E), after December 31, 2007.

(4) For purposes of this subsection—

(A) The term "Vietnam-era herbicide-exposed veteran" means a veteran (i) who served on active duty in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, and (ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such period.

(B) The term "radiation-exposed veteran" has the meaning given that term in section 1112(c)(3) of this title.

(5) When the Secretary first provides care for veterans using the authority provided in paragraph (1)(D), the Secretary shall establish a system for collection and analysis of information on the general health status and health care utilization patterns of veterans receiving care under that paragraph. Not later than 18 months after first providing care under such authority, the Secretary shall submit to Congress a report on the experience under that authority. The Secretary shall include in the report any recommendations of the Secretary for extension of that authority.

(f)(1) The Secretary may not furnish hospital care or nursing home care under this section to a veteran who is eligible for such care under subsection (a)(3) of this section unless the veteran agrees to pay to the United States the applicable amount determined under paragraph (2) or (4) of this subsection.

(2) A veteran who is furnished hospital care or nursing home care under this section and who is required under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such care shall be liable to the United States for an amount equal to—

(A) the lesser of—

(i) the cost of furnishing such care, as determined by the Secretary; or

(ii) the amount determined under paragraph (3) of this subsection; and

(B) before September 30, 2008, an amount equal to \$10 for every day the veteran receives hospital care and \$5 for every day the veteran receives nursing home care.

(3)(A) In the case of hospital care furnished during any 365-day period, the amount referred to in paragraph (2)(A)(i) of this subsection is—

(i) the amount of the inpatient Medicare deductible, plus

(ii) one-half of such amount for each 90 days of care (or fraction thereof) after the first 90 days of such care during such 365-day period.

(B) In the case of nursing home care furnished during any 365-day period, the amount referred to in paragraph (2)(A)(ii) of this subsection is the amount of the inpatient Medicare deductible for each 90 days of such care (or fraction thereof) during such 365-day period.

(C)(i) Except as provided in clause (ii) of this subparagraph, in the case of a veteran who is ad-

mitted for nursing home care under this section after being furnished, during the preceding 365-day period, hospital care for which the veteran has paid the amount of the inpatient Medicare deductible under this subsection and who has not been furnished 90 days of hospital care in connection with such payment, the veteran shall not incur any liability under paragraph (2) of this subsection with respect to such nursing home care until—

(I) the veteran has been furnished, beginning with the first day of such hospital care furnished in connection with such payment, a total of 90 days of hospital care and nursing home care; or

(II) the end of the 365-day period applicable to the hospital care for which payment was made,

whichever occurs first.

(ii) In the case of a veteran who is admitted for nursing home care under this section after being furnished, during any 365-day period, hospital care for which the veteran has paid an amount under subparagraph (A)(ii) of this paragraph and who has not been furnished 90 days of hospital care in connection with such payment, the amount of the liability of the veteran under paragraph (2) of this subsection with respect to the number of days of such nursing home care which, when added to the number of days of such hospital care, is 90 or less, is the difference between the inpatient Medicare deductible and the amount paid under such subparagraph until—

(I) the veteran has been furnished, beginning with the first day of such hospital care furnished in connection with such payment, a total of 90 days of hospital care and nursing home care; or

(II) the end of the 365-day period applicable to the hospital care for which payment was made,

whichever occurs first.

(D) In the case of a veteran who is admitted for hospital care under this section after having been furnished, during the preceding 365-day period, nursing home care for which the veteran has paid the amount of the inpatient Medicare deductible under this subsection and who has not been furnished 90 days of nursing home care in connection with such payment, the veteran shall not incur any liability under paragraph (2) of this subsection with respect to such hospital care until—

(i) the veteran has been furnished, beginning with the first day of such nursing home care furnished in connection with such payment, a total of 90 days of nursing home care and hospital care; or

(ii) the end of the 365-day period applicable to the nursing home care for which payment was made,

whichever occurs first.

(E) A veteran may not be required to make a payment under this subsection for hospital care or nursing home care furnished under this section during any 90-day period in which the veteran is furnished medical services under paragraph (3) of subsection (a) to the extent that such payment would cause the total amount paid by the veteran under this subsection for

hospital care and nursing home care furnished during that period and under subsection (g) for medical services furnished during that period to exceed the amount of the inpatient Medicare deductible in effect on the first day of such period.

(F) A veteran may not be required to make a payment under this subsection or subsection (g) for any days of care in excess of 360 days of care during any 365-calendar-day period.

(4) In the case of a veteran covered by this subsection who is also described by section 1705(a)(7) of this title, the amount for which the veteran shall be liable to the United States for hospital care under this subsection shall be an amount equal to 20 percent of the total amount for which the veteran would otherwise be liable for such care under subparagraphs (2)(B) and (3)(A) but for this paragraph.

(5) For the purposes of this subsection, the term "inpatient Medicare deductible" means the amount of the inpatient hospital deductible in effect under section 1813(b) of the Social Security Act (42 U.S.C. 1395e(b)) on the first day of the 365-day period applicable under paragraph (3) of this subsection.

(g)(1) The Secretary may not furnish medical services under subsection (a) of this section (including home health services under section 1717 of this title) to a veteran who is eligible for hospital care under this chapter by reason of subsection (a)(3) of this section unless the veteran agrees to pay to the United States in the case of each outpatient visit the applicable amount or amounts established by the Secretary by regulation.

(2) A veteran who is furnished medical services under subsection (a) of this section and who is required under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such services shall be liable to the United States, in the case of each visit in which such services are furnished to the veteran, for an amount which the Secretary shall establish by regulation.

(3) This subsection does not apply with respect to home health services under section 1717 of this title to the extent that such services are for improvements and structural alterations.

(h) Nothing in this section requires the Secretary to furnish care to a veteran to whom another agency of Federal, State, or local government has a duty under law to provide care in an institution of such government.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1141, §610; Pub. L. 87-583, §1, Aug. 14, 1962, 76 Stat. 381; Pub. L. 89-358, §8, Mar. 3, 1966, 80 Stat. 27; Pub. L. 89-785, title III, §304, Nov. 7, 1966, 80 Stat. 1377; Pub. L. 91-500, §4, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 93-82, title I, §102, Aug. 2, 1973, 87 Stat. 180; Pub. L. 94-581, title II, §§202(d), 210(a)(1), Oct. 21, 1976, 90 Stat. 2855, 2862; Pub. L. 96-22, title I, §102(a), June 13, 1979, 93 Stat. 47; Pub. L. 97-37, §5(a), Aug. 14, 1981, 95 Stat. 936; Pub. L. 97-72, title I, §102(a), Nov. 3, 1981, 95 Stat. 1047; Pub. L. 98-160, title VII, §701, Nov. 21, 1983, 97 Stat. 1008; Pub. L. 99-166, title I, §103, Dec. 3, 1985, 99 Stat. 944; Pub. L. 99-272, title XIX, §19011(a), (d)(3), Apr. 7, 1986, 100 Stat. 372, 379; Pub. L. 99-576, title II, §237(a), (b)(1), Oct. 28, 1986, 100 Stat. 3267; Pub. L. 100-322, title I, §102(a), May 20, 1988, 102 Stat. 492; Pub. L. 100-687, div. B, title XII, §1202, Nov.

18, 1988, 102 Stat. 4125; Pub. L. 101-508, title VIII, § 8013(a), Nov. 5, 1990, 104 Stat. 1388-346; Pub. L. 102-4, § 5, Feb. 6, 1991, 105 Stat. 15; Pub. L. 102-54, § 14(b)(10), June 13, 1991, 105 Stat. 283; renumbered § 1710 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 103-210, §§ 1(a), 2(a), Dec. 20, 1993, 107 Stat. 2496, 2497; Pub. L. 103-446, title XII, § 1201(d)(2), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 103-452, title I, § 103(a)(1), Nov. 2, 1994, 108 Stat. 4786; Pub. L. 104-110, title I, § 101(a)(1), Feb. 13, 1996, 110 Stat. 768; Pub. L. 104-262, title I, §§ 101(a), (b), (d)(2)-(4), 102(a), Oct. 9, 1996, 110 Stat. 3178, 3179, 3181; Pub. L. 104-275, title V, § 505(c), Oct. 9, 1996, 110 Stat. 3342; Pub. L. 105-33, title VIII, §§ 8021(a)(1), 8023(b)(1), (2), Aug. 5, 1997, 111 Stat. 664, 667; Pub. L. 105-114, title II, § 209(a), title IV, § 402(a), Nov. 21, 1997, 111 Stat. 2290, 2294; Pub. L. 105-368, title I, § 102(a), title X, § 1005(b)(3), Nov. 11, 1998, 112 Stat. 3321, 3365; Pub. L. 106-117, title I, §§ 101(f), 112(1), title II, § 201(b), Nov. 30, 1999, 113 Stat. 1550, 1556, 1561; Pub. L. 106-419, title II, § 224(b), Nov. 1, 2000, 114 Stat. 1846; Pub. L. 107-135, title II, §§ 202(b), 209(a), 211, Jan. 23, 2002, 115 Stat. 2457, 2464, 2465; Pub. L. 107-330, title III, § 308(g)(6), Dec. 6, 2002, 116 Stat. 2829; Pub. L. 108-170, title I, § 102, Dec. 6, 2003, 117 Stat. 2044; Pub. L. 109-444, § 2(a), Dec. 21, 2006, 120 Stat. 3304; Pub. L. 109-461, title II, § 211(a)(3)(B), title X, §§ 1003, 1006(b), Dec. 22, 2006, 120 Stat. 3419, 3465, 3468; Pub. L. 110-161, div. I, title II, § 231, Dec. 26, 2007, 121 Stat. 2273.)

REFERENCES IN TEXT

Section 3 of the Agent Orange Act of 1991, referred to in subsec. (e)(2)(A)(ii), is section 3 of Pub. L. 102-4, which is set out as a note under section 1116 of this title.

CODIFICATION

The text of subsec. (f) of section 1712 of this title, which was transferred to this section, redesignated subsec. (g), and amended by Pub. L. 104-262, § 101(b)(2), was based on Pub. L. 86-639, § 1, July 12, 1960, 74 Stat. 472; Pub. L. 91-102, Oct. 30, 1969, 83 Stat. 168; Pub. L. 93-82, title I, § 103(a), Aug. 2, 1973, 87 Stat. 180; Pub. L. 94-581, title I, § 103(a)(3)-(7), title II, § 202(f)(2), Oct. 21, 1976, 90 Stat. 2844, 2856; Pub. L. 96-22, title I, § 102(b), June 13, 1979, 93 Stat. 47; Pub. L. 97-37, § 5(b), Aug. 14, 1981, 95 Stat. 937; Pub. L. 97-72, title I, § 103(b)(2), Nov. 3, 1981, 95 Stat. 1049; Pub. L. 97-295, § 4(17)(C), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99-166, title I, § 104, Dec. 3, 1985, 99 Stat. 944; Pub. L. 99-272, title XIX, § 19011(b)(2), Apr. 7, 1986, 100 Stat. 375; Pub. L. 99-576, title II, §§ 202(1), 237(b)(2), Oct. 28, 1986, 100 Stat. 3254, 3267; Pub. L. 100-322, title I, § 101(e)(1), May 20, 1988, 102 Stat. 491; Pub. L. 101-508, title VIII, § 8013(b), Nov. 5, 1990, 104 Stat. 1388-346; Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 404-406.

PRIOR PROVISIONS

A prior section 1710 was renumbered section 3510 of this title.

AMENDMENTS

2007—Subsec. (f)(2)(B). Pub. L. 110-161 substituted “September 30, 2008,” for “September 30, 2007.”

2006—Subsec. (a)(4). Pub. L. 109-461, § 211(a)(3)(B), struck out “and” before “the requirement in section 1710B of this title” and inserted “, and the requirement in section 1745 of this title to provide nursing home care and prescription medicines to veterans with service-connected disabilities in State homes” after “a program of extended care services”.

Subsec. (e)(3)(D). Pub. L. 109-461, § 1006(b), provided that as of the enactment of Pub. L. 109-461, the amendments made by Pub. L. 109-444 were deemed for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, § 1003, substituted “December 31, 2007” for “December 31, 2005”.

Pub. L. 109-444, which substituted “December 31, 2007” for “December 31, 2005”, was terminated by Pub. L. 109-461, § 1006(b). See Amendment notes above.

2003—Subsec. (e)(1)(E). Pub. L. 108-170, § 102(1), added subpar. (E).

Subsec. (e)(2)(B). Pub. L. 108-170, § 102(2), substituted “subparagraph (C), (D), or (E) of paragraph (1)” for “paragraph (1)(C) or (1)(D)” and “service or testing described in such subparagraph” for “service described in that paragraph”.

Subsec. (e)(3)(D). Pub. L. 108-170, § 102(3), added subpar. (D).

2002—Subsec. (e)(1)(D). Pub. L. 107-330 substituted “November 11, 1998” for “the date of the enactment of this subparagraph”.

Subsec. (e)(3)(B). Pub. L. 107-135, § 211, substituted “December 31, 2002” for “December 31, 2001”.

Subsec. (f)(1). Pub. L. 107-135, § 202(b)(1), inserted “or (4)” after “paragraph (2)”.

Subsec. (f)(2)(B). Pub. L. 107-135, § 209(a), substituted “September 30, 2007” for “September 30, 2002”.

Subsec. (f)(4), (5). Pub. L. 107-135, § 202(b)(2), (3), added par. (4) and redesignated former par. (4) as (5).

2000—Subsec. (a)(4). Pub. L. 106-419 inserted “the requirement in section 1710A(a) of this title that the Secretary provide nursing home care,” after “medical services,” and struck out comma after “extended care services”.

1999—Subsec. (a)(1). Pub. L. 106-117, § 101(f)(1), struck out “, and may furnish nursing home care,” after “medical services” in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 106-117, § 101(f)(2), inserted “or, with respect to nursing home care during any period during which the provisions of section 1710A(a) of this title are in effect, a compensable service-connected disability rated less than 70 percent” after “50 percent”.

Subsec. (a)(2)(D). Pub. L. 106-117, § 112(1), inserted “or who was awarded the Purple Heart” after “former prisoner of war”.

Subsec. (a)(4). Pub. L. 106-117, § 101(f)(3), inserted “, and the requirement in section 1710B of this title that the Secretary provide a program of extended care services,” after “medical services”.

Subsec. (a)(5). Pub. L. 106-117, § 101(f)(4), added par. (5).

Subsec. (g)(1). Pub. L. 106-117, § 201(b)(1), substituted “in the case of each outpatient visit the applicable amount or amounts established by the Secretary by regulation” for “the amount determined under paragraph (2) of this subsection”.

Subsec. (g)(2). Pub. L. 106-117, § 201(b)(2), substituted “which the Secretary shall establish by regulation.” for “equal to 20 percent of the estimated average cost (during the calendar year in which the services are furnished) of an outpatient visit in a Department facility. Such estimated average cost shall be determined by the Secretary.”

1998—Subsec. (e)(1)(D). Pub. L. 105-368, § 102(a)(1), added subpar. (D).

Subsec. (e)(2)(A)(ii). Pub. L. 105-368, § 1005(b)(3), substituted “section 3” for “section 2”.

Subsec. (e)(2)(B). Pub. L. 105-368, § 102(a)(2), inserted “or (1)(D)” after “paragraph (1)(C)”.

Subsec. (e)(3)(A). Pub. L. 105-368, § 102(a)(3)(A), struck out “and” at end.

Subsec. (e)(3)(B). Pub. L. 105-368, § 102(a)(3)(B), substituted “December 31, 2001; and” for “December 31, 1998.”

Subsec. (e)(3)(C). Pub. L. 105-368, § 102(a)(3)(C), added subpar. (C).

Subsec. (e)(5). Pub. L. 105-368, §102(a)(4), added par. (5).

1997—Subsec. (a)(2)(B). Pub. L. 105-114, §402(a), struck out “compensable” before “disability”.

Subsec. (a)(2)(F). Pub. L. 105-114, §209(a)(1), substituted “other conditions” for “environmental hazard”.

Subsec. (e)(1)(C). Pub. L. 105-114, §209(a)(2), substituted “served” for “the Secretary finds may have been exposed while serving” and “associated with such service” for “associated with such exposure” and struck out “to a toxic substance or environmental hazard” after “Persian Gulf War”.

Subsec. (e)(2)(B). Pub. L. 105-114, §209(a)(3), substituted “the service” for “an exposure”.

Subsec. (f)(2)(B). Pub. L. 105-33, §8021(a)(1), inserted “before September 30, 2002,” after “(B)”.

Subsec. (f)(4), (5). Pub. L. 105-33, §8023(b)(1), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: “Amounts collected or received on behalf of the United States under this subsection shall be deposited in the Treasury as miscellaneous receipts.”

Subsec. (g)(4). Pub. L. 105-33, §8023(b)(2), struck out par. (4) which read as follows: “Amounts collected or received by the Department under this subsection shall be deposited in the Treasury as miscellaneous receipts.”

1996—Subsec. (a). Pub. L. 104-262, §101(a), amended subsec. (a) generally, revising and restating provisions in former pars. (1) to (3) relating to eligibility for care as pars. (1) to (4).

Subsec. (c)(1). Pub. L. 104-262, §101(d)(2), substituted “section 1712(a)” for “section 1712(b)”.

Subsec. (e)(1)(A), (B). Pub. L. 104-262, §102(a)(1), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

“(A) Subject to paragraphs (2) and (3) of this subsection, a veteran—

“(i) who served on active duty in the Republic of Vietnam during the Vietnam era, and

“(ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used in connection with military purposes during such era,

is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

“(B) Subject to paragraphs (2) and (3) of this subsection, a veteran who the Secretary finds was exposed while serving on active duty to ionizing radiation from the detonation of a nuclear device in connection with such veteran’s participation in the test of such a device or with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning on September 11, 1945, and ending on July 1, 1946, is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.”

Subsec. (e)(1)(C). Pub. L. 104-262, §101(d)(3), substituted “hospital care, medical services, and nursing home care under subsection (a)(2)(F)” for “hospital care and nursing home care under subsection (a)(1)(G) of this section”.

Subsec. (e)(2). Pub. L. 104-262, §102(a)(2), added par. (2) and struck out former par. (2) which read as follows: “Hospital and nursing home care may not be provided under subsection (a)(1)(G) of this section with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in subparagraph (A), (B), or (C) of paragraph (1) of this subsection.”

Subsec. (e)(3). Pub. L. 104-262, §102(a)(2), added par. (3) and struck out former par. (3) which read as follows: “Hospital and nursing home care and medical services

may not be provided under or by virtue of subsection (a)(1)(G) of this section after December 31, 1996.”

Pub. L. 104-110 substituted “after December 31, 1996” for “after June 30, 1995, or, in the case of care for a veteran described in paragraph (1)(C), after December 31, 1995”.

Subsec. (e)(4). Pub. L. 104-262, §102(a)(2), added par. (4).

Subsec. (e)(4)(A). Pub. L. 104-275 substituted “during the period beginning on January 9, 1962, and ending on May 7, 1975,” for “during the Vietnam era,” in cl. (i) and “such period” for “such era” in cl. (ii).

Subsec. (f)(1). Pub. L. 104-262, §101(d)(4)(A), substituted “subsection (a)(3)” for “subsection (a)(2)”.

Subsec. (f)(3)(E). Pub. L. 104-262, §101(d)(4)(B), substituted “paragraph (3) of subsection (a)” for “section 1712(a) of this title” and “subsection (g)” for “section 1712(f) of this title”.

Subsec. (f)(3)(F). Pub. L. 104-262, §101(d)(4)(C), substituted “subsection (g)” for “section 1712(f) of this title”.

Subsec. (g). Pub. L. 104-262, §101(b)(2), redesignated subsec. (f) of section 1712 of this title as subsec. (g) of this section and substituted “subsection (a)(3) of this section” for “section 1710(a)(2) of this title” in par. (1). See Codification note above.

Pub. L. 104-262, §101(b)(1), redesignated subsec. (g) as (h).

Subsec. (h). Pub. L. 104-262, §101(b)(1), redesignated subsec. (g) as (h).

1994—Subsec. (e)(3). Pub. L. 103-452 substituted “June 30, 1995” for “June 30, 1994” and “December 31, 1995” for “December 31, 1994”.

Subsec. (f)(3)(E). Pub. L. 103-446 substituted “section 1712(a)” for “section 1712(f)” and “section 1712(f)” for “section 1712(f)(4)”.

1993—Subsec. (a)(1)(G). Pub. L. 103-210, §1(a)(1), substituted “substance, radiation, or environmental hazard” for “substance or radiation”.

Subsec. (e)(1)(C). Pub. L. 103-210, §1(a)(2)(A), added subpar. (C).

Subsec. (e)(2). Pub. L. 103-210, §1(a)(2)(B), substituted “subparagraph (A), (B), or (C)” for “subparagraph (A) or (B)”.

Subsec. (e)(3). Pub. L. 103-210, §2(a), substituted “June 30, 1994” for “December 31, 1993”.

Pub. L. 103-210, §1(a)(2)(C), inserted before period at end “, or, in the case of care for a veteran described in paragraph (1)(C), after December 31, 1994”.

1992—Subsec. (e)(2). Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director”.

1991—Pub. L. 102-83, §5(a), renumbered section 610 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, §5(c)(1), substituted “1151” for “351” in subpar. (C) and “1722(a)” for “622(a)” in subpar. (I).

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

Subsec. (a)(1)(H). Pub. L. 102-54 substituted “the Mexican border period” for “the Spanish-American War, the Mexican border period,”.

Subsec. (a)(3). Pub. L. 102-83, §5(c)(1), substituted “1703” for “603” and “1720” for “620”.

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

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

Subsec. (b)(2)(A). Pub. L. 102-83, §5(c)(1), substituted “1503” for “503” and “1521(d)” for “521(d)”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “1712(b)” for “612(b)”.

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” wherever appearing.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted “1720” for “620”.

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

Subsec. (e)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in subpars. (A)(i) and (B).

Subsec. (e)(3). Pub. L. 102-4 substituted "1993" for "1990".

Subsec. (f)(3)(E), (F). Pub. L. 102-83, §5(c)(1), substituted "1712(f)" for "612(f)" and "1712(f)(4)" for "612(f)(4)" in subpar. (E) and "1712(f)" for "612(f)" in subpar. (F).

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

1990—Subsec. (a)(1)(I). Pub. L. 101-508, §8013(a)(1)(A), substituted "section 622(a)" for "section 622(a)(1)".

Subsec. (a)(2). Pub. L. 101-508, §8013(a)(1)(B), added par. (2) and struck out former par. (2) which read as follows:

"(A) To the extent that resources and facilities are available, the Administrator may furnish hospital care and nursing home care which the Administrator determines is needed to a veteran for a non-service-connected disability if the veteran has an income level described in section 622(a)(2) of this title.

"(B) In the case of a veteran who is not described in paragraph (1) of this subsection or in subparagraph (A) of this paragraph, the Administrator may furnish hospital care and nursing home care which the Administrator determines is needed to the veteran for a non-service-connected disability—

"(i) to the extent that resources and facilities are otherwise available; and

"(ii) subject to the provisions of subsection (f) of this section."

Subsec. (f)(1), (2). Pub. L. 101-508, §8013(a)(2)(A), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) The Administrator may not furnish hospital care or nursing home care under this section to a veteran who is eligible for such care by reason of subsection (a)(2)(B) of this section unless the veteran agrees to pay to the United States the applicable amount determined under paragraph (2) of this subsection.

"(2) A veteran who is furnished hospital care or nursing home care under this section and who is required under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such care shall be liable to the United States for an amount equal to the lesser of—

"(A) the cost of furnishing such care, as determined by the Administrator; and

"(B) the amount determined under paragraph (3) of this subsection."

Subsec. (f)(3)(A), (B). Pub. L. 101-508, §8013(a)(2)(B), substituted "paragraph (2)(A)(ii)" for "paragraph (2)(B)".

1988—Subsec. (b). Pub. L. 100-233 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The Administrator, within the limits of Veterans' Administration facilities, may furnish domiciliary care to—

"(1) a veteran who was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or a person who is in receipt of disability compensation, when such person is suffering from a permanent disability or tuberculosis or neuropsychiatric ailment and is incapacitated from earning a living and has no adequate means of support; and

"(2) a veteran who is in need of domiciliary care if such veteran is unable to defray the expenses of necessary domiciliary care."

Subsec. (e)(3). Pub. L. 100-687 substituted "December 31, 1990" for "September 30, 1989".

1986—Subsec. (a). Pub. L. 99-576, §237(a), inserted "who is in receipt of, or" after "veteran" in par. (1)(C).

Pub. L. 99-272, §1901(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care or

nursing home care which the Administrator determines is needed to—

"(1)(A) any veteran for a service-connected disability; or

"(B) any veteran for a non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital or nursing home care;

"(2) a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty;

"(3) a person (A) who is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation, or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section;

"(4) a veteran who is a former prisoner of war;

"(5) a veteran who meets the conditions of subsection (e) of this section; and

"(6) any veteran for a non-service-connected disability if such veteran is sixty-five years of age or older."

Subsec. (e)(1)(A), (B). Pub. L. 99-272, §1901(d)(3)(A), substituted "is eligible for hospital care and nursing home care under subsection (a)(1)(G)" for "may be furnished hospital care or nursing home care under subsection (a)(5)".

Subsec. (e)(2), (3). Pub. L. 99-272, §1901(d)(3)(B), substituted "subsection (a)(1)(G)" for "subsection (a)(5)".

Subsec. (f). Pub. L. 99-272, §1901(a)(2), added subsec. (f).

Subsec. (f)(3)(F). Pub. L. 99-576, §237(b)(1), added subpar. (F).

Subsec. (g). Pub. L. 99-272, §1901(a)(2), added subsec. (g).

1985—Subsec. (e)(3). Pub. L. 99-166 substituted "after September 30, 1989" for "after the end of the one-year period beginning on the date the Administrator submits to the appropriate committees of Congress the first report required by section 307(b)(2) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 93 Stat. 1098)".

1983—Subsec. (a)(3). Pub. L. 98-160 inserted "(A)" after "a person" and, after "disability compensation", inserted "or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section".

1981—Subsec. (a). Pub. L. 97-72, §102(a)(1), added cl. (5) and redesignated former cl. (5) as (6).

Pub. L. 97-37 added cl. (4) and redesignated former cl. (4) as (5).

Subsec. (e). Pub. L. 97-72, §102(a)(2), added subsec. (e).

1979—Subsec. (c). Pub. L. 96-22 inserted provisions relating to the furnishing of dental services and treatment and related dental appliances for non-service-connected dental conditions or disabilities of veterans.

1976—Pub. L. 94-581, §202(d)(1), inserted "nursing home," in section catchline.

Subsec. (a). Pub. L. 94-581, §§202(d)(2), 210(a)(1)(A), (B), substituted "the Administrator determines" for "he determines" in provisions preceding par. (1) and substituted "such veteran" for "he" and "necessary hospital or nursing home care" for "necessary hospital care" in subpar. (B) of par. (1).

Subsec. (b)(1). Pub. L. 94-581, §210(a)(1)(C), substituted "such person" for "he".

Subsec. (b)(2). Pub. L. 94-581, §§202(d)(3), 210(a)(1)(B), substituted "a veteran who is in need of domiciliary care if such veteran" for "a veteran of any war or of service after January 31, 1955, who is in need of domiciliary care, if he".

Subsec. (c). Pub. L. 94-581, §210(a)(1)(B), substituted "for which such veteran is hospitalized" for "for which he is hospitalized".

Subsec. (d). Pub. L. 94-581, §202(d)(4), substituted "direct jurisdiction" for "direct and exclusive jurisdiction".

1973—Subsec. (a). Pub. L. 93-82, §102(1), (2), extended authority of the Administrator to furnish nursing home care, and in par. (1)(B), substituted "any veteran for a" for "a veteran of any war or of service after January 31, 1955, for".

Subsec. (c). Pub. L. 93-82, §102(3), expanded provision regarding medical services to include nursing home care and struck out requirement that the Administrator make a determination in each instance that the non-service-connected disability would be in the veteran's interest, would not prolong his hospitalization, and, would not interfere with the furnishing of hospital facilities to other veterans.

Subsec. (d). Pub. L. 93-82, §102(4), added subsec. (d).

1970—Subsec. (a). Pub. L. 91-500 added cl. (4).

1966—Pub. L. 89-358 inserted "or of service after January 31, 1955," after "veteran of any war" in subssecs. (a)(1)(B) and (b)(2).

Subsec. (c). Pub. L. 89-785 added subsec. (c).

1962—Subsec. (a)(1). Pub. L. 87-583 provided for hospital care to any veteran for a service-connected disability instead of to a veteran of any war for a service-connected disability incurred or aggravated during a period of war in subpar. (A) and incorporated existing provisions in subpar. (B).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-461, title II, §211(a)(5), Dec. 22, 2006, 120 Stat. 3419, provided that: "The amendments made by this subsection [enacting section 1745 of this title and amending this section and sections 1741 and 1745 of this title] shall take effect 90 days after the date of the enactment of this Act [Dec. 22, 2006]."

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by section 202(b) of Pub. L. 107-135 effective Oct. 1, 2002, see section 202(c) of Pub. L. 107-135, set out as a note under section 1705 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by section 101(f) of Pub. L. 106-117 effective Nov. 30, 1999, with provisions of subsec. (f) of this section not applicable to any day of nursing home care on or after the effective date of regulations under section 101(h)(2) of Pub. L. 106-117, see section 101(h) of Pub. L. 106-117, set out as an Effective Date note under section 1710B of this title.

Pub. L. 106-117, title II, §201(c), as added by Pub. L. 106-419, title II, §224(c), Nov. 1, 2000, 114 Stat. 1846, provided that: "The amendments made by subsection (b) [amending this section] shall apply with respect to medical services furnished under section 1710(a) of title 38, United States Code, on or after the effective date of the regulations prescribed by the Secretary of Veterans Affairs to establish the amounts required to be established under paragraphs (1) and (2) of section 1710(g) of that title, as amended by subsection (b)."

EFFECTIVE DATE OF 1997 AMENDMENT

Section 8023(g) of Pub. L. 105-33 provided that:

"(1) Except as provided in paragraph (2), this section [enacting section 1729A of this title, amending this section and sections 712, 1722A, and 1729 of this title, and enacting provisions set out as notes under sections 1729 and 1729A of this title] and the amendments made by this section shall take effect on October 1, 1997.

"(2) The amendments made by subsection (d) [amending section 1729 of this title] shall take effect on the date of the enactment of this Act [Aug. 5, 1997]."

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-275 effective Jan. 1, 1997, with no benefit to be paid or provided by reason of such amendment for any period before such date, see section 505(d) of Pub. L. 104-275, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1(c)(1) of Pub. L. 103-210 provided that: "The amendments made by subsections (a) and (b) [amending this section and section 1712 of this title] shall take effect as of August 2, 1990."

EFFECTIVE DATE OF 1990 AMENDMENTS

Pub. L. 102-145, §111, Oct. 28, 1991, 105 Stat. 970, provided that: "Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) [enacting section 622A [now 1722A] of this title and amending this section and sections 612 [now 1712] and 622 [now 1722] of this title] shall remain in effect through the period covered by this joint resolution [see section 106 of Pub. L. 102-145, 105 Stat. 970, as amended by Pub. L. 102-163, 105 Stat. 1048]."

Pub. L. 102-109, §111, Sept. 30, 1991, 105 Stat. 553, provided that: "Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) [enacting section 622A [now 1722A] of this title and amending this section and sections 612 [now 1712] and 622 [now 1722] of this title] shall remain in effect through the period covered by this joint resolution [see section 106 of Pub. L. 102-109, 105 Stat. 553]."

Section 8013(d) and (e) of Pub. L. 101-508, as amended by Pub. L. 102-139, title V, §518(b), Oct. 28, 1991, 105 Stat. 779; Pub. L. 102-568, title VI, §606(b), Oct. 29, 1992, 106 Stat. 4343; Pub. L. 103-66, title XII, §12002(a), Aug. 10, 1993, 107 Stat. 414; Pub. L. 105-33, title VIII, §8021(a)(2), Aug. 5, 1997, 111 Stat. 665, provided that:

"(d) EFFECTIVE DATE.—The amendments made by this section [amending this section and sections 612 and 622 [now 1712 and 1722] of this title] shall apply with respect to hospital care and medical services received after October 31, 1990, or the date of the enactment of this Act [Nov. 5, 1990], whichever is later.

"[(e) Repealed. Pub. L. 105-33, title VIII, §8021(a)(2), Aug. 5, 1997, 111 Stat. 665.]"

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 237(c) of Pub. L. 99-576 provided that: "The amendments made by this section [amending this section and section 612 [now 1712] of this title] shall take effect as of April 7, 1986."

Section 19011(f) of Pub. L. 99-272 provided that:

"(1) Except as provided in paragraph (2), the amendments made by this section [amending this section and sections 525, 601, 612, 612A, 620, 622, and 663 [now 1525, 1701, 1712, 1712A, 1720, 1722, and 1763] of this title and enacting provisions set out as notes under this section and section 1722 of this title] shall apply to hospital care, nursing home care, and medical services furnished on or after July 1, 1986.

"(2)(A) The provisions of sections 610 and 622 [now 1710 and 1722] of title 38, United States Code, as in effect on the day before the date of the enactment of this Act [Apr. 7, 1986], shall apply with respect to hospital and nursing home care furnished on or after July 1, 1986, to veterans furnished such care or services on June 30, 1986, but only to the extent that such care is furnished with respect to the same episode of care for which it was furnished on June 30, 1986, as determined by the Administrator pursuant to regulations which the Administrator shall prescribe.

"(B) During the months of July and August 1986, the Administrator may, in order to continue a course of treatment begun before July 1, 1986, furnish medical services to a veteran on an ambulatory or outpatient basis without regard to the amendments made by this section.

"(C) For the purposes of this paragraph, the term 'episode of care' means a period of consecutive days—

"(i) beginning with the first day on which a veteran is furnished hospital or nursing home care; and

"(ii) ending on the day of the veteran's discharge from the hospital or nursing home facility, as the case may be."

EFFECTIVE DATE OF 1981 AMENDMENT

Section 5(d) of Pub. L. 97-37 provided that: "The amendments made by this section [amending this section and section 612 [now 1712] of this title] shall take effect on October 1, 1981".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-22 effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as a note under section 1701 of this title.

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

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

SAVINGS PROVISION

Section 102(b) of Pub. L. 104-262 provided that: "The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act [Oct. 9, 1996], shall continue to apply on and after such date with respect to the furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions, but only for treatment for a disability for which such care or services were furnished before such date."

SAVINGS PROVISION FOR PUB. L. 100-322

Section 102(c) of Pub. L. 100-322 provided that: "The amendment made by subsection (a) [amending this section] shall not limit or restrict the eligibility for domiciliary care of a veteran who was a patient or a resident in a State home facility or a Veterans' Administration domiciliary facility during the period beginning on January 1, 1987, and ending on April 1, 1988."

CONTINUATION OF AUTHORITY

Pub. L. 110-92, §161, as added by Pub. L. 110-149, §2, Dec. 21, 2007, 121 Stat. 1819, provided that: "Notwithstanding section 106 [121 Stat. 990], the authority to provide care and services under section 1710(e)(1)(E) of title 38, United States Code, shall continue in effect through September 30, 2008."

PERSONAL EMERGENCY RESPONSE SYSTEM FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

Pub. L. 107-135, title II, §210, Jan. 23, 2002, 115 Stat. 2464, provided that:

"(a) EVALUATION AND STUDY.—The Secretary of Veterans Affairs shall carry out an evaluation and study of the feasibility and desirability of providing a personal emergency response system to veterans who have service-connected disabilities. The evaluation and study shall be commenced not later than 60 days after the date of the enactment of this Act [Jan. 23, 2002].

"(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the evaluation and study under subsection (a). The Secretary shall include in the report the Secretary's findings resulting from the evaluation and study and the Secretary's conclusion as to whether the Department of Veterans Affairs should provide a personal emergency response system to veterans with service-connected disabilities.

"(c) AUTHORITY TO PROVIDE SYSTEM.—If the Secretary concludes in the report under subsection (b) that a personal emergency response system should be provided by the Department of Veterans Affairs to veterans with service-connected disabilities—

"(1) the Secretary may provide such a system, without charge, to any veteran with a service-connected disability who is enrolled under section 1705 of title 38, United States Code, and who submits an application for such a system under subsection (d); and

"(2) the Secretary may contract with one or more vendors to furnish such a system.

"(d) APPLICATION.—A personal emergency response system may be provided to a veteran under subsection (c)(1) only upon the submission by the veteran of an application for the system. Any such application shall be in such form and manner as the Secretary may require.

"(e) DEFINITION.—For purposes of this section, the term 'personal emergency response system' means a device—

"(1) that can be activated by an individual who is experiencing a medical emergency to notify appropriate emergency medical personnel that the individual is experiencing a medical emergency; and

"(2) that provides the individual's location through a Global Positioning System indicator."

CHIROPRACTIC TREATMENT

Pub. L. 107-135, title II, §204, Jan. 23, 2002, 115 Stat. 2459, provided that:

"(a) REQUIREMENT FOR PROGRAM.—Subject to the provisions of this section, the Secretary of Veterans Affairs shall carry out a program to provide chiropractic care and services to veterans through Department of Veterans Affairs medical centers and clinics.

"(b) ELIGIBLE VETERANS.—Veterans eligible to receive chiropractic care and services under the program are veterans who are enrolled in the system of patient enrollment under section 1705 of title 38, United States Code.

"(c) LOCATION OF PROGRAM.—The program shall be carried out at sites designated by the Secretary for purposes of the program. The Secretary shall designate at least one site for such program in each geographic service area of the Veterans Health Administration. The sites so designated shall be medical centers and clinics located in urban areas and in rural areas.

"(d) CARE AND SERVICES AVAILABLE.—The chiropractic care and services available under the program shall include a variety of chiropractic care and services for neuro-musculoskeletal conditions, including sub-luxation complex.

"(e) OTHER ADMINISTRATIVE MATTERS.—(1) The Secretary shall carry out the program through personal service contracts and by appointment of licensed chiropractors in Department medical centers and clinics.

"(2) As part of the program, the Secretary shall provide training and materials relating to chiropractic care and services to Department health care providers assigned to primary care teams for the purpose of familiarizing such providers with the benefits of chiropractic care and services.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

"(g) CHIROPRACTIC ADVISORY COMMITTEE.—(1) The Secretary shall establish an advisory committee to provide direct assistance and advice to the Secretary in the development and implementation of the chiropractic health program.

"(2) The membership of the advisory committee shall include members of the chiropractic care profession and such other members as the Secretary considers appropriate.

"(3) Matters on which the advisory committee shall assist and advise the Secretary shall include the following:

"(A) Protocols governing referral to chiropractors.

"(B) Protocols governing direct access to chiropractic care.

"(C) Protocols governing scope of practice of chiropractic practitioners.

"(D) Definition of services to be provided.

"(E) Such other matters the Secretary determines to be appropriate.

"(4) The advisory committee shall cease to exist on December 31, 2004."

Pub. L. 106-117, title III, §303, Nov. 30, 1999, 113 Stat. 1572, provided that:

“(a) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of the enactment of this Act [Nov. 30, 1999], the Under Secretary for Health of the Department of Veterans Affairs, after consultation with chiropractors, shall establish a policy for the Veterans Health Administration regarding the role of chiropractic treatment in the care of veterans under chapter 17 of title 38, United States Code.

“(b) DEFINITIONS.—For purposes of this section:

“(1) The term ‘chiropractic treatment’ means the manual manipulation of the spine performed by a chiropractor for the treatment of such musculo-skeletal conditions as the Secretary considers appropriate.

“(2) The term ‘chiropractor’ means an individual who—

“(A) is licensed to practice chiropractic in the State in which the individual performs chiropractic services; and

“(B) holds the degree of doctor of chiropractic from a chiropractic college accredited by the Council on Chiropractic Education.”

IMPLEMENTATION REPORT

Pub. L. 105-368, title I, §102(b), Nov. 11, 1998, 112 Stat. 3322, provided that: “Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plan for establishing and operating the system for collection and analysis of information required by paragraph (5) of section 1710(e) of title 38, United States Code, as added by subsection (a)(4) [amending this section].”

DEMONSTRATION PROJECTS FOR TREATMENT OF PERSIAN GULF ILLNESS

Section 209(b) of Pub. L. 105-114 provided that:

“(1) The Secretary of Veterans Affairs shall carry out a program of demonstration projects to test new approaches to treating, and improving the satisfaction with such treatment of, Persian Gulf veterans who suffer from undiagnosed and ill-defined disabilities. The program shall be established not later than July 1, 1998, and shall be carried out at up to 10 geographically dispersed medical centers of the Department of Veterans Affairs.

“(2) At least one of each of the following models shall be used at no less than two of the demonstration projects:

“(A) A specialized clinic which serves Persian Gulf veterans.

“(B) Multidisciplinary treatment aimed at managing symptoms.

“(C) Use of case managers.

“(3) A demonstration project under this subsection may be undertaken in conjunction with another funding entity, including agreements under section 8111 of title 38, United States Code.

“(4) The Secretary shall make available from appropriated funds (which have been retained for contingent funding) \$5,000,000 to carry out the demonstration projects.

“(5) The Secretary may not approve a medical center as a location for a demonstration project under this subsection unless a peer review panel has determined that the proposal submitted by that medical center is among those proposals that have met the highest competitive standards of clinical merit and the Secretary has determined that the facility has the ability to—

“(A) attract the participation of clinicians of outstanding caliber and innovation to the project; and

“(B) effectively evaluate the activities of the project.

“(6) In determining which medical centers to select as locations for demonstration projects under this subsection, the Secretary shall give special priority to medical centers that have demonstrated a capability to compete successfully for extramural funding support

for research into the effectiveness and cost-effectiveness of the care provided under the demonstration project.”

PATIENT PRIVACY FOR WOMEN PATIENTS

Section 322 of Pub. L. 104-262 provided that:

“(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

“(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and, in cases in which it is cost-effective to do so, are given a high priority.

“(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1997, and not later than October 1 each year thereafter through 1999 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.”

HOSPICE CARE STUDY

Section 341 of Pub. L. 104-262 provided that:

“(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a research study to determine the desirability of the Secretary furnishing hospice care to terminally ill veterans and to evaluate the most cost-effective and efficient way to do so. The Secretary shall carry out the study using resources and personnel of the Department.

“(b) CONDUCT OF STUDY.—In carrying out the study required by subsection (a), the Secretary shall—

“(1) evaluate the programs, and the program models, through which the Secretary furnishes hospice care services within or through facilities of the Department of Veterans Affairs and the programs and program models through which non-Department facilities provide such services;

“(2) assess the satisfaction of patients, and family members of patients, in each of the program models covered by paragraph (1);

“(3) compare the costs (or range of costs) of providing care through each of the program models covered by paragraph (1); and

“(4) identify any barriers to providing, procuring, or coordinating hospice services through any of the program models covered by paragraph (1).

“(c) PROGRAM MODELS.—For purposes of subsection (b)(1), the Secretary shall evaluate a variety of types of models for delivery of hospice care, including the following:

“(1) Direct furnishing of full hospice care by the Secretary.

“(2) Direct furnishing of some hospice services by the Secretary.

“(3) Contracting by the Secretary for the furnishing of hospice care, with a commitment that the Secretary will provide any further required hospital care for the patient.

“(4) Contracting for all required care to be furnished outside the Department.

“(5) Referral of the patient for hospice care without a contract.

“(d) REPORT.—Not later than April 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the research study. The report shall set forth

the Secretary's findings and recommendations. The Secretary shall include in the report information on the extent to which the Secretary advises veterans concerning their eligibility for hospice care and information on the number of veterans (as of the time of the report) who are in each model of hospice care described in subsection (c) and the average cost per patient of hospice care for each such model."

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Pub. L. 106-419, title II, §224(d), Nov. 1, 2000, 114 Stat. 1846, provided that: "Any action taken by the Secretary of Veterans Affairs under section 1710(g) of title 38, United States Code, during the period beginning on November 30, 1999, and ending on the date of the enactment of this Act [Nov. 1, 2000] is hereby ratified."

Section 103 of title I of Pub. L. 104-110 provided that: "Any action taken by the Secretary of Veterans Affairs before the date of the enactment of this Act [Feb. 13, 1996] under a provision of law amended by this title [amending this section, sections 1712, 1720A, 1720C, 3703, 3710, 3720, 3731, 3735, 7451, 7618, and 8169 of this title, sections 11448 and 11450 of Title 42, The Public Health and Welfare, and provisions set out as notes under sections 1712, 1718, and 7721 of this title] that was taken during the period beginning on the date on which the authority of the Secretary under that provision of law expired and ending on the date of the enactment of this Act shall be considered to have the same force and effect as if the amendment to that provision of law made by this title had been in effect at the time of that action."

Section 105 of Pub. L. 103-452 provided that: "Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act [Nov. 2, 1994] is hereby ratified."

REIMBURSEMENT FOR HOSPITAL, NURSING HOME OR OUTPATIENT SERVICES EXPENSES

Section 1(c)(2) of Pub. L. 103-210 directed Secretary of Veterans Affairs, on request, to reimburse any veteran who paid the United States an amount under 38 U.S.C. 1710(f) or 1712(f) for hospital care, nursing home care, or outpatient services furnished by the Secretary to the veteran before Dec. 20, 1993, on the basis of a finding that the veteran may have been exposed to a toxic substance or environmental hazard during the Persian Gulf War, with amount of reimbursement to be amount that was paid by the veteran for such care or services.

HEALTH CARE SERVICES FOR WOMEN

Pub. L. 102-585, title I, §106, Nov. 4, 1992, 106 Stat. 4947, provided that:

"(a) GENERAL AUTHORITY.—In furnishing hospital care and medical services under chapter 17 of title 38, United States Code, the Secretary of Veterans Affairs may provide to women the following health care services:

- "(1) Papanicolaou tests (pap smears).
- "(2) Breast examinations and mammography.
- "(3) General reproductive health care, including the management of menopause, but not including under this section infertility services, abortions, or pregnancy care (including prenatal and delivery care), except for such care relating to a pregnancy that is complicated or in which the risks of complication are increased by a service-connected condition.

"(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—The Secretary shall ensure that directors of medical facilities of the Department identify and assess opportunities under the authority provided in title II of this Act [38 U.S.C. 8111 note] to (1) expand the availability of, and access to, health care services for women veterans under sections 1710 and 1712 of title 38, United States Code, and (2) provide counseling, care, and services authorized by this title [see Short Title of 1992 Amendment note set out under section 101 of this title]."

REPORT ON HEALTH CARE AND RESEARCH

Pub. L. 102-585, title I, §107, Nov. 4, 1992, 106 Stat. 4947, as amended by Pub. L. 104-262, title III, §324, Oct. 9, 1996, 110 Stat. 3197, provided that:

"(a) IN GENERAL.—Not later than January 1 of 1993 and each year thereafter through 1998, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the provision of health care services and the conduct of research carried out by, or under the jurisdiction of, the Secretary relating to women veterans.

"(b) CONTENTS.—The report under subsection (a) shall include the following information with respect to the most recent fiscal year before the date of the report:

"(1) The number of women veterans who have received services described in section 106 of this Act [set out as a note above] in facilities under the jurisdiction of the Secretary (or the Secretary of Defense), shown by reference to the Department facility which provided (or, in the case of Department of Defense facilities, arranged) those services;

"(2) A description of (A) the services provided at each such facility (including information on the number of inpatient stays and the number of outpatient visits through which such services were provided), and (B) the extent to which each such facility relies on contractual arrangements under section 1703 or 8153 of title 38, United States Code, to furnish care to women veterans in facilities which are not under the jurisdiction of the Secretary where the provision of such care is not furnished in a medical emergency.

"(3) The steps taken by each such facility to expand the provision of services at such facility (or under arrangements with a Department of Defense facility) to women veterans.

"(4) A description (as of October 1 of the year preceding the year in which the report is submitted) of the status of any research relating to women veterans being carried out by or under the jurisdiction of the Secretary, including research under section 109 of this Act [former 38 U.S.C. 7303 note].

"(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research."

COORDINATION OF WOMEN'S SERVICES

Pub. L. 102-585, title I, §108, Nov. 4, 1992, 106 Stat. 4948, provided that: "The Secretary of Veterans Affairs shall ensure that an official in each regional office of the Veterans Health Administration shall serve as a coordinator of women's services. The responsibilities of such official shall include the following:

"(1) Conducting periodic assessments of the needs for services of women veterans within such region.

"(2) Planning to meet such needs.

"(3) Assisting in carrying out the purposes of section 106(b) of this title [set out above].

"(4) Coordinating the training of women veterans coordinators who are assigned to Department facilities in the region under the jurisdiction of such regional coordinator.

"(5) Providing appropriate technical support and guidance to Department facilities in that region with respect to outreach activities to women veterans."

POPULATION STUDY OF WOMEN VETERANS

Pub. L. 102-585, title I, §110, Nov. 4, 1992, 106 Stat. 4948, as amended by Pub. L. 103-452, title I, §102(c), Nov. 2, 1994, 108 Stat. 4786, directed Secretary of Veterans Affairs, in consultation with Advisory Committee on Women Veterans, to conduct a study to determine needs of veterans who are women for health-care services, based on an appropriate sample of veterans who are women, and to submit to Congress, not later than 9 months after Nov. 4, 1992, an interim report describing information and advice obtained from Advisory Committee and status of study, and to submit, not

later than Dec. 31, 1995, a final report describing results of study.

DEMONSTRATION PROJECT TO EVALUATE INSTALLATION OF TELEPHONES FOR PATIENT USE AT DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE FACILITIES

Pub. L. 102-585, title V, § 525, Nov. 4, 1992, 106 Stat. 4960, directed Secretary of Veterans Affairs to carry out a demonstration project to evaluate feasibility and desirability of providing telephone service in patient rooms in Department of Veterans Affairs health-care facilities which do not currently provide such service, use of telephones by patients of such health-care facilities, and relative feasibility and cost-effectiveness of a variety of options for providing such service, and submit to Congress a report on the demonstration project not later than Sept. 30, 1994.

REPORTS ON FURNISHING OF HEALTH CARE AND IMPLEMENTATION OF CHANGES IN ELIGIBILITY

Section 19011(e) of Pub. L. 99-272, as amended by Pub. L. 100-527, § 10(1), (2), Oct. 25, 1988, 102 Stat. 2640, 2641; Pub. L. 101-237, title II, § 201(d), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102-40, title III, § 302, May 7, 1991, 105 Stat. 208; Pub. L. 102-83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-291, § 4, May 20, 1992, 106 Stat. 179, directed Administrator of Veterans Affairs to submit to Congress a report for each fiscal year through fiscal year 1992 concerning implementation of the amendments made by section 19011 of Pub. L. 99-272, which amended this section and sections 1525, 1701, 1712, 1712A, 1720, 1722, and 1763 of this title and enacted provisions set out as notes under this section and section 1722 of this title, specified detailed information required to be submitted in each report, and provided that each report be submitted not later than the Feb. 1 following the end of the fiscal year for which it is submitted.

CHIROPRACTIC SERVICES PILOT PROGRAM

Section 109 of Pub. L. 99-166 directed Administrator of Veterans' Affairs to conduct a pilot program to evaluate therapeutic benefits and cost-effectiveness of furnishing certain chiropractic services to veterans eligible for medical services under this chapter, provided that the pilot program be carried out during period beginning Jan. 1, 1986, and ending Dec. 31, 1988, and directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Apr. 1, 1989, a report on implementation, operation, and results of the pilot program.

§ 1710A. Required nursing home care

(a) The Secretary (subject to section 1710(a)(4) of this title) shall provide nursing home care which the Secretary determines is needed (1) to any veteran in need of such care for a service-connected disability, and (2) to any veteran who is in need of such care and who has a service-connected disability rated at 70 percent or more.

(b)(1) The Secretary shall ensure that a veteran described in subsection (a) who continues to need nursing home care is not, after placement in a Department nursing home, transferred from the facility without the consent of the veteran, or, in the event the veteran cannot provide informed consent, the representative of the veteran.

(2) Nothing in subsection (a) may be construed as authorizing or requiring that a veteran who is receiving nursing home care in a Department nursing home on the date of the enactment of this section be displaced, transferred, or discharged from the facility.

(c) The provisions of subsection (a) shall terminate on December 31, 2008.

(Added Pub. L. 106-117, title I, § 101(a)(1), Nov. 30, 1999, 113 Stat. 1547; amended Pub. L. 106-419, title

II, § 224(a), Nov. 1, 2000, 114 Stat. 1846; Pub. L. 108-170, title I, § 106(b), Dec. 6, 2003, 117 Stat. 2046.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 106-117, which was approved Nov. 30, 1999.

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-170 substituted “December 31, 2008” for “December 31, 2003”.

2000—Subsec. (a). Pub. L. 106-419 inserted “(subject to section 1710(a)(4) of this title)” after “The Secretary”.

REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 106-117, title I, § 101(i), Nov. 30, 1999, 113 Stat. 1550, provided that: “Not later than January 1, 2003, the Secretary [of Veterans Affairs] shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of this section [enacting this section and section 1710B of this title, amending sections 1701, 1710, 1720, 1720B and 1741 of this title, and enacting provisions set out as a note under section 1710B of this title] (including the amendments made by this section). The Secretary shall include in the report—

“(1) the Secretary's assessment of the experience of the Department [of Veterans Affairs] under the provisions of this section;

“(2) the costs incurred by the Department under the provisions of this section and a comparison of those costs with the Secretary's estimate of the costs that would have been incurred by the Secretary for extended care services if this section had not been enacted; and

“(3) the Secretary's recommendations, with respect to the provisions of section 1710A(a) of title 38, United States Code, as added by subsection (a), and with respect to the provisions of section 1701(10) of such title, as added by subsection (b), as to—

“(A) whether those provisions should be extended or made permanent; and

“(B) what modifications, if any, should be made to those provisions.”

§ 1710B. Extended care services

(a) The Secretary (subject to section 1710(a)(4) of this title and subsection (c) of this section) shall operate and maintain a program to provide extended care services to eligible veterans in accordance with this section. Such services shall include the following:

(1) Geriatric evaluation.

(2) Nursing home care (A) in facilities operated by the Secretary, and (B) in community-based facilities through contracts under section 1720 of this title.

(3) Domiciliary services under section 1710(b) of this title.

(4) Adult day health care under section 1720(f) of this title.

(5) Such other noninstitutional alternatives to nursing home care as the Secretary may furnish as medical services under section 1701(10) of this title.

(6) Respite care under section 1720B of this title.

(b) The Secretary shall ensure that the staffing and level of extended care services provided by the Secretary nationally in facilities of the Department during any fiscal year is not less than the staffing and level of such services provided nationally in facilities of the Department during fiscal year 1998.

(c)(1) Except as provided in paragraph (2), the Secretary may not furnish extended care services for a non-service-connected disability other than in the case of a veteran who has a compensable service-connected disability unless the veteran agrees to pay to the United States a copayment (determined in accordance with subsection (d)) for any period of such services in a year after the first 21 days of such services provided that veteran in that year.

(2) Paragraph (1) shall not apply—

(A) to a veteran whose annual income (determined under section 1503 of this title) is less than the amount in effect under section 1521(b) of this title;

(B) to a veteran being furnished hospice care under this section; or

(C) with respect to an episode of extended care services that a veteran is being furnished by the Department on November 30, 1999.

(d)(1) A veteran who is furnished extended care services under this chapter and who is required under subsection (c) to pay an amount to the United States in order to be furnished such services shall be liable to the United States for that amount.

(2) In implementing subsection (c), the Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran described in subsection (c) is liable. That methodology shall provide for—

(A) establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

(B) protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the community) as available for determining the copayment obligation; and

(C) allowing the veteran to retain a monthly personal allowance.

(e)(1) There is established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Extended Care Fund (hereinafter in this section referred to as the "fund"). Amounts in the fund shall be available, without fiscal year limitation and without further appropriation, exclusively for the purpose of providing extended care services under subsection (a).

(2) All amounts received by the Department under this section shall be deposited in or credited to the fund.

(Added Pub. L. 106-117, title I, §101(c)(1), Nov. 30, 1999, 113 Stat. 1548; amended Pub. L. 107-14, §8(a)(2), (16), June 5, 2001, 115 Stat. 34, 35; Pub. L. 107-103, title V, §509(b), Dec. 27, 2001, 115 Stat. 997; Pub. L. 108-422, title II, §204, Nov. 30, 2004, 118 Stat. 2382.)

AMENDMENTS

2004—Subsec. (c)(2)(B), (C). Pub. L. 108-422 added subpar. (B) and redesignated former subpar. (B) as (C).

2001—Subsec. (c)(2)(B). Pub. L. 107-103 inserted "on" before "November 30, 1999".

Pub. L. 107-14, §8(a)(2), substituted "November 30, 1999" for "on the date of the enactment of the Veterans Millennium Health Care and Benefits Act".

Subsec. (e)(1). Pub. L. 107-14, §8(a)(16), substituted "hereinafter" for "hereafter".

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-422, title IV, §411(f), (g), Nov. 30, 2004, 118 Stat. 2390, provided that:

"(f) CONTINGENT EFFECTIVENESS.—Subsection (d) [enacting provisions set out as a note under section 8118 of this title] and the amendments made by subsection (c) [repealing section 8116 of this title] shall take effect at the end of the 30-day period beginning on the date on which the Secretary of Veterans Affairs certifies to Congress that the Secretary is in compliance with subsection (b) of section 1710B of title 38, United States Code.

"(g) ANNUAL UPDATE.—Following a certification under subsection (f), the Secretary shall submit to Congress an annual update on that certification."

EFFECTIVE DATE

Pub. L. 106-117, title I, §101(h), Nov. 30, 1999, 113 Stat. 1550, provided that:

"(1) Except as provided in paragraph (2), the amendments made by this section [enacting this section and section 1710A of this title and amending sections 1701, 1710, 1720, 1720B and 1741 of this title] shall take effect on the date of the enactment of this Act [Nov. 30, 1999].

"(2) Subsection (c) of section 1710B of title 38, United States Code (as added by subsection (b)), shall take effect on the effective date of regulations prescribed by the Secretary of Veterans Affairs under subsections (c) and (d) of such section. The Secretary shall publish the effective date of such regulations in the Federal Register.

"(3) The provisions of section 1710(f) of title 38, United States Code, shall not apply to any day of nursing home care on or after the effective date of regulations under paragraph (2)."

PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES

Pub. L. 109-461, title II, §214, Dec. 22, 2006, 120 Stat. 3423, provided that:

"(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act [Dec. 22, 2006], the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of various mechanisms to expand and improve caregiver assistance services.

"(b) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

"(c) CAREGIVER ASSISTANCE SERVICES.—For purposes of this section, the term 'caregiver assistance services' means services of the Department of Veterans Affairs that assist caregivers of veterans. Such services including the following:

"(1) Adult-day health care services.

"(2) Coordination of services needed by veterans, including services for readjustment and rehabilitation.

"(3) Transportation services.

"(4) Caregiver support services, including education, training, and certification of family members in caregiver activities.

"(5) Home care services.

"(6) Respite care.

"(7) Hospice services.

"(8) Any modalities of non-institutional long-term care.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs \$5,000,000 for each of fiscal years 2007 and 2008 to carry out the pilot program authorized by this section.

"(e) ALLOCATION OF FUNDS TO FACILITIES.—The Secretary shall allocate funds appropriated pursuant to the authorization of appropriations in subsection (d) to individual medical facilities of the Department in such amounts as the Secretary determines appropriate, based upon proposals submitted by such facilities for the use of such funds for improvements to the support

of the provision of caregiver assistance services. Special consideration should be given to rural facilities, including those without a long-term care facility of the Department.

“(f) REPORT.—Not later than one year after the date of the enactment of this Act [Dec. 22, 2006], the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. The report shall include—

- “(1) a description and assessment of the activities carried out under the pilot program;
- “(2) information on the allocation of funds to facilities of the Department under subsection (e); and
- “(3) a description of the improvements made with funds so allocated to the support of the provision of caregiver assistance services.”

PILOT PROGRAMS RELATING TO LONG-TERM CARE

Pub. L. 106-117, title I, §102, Nov. 30, 1999, 113 Stat. 1551, as amended by Pub. L. 108-422, title II, §203, Nov. 30, 2004, 118 Stat. 2382, provided that:

“(a) PILOT PROGRAMS.—The Secretary [of Veterans Affairs] shall carry out three pilot programs for the purpose of determining the effectiveness of different models of all-inclusive care-delivery in reducing the use of hospital and nursing home care by frail, elderly veterans.

“(b) LOCATIONS OF PILOT PROGRAMS.—In selecting locations in which the pilot programs will be carried out, the Secretary may not select more than one location in any given health care region of the Veterans Health Administration.

“(c) SCOPE OF SERVICES UNDER PILOT PROGRAMS.—Each of the pilot programs under this section shall be designed to provide participating veterans with integrated, comprehensive services which include the following:

- “(1) Adult-day health care services on an eight-hour per day, five-day per week basis.
- “(2) Medical services (including primary care, preventive services, and nursing home care, as needed).
- “(3) Coordination of needed services.
- “(4) Transportation services.
- “(5) Home care services.
- “(6) Respite care.

“(d) PROGRAM REQUIREMENTS.—In carrying out the pilot programs under this section, the Secretary shall—

- “(1) employ the use of interdisciplinary care-management teams to provide the required array of services;
- “(2) determine the appropriate number of patients to be enrolled in each program and the criteria for enrollment; and
- “(3) ensure that funding for each program is based on the complex care category under the resource allocation system (known as the Veterans Equitable Resource Allocation system) established pursuant to section 429 of Public Law 104-204 (110 Stat. 2929).

“(e) DESIGN OF PILOT PROGRAMS.—To the maximum extent feasible, the Secretary shall use the following three models in designing the three pilot programs under this section:

- “(1) Under one of the pilot programs, the Secretary shall provide services directly through facilities and personnel of the Department [of Veterans Affairs].
- “(2) Under one of the pilot programs, the Secretary shall provide services through a combination of—

- “(A) services provided under contract with appropriate public and private entities; and
- “(B) services provided through facilities and personnel of the Department.

“(3) Under one of the pilot programs, the Secretary shall arrange for the provision of services through a combination of—

- “(A) services provided through cooperative arrangements with appropriate public and private entities; and
- “(B) services provided through facilities and personnel of the Department.

“(f) IN-KIND ASSISTANCE.—In providing for the furnishing of services under a contract in carrying out the pilot program described in subsection (e)(2), the Secretary may, subject to reimbursement, provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility furnishing care to veterans. Such reimbursement may be made by reduction in the charges to the Secretary under such contract.

“(g) LIMITATION.—In providing for the furnishing of services in carrying out a pilot program described in subsection (e)(2) or (e)(3), the Secretary shall make payment for services only to the extent that payment for such services is not otherwise covered (notwithstanding any provision of title XVIII or XIX of the Social Security Act [42 U.S.C. 1395 et seq., 1396 et seq.]) by another government or nongovernment entity or program.

“(h) DURATION OF PROGRAMS.—(1) The authority of the Secretary to provide services under a pilot program under this section shall cease on the date that is three years after the date of the commencement of that pilot program.

“(2) In the case of a veteran who is participating in a pilot program under this section as of the end of the three-year period applicable to that pilot program under paragraph (1), the Secretary may continue to provide to that veteran any of the services that could be provided under the pilot program. The authority to provide services to any veteran under the preceding sentence applies during the period beginning on the date specified in paragraph (1) with respect to that pilot program and ending on December 31, 2005.

“(i) REPORT.—(1) Not later than nine months after the completion of all of the pilot programs under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on those programs.

“(2) The report shall include the following:

“(A) A description of the implementation and operation of each such program.

“(B) An analysis comparing use of institutional care and use of other services among enrollees in each of the pilot programs with the experience of comparable patients who are not enrolled in one of the pilot programs.

“(C) An assessment of the satisfaction of participating veterans with each of those programs.

“(D) An assessment of the health status of participating veterans in each of those programs and of the ability of those veterans to function independently.

“(E) An analysis of the costs and benefits under each of those programs.”

PILOT PROGRAM RELATING TO ASSISTED LIVING

Pub. L. 106-117, title I, §103, Nov. 30, 1999, 113 Stat. 1552, as amended by Pub. L. 108-170, title I, §107, Dec. 6, 2003, 117 Stat. 2046, provided that:

“(a) PROGRAM AUTHORITY.—The Secretary [of Veterans Affairs] may carry out a pilot program for the purpose of determining the feasibility and practicability of enabling eligible veterans to secure needed assisted living services as an alternative to nursing home care.

“(b) LOCATIONS OF PILOT PROGRAM.—(1) The pilot program shall be carried out in a designated health care region of the Department [of Veterans Affairs] selected by the Secretary for purposes of this section.

“(2)(A) In addition to the health care region of the Department selected for the pilot program under paragraph (1), the Secretary may also carry out the pilot program in not more than one additional designated health care region of the Department selected by the Secretary for purposes of this section.

“(B) Notwithstanding subsection (f), the authority of the Secretary to provide services under the pilot program in a health care region of the Department selected under subparagraph (A) shall cease on the date that is three years after the commencement of the provision of services under the pilot program in the health care region.

“(c) SCOPE OF PROGRAM.—In carrying out the pilot program, the Secretary may enter into contracts with appropriate facilities for the provision for a period of up to six months of assisted living services on behalf of eligible veterans in the region where the program is carried out.

“(d) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if the veteran—

“(1) is eligible for placement assistance by the Secretary under section 1730(a) of title 38, United States Code;

“(2) is unable to manage routine activities of daily living without supervision and assistance; and

“(3) could reasonably be expected to receive ongoing services after the end of the contract period under another government program or through other means.

“(e) REPORT.—(1) Not later than 90 days before the end of the pilot program under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the program.

“(2) The report under paragraph (1) shall include the following:

“(A) A description of the implementation and operation of the program.

“(B) An analysis comparing use of institutional care among participants in the program with the experience of comparable patients who are not enrolled in the program.

“(C) A comparison of assisted living services provided by the Department through the pilot program with domiciliary care provided by the Department.

“(D) The Secretary's recommendations, if any, regarding an extension of the program.

“(f) DURATION.—The authority of the Secretary to provide services under the pilot program shall cease on the date that is three years after the date of the commencement of the pilot program.

“(g) DEFINITION.—For purposes of this section, the term ‘assisted living services’ means services in a facility that provides room and board and personal care for and supervision of residents as necessary for the health, safety, and welfare of residents.

“(h) STANDARDS.—The Secretary may not enter into a contract with a facility under this section unless the facility meets the standards established in regulations prescribed under section 1730 of title 38, United States Code.”

§ 1711. Care during examinations and in emergencies

(a) The Secretary may furnish hospital care incident to physical examinations where such examinations are necessary in carrying out the provisions of other laws administered by the Secretary.

[(b) Repealed. Pub. L. 107-135, title II, §208(d), Jan. 23, 2002, 115 Stat. 2463.]

(c)(1) The Secretary may contract with any organization named in, or approved by the Secretary under, section 5902 of this title to provide for the furnishing by the Secretary, on a reimbursable basis (as prescribed by the Secretary), of emergency medical services to individuals attending any national convention of such organization, except that reimbursement shall not be required for services furnished under this subsection to the extent that the individual receiving such services would otherwise be eligible under this chapter for medical services.

(2) The authority of the Secretary to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1142, §611; Pub. L. 94-581, title II, §§202(e), 210(a)(2), Oct. 21, 1976, 90 Stat. 2856, 2862; Pub. L. 96-22, title II, §202, June 13, 1979, 93 Stat. 54; Pub. L. 96-128, title V, §501(a), Nov. 28, 1979, 93 Stat. 987; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1711 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-135, title II, §208(d), Jan. 23, 2002, 115 Stat. 2463.)

PRIOR PROVISIONS

Prior section 1711 was renumbered section 3511 of this title.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-135 struck out subsec. (b) which read as follows: “The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care at rates prescribed by the Secretary.”

1991—Pub. L. 102-83, §5(a), renumbered section 611 of this title as this section.

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

Subsec. (c)(1). Pub. L. 102-40 substituted “5902” for “3402”.

1979—Subsec. (c). Pub. L. 96-22 added subsec. (c).

Subsec. (c)(1). Pub. L. 96-128 substituted “named in, or approved by the Administrator under,” for “recognized by the Administrator for the purposes of”.

1976—Pub. L. 94-581, §202(e)(1), substituted “Care” for “Hospitalization” in section catchline.

Subsec. (a). Pub. L. 94-581, §210(a)(2)(A), substituted “administered by the Administrator” for “administered by him”.

Subsec. (b). Pub. L. 94-581, §§202(e)(2), 210(a)(2)(B), substituted “hospital care or medical services” for “hospital care”, “the Administrator shall charge” for “he shall charge”, and “prescribed by the Administrator” for “prescribed by him”.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as a note under section 1114 of this title.

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.

§ 1712. Dental care; drugs and medicines for certain disabled veterans; vaccines

(a)(1) Outpatient dental services and treatment, and related dental appliances, shall be furnished under this section only for a dental condition or disability—

(A) which is service-connected and compensable in degree;

(B) which is service-connected, but not compensable in degree, but only if—

(i) the dental condition or disability is shown to have been in existence at the time of the veteran's discharge or release from active military, naval, or air service;

(ii) the veteran had served on active duty for a period of not less than 180 days or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days immediately before such discharge or release;

(iii) application for treatment is made within 90 days after such discharge or re-

lease, except that (I) in the case of a veteran who reentered active military, naval, or air service within 90 days after the date of such veteran's prior discharge or release from such service, application may be made within 90 days from the date of such veteran's subsequent discharge or release from such service, and (II) if a disqualifying discharge or release has been corrected by competent authority, application may be made within 90 days after the date of correction; and

(iv) the veteran's certificate of discharge or release from active duty does not bear a certification that the veteran was provided, within the 90-day period immediately before the date of such discharge or release, a complete dental examination (including dental X-rays) and all appropriate dental services and treatment indicated by the examination to be needed;

(C) which is a service-connected dental condition or disability due to combat wounds or other service trauma, or of a former prisoner of war;

(D) which is associated with and is aggravating a disability resulting from some other disease or injury which was incurred in or aggravated by active military, naval, or air service;

(E) which is a non-service-connected condition or disability of a veteran for which treatment was begun while such veteran was receiving hospital care under this chapter and such services and treatment are reasonably necessary to complete such treatment;

(F) from which a veteran who is a former prisoner of war is suffering;

(G) from which a veteran who has a service-connected disability rated as total is suffering; or

(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.

(2) The Secretary concerned shall at the time a member of the Armed Forces is discharged or released from a period of active military, naval, or air service of not less than 180 days or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days provide to such member a written explanation of the provisions of clause (B) of paragraph (1) of this subsection and enter in the service records of the member a statement signed by the member acknowledging receipt of such explanation (or, if the member refuses to sign such statement, a certification from an officer designated for such purpose by the Secretary concerned that the member was provided such explanation).

(3) The total amount which the Secretary may expend for furnishing, during any twelve-month period, outpatient dental services, treatment, or related dental appliances to a veteran under this section through private facilities for which the Secretary has contracted under clause (1), (2), or (5) of section 1703(a) of this title may not exceed \$1,000 unless the Secretary determines, prior to the furnishing of such services, treatment, or appliances and based on an examination of the veteran by a dentist employed by the Department (or, in an area where no such dentist is

available, by a dentist conducting such examination under a contract or fee arrangement), that the furnishing of such services, treatment, or appliances at such cost is reasonably necessary.

(4)(A) Except as provided in subparagraph (B) of this paragraph, in any year in which the President's Budget for the fiscal year beginning October 1 of such year includes an amount for expenditures for contract dental care under the provisions of this subsection and section 1703 of this title during such fiscal year in excess of the level of expenditures made for such purpose during fiscal year 1978, the Secretary shall, not later than February 15 of such year, submit a report to the appropriate committees of the Congress justifying the requested level of expenditures for contract dental care and explaining why the application of the criteria prescribed in section 1703 of this title for contracting with private facilities and in the second sentence of section 1710(c) of this title for furnishing incidental dental care to hospitalized veterans will not preclude the need for expenditures for contract dental care in excess of the fiscal year 1978 level of expenditures for such purpose. In any case in which the amount included in the President's Budget for any fiscal year for expenditures for contract dental care under such provisions is not in excess of the level of expenditures made for such purpose during fiscal year 1978 and the Secretary determines after the date of submission of such budget and before the end of such fiscal year that the level of expenditures for such contract dental care during such fiscal year will exceed the fiscal year 1978 level of expenditures, the Secretary shall submit a report to the appropriate committees of the Congress containing both a justification (with respect to the projected level of expenditures for such fiscal year) and an explanation as required in the preceding sentence in the case of a report submitted pursuant to such sentence. Any report submitted pursuant to this paragraph shall include a comment by the Secretary on the effect of the application of the criteria prescribed in the second sentence of section 1710(c) of this title for furnishing incidental dental care to hospitalized veterans.

(B) A report under subparagraph (A) of this paragraph with respect to a fiscal year is not required if, in the documents submitted by the Secretary to the Congress in justification for the amounts included for Department programs in the President's Budget, the Secretary specifies with respect to contract dental care described in such subparagraph—

(i) the actual level of expenditures for such care in the fiscal year preceding the fiscal year in which such Budget is submitted;

(ii) a current estimate of the level of expenditures for such care in the fiscal year in which such Budget is submitted; and

(iii) the amount included in such Budget for such care.

(b) Dental services and related appliances for a dental condition or disability described in paragraph (1)(B) of subsection (a) shall be furnished on a one-time completion basis, unless the services rendered on a one-time completion basis are found unacceptable within the limitations of

good professional standards, in which event such additional services may be afforded as are required to complete professionally acceptable treatment.

(c) Dental appliances, wheelchairs, artificial limbs, trusses, special clothing, and similar appliances to be furnished by the Secretary under this section may be procured by the Secretary either by purchase or by manufacture, whichever the Secretary determines may be advantageous and reasonably necessary.

(d) The Secretary shall furnish to each veteran who is receiving additional compensation or allowance under chapter 11 of this title, or increased pension as a veteran of a period of war, by reason of being permanently housebound or in need of regular aid and attendance, such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of any illness or injury suffered by such veteran. The Secretary shall continue to furnish such drugs and medicines so ordered to any such veteran in need of regular aid and attendance whose pension payments have been discontinued solely because such veteran's annual income is greater than the applicable maximum annual income limitation, but only so long as such veteran's annual income does not exceed such maximum annual income limitation by more than \$1,000.

(e) In order to assist the Secretary of Health and Human Services in carrying out national immunization programs under other provisions of law, the Secretary may authorize the administration of immunizations to eligible veterans who voluntarily request such immunizations in connection with the provision of care for a disability under this chapter in any Department health care facility. Any such immunization shall be made using vaccine furnished by the Secretary of Health and Human Services at no cost to the Department. For such purpose, notwithstanding any other provision of law, the Secretary of Health and Human Services may provide such vaccine to the Department at no cost. Section 7316 of this title shall apply to claims alleging negligence or malpractice on the part of Department personnel granted immunity under such section.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1142, § 612; Pub. L. 86-639, § 1, July 12, 1960, 74 Stat. 472; Pub. L. 87-377, § 1, Oct. 4, 1961, 75 Stat. 806; Pub. L. 87-583, § 2, Aug. 14, 1962, 76 Stat. 381; Pub. L. 88-430, Aug. 14, 1964, 78 Stat. 438; Pub. L. 88-450, § 7, Aug. 19, 1964, 78 Stat. 504; Pub. L. 88-664, § 8, Oct. 13, 1964, 78 Stat. 1096; Pub. L. 90-77, title II, § 203(b), Aug. 31, 1967, 81 Stat. 183; Pub. L. 91-102, Oct. 30, 1969, 83 Stat. 168; Pub. L. 91-500, §§ 2, 3, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 91-588, §§ 4, 9(f), Dec. 24, 1970, 84 Stat. 1583, 1585; Pub. L. 93-82, title I, § 103(a), Aug. 2, 1973, 87 Stat. 180; Pub. L. 94-581, title I, § 103(a), title II, §§ 202(f), 210(a)(3), Oct. 21, 1976, 90 Stat. 2844, 2856, 2862; Pub. L. 95-588, title III, § 302, Nov. 4, 1978, 92 Stat. 2506; Pub. L. 96-22, title I, §§ 101, 102(b), June 13, 1979, 93 Stat. 47; Pub. L. 96-151, title II, §§ 203, 204, Dec. 20, 1979, 93 Stat. 1094; Pub. L. 97-35, title XX, § 2002(a), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97-37, §§ 3(b), 5(b), (c), Aug. 14, 1981, 95 Stat. 936, 937; Pub. L. 97-72, title I, §§ 102(b), 103(a), (b), Nov. 3, 1981, 95 Stat. 1048, 1049; Pub. L. 97-295,

§ 4(17), (95)(A), Oct. 12, 1982, 96 Stat. 1306, 1313; Pub. L. 99-166, title I, § 104, Dec. 3, 1985, 99 Stat. 944; Pub. L. 99-272, title XIX, §§ 1901(b), 19012(c)(1), (2), Apr. 7, 1986, 100 Stat. 375, 382; Pub. L. 99-576, title II, §§ 202, 231(b), 237(b)(2), title VII, § 702(5), Oct. 28, 1986, 100 Stat. 3254, 3263, 3267, 3301; Pub. L. 100-322, title I, §§ 101(a)-(c), (d)(2), (e)(1), (2), (f), (g)(1), (h)(1), 106, May 20, 1988, 102 Stat. 489-492, 494; Pub. L. 101-508, title VIII, § 8013(b), Nov. 5, 1990, 104 Stat. 1388-346; Pub. L. 102-25, title III, § 334(a), (c), Apr. 6, 1991, 105 Stat. 88, 89; renumbered § 1712 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), (5), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title III, §§ 301, 302, Aug. 14, 1991, 105 Stat. 416; Pub. L. 102-585, title I, § 103, Nov. 4, 1992, 106 Stat. 4946; Pub. L. 103-210, § 1(b), Dec. 20, 1993, 107 Stat. 2496; Pub. L. 103-446, title XII, § 1201(d)(3), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 103-452, title I, §§ 101(e), 103(a)(2), Nov. 2, 1994, 108 Stat. 4784, 4786; Pub. L. 104-110, title I, § 101(a)(2), Feb. 13, 1996, 110 Stat. 768; Pub. L. 104-262, title I, § 101(b)(2)-(c)(2)(A), Oct. 9, 1996, 110 Stat. 3179; Pub. L. 106-419, title IV, § 404(a)(3), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 108-170, title I, § 101(a), Dec. 6, 2003, 117 Stat. 2043.)

PRIOR PROVISIONS

Prior section 1712 was renumbered section 3512 of this title.

AMENDMENTS

2003—Subsec. (a)(1)(F). Pub. L. 108-170 struck out “and who was detained or interned for a period of not less than 90 days” after “war”.

2000—Subsec. (a)(4)(A). Pub. L. 106-419 substituted “this subsection” for “subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)” after “under the provisions” in first sentence.

1996—Pub. L. 104-262, § 101(c)(2)(A), substituted “Dental care; drugs and medicines for certain disabled veterans; vaccines” for “Eligibility for outpatient services” in section catchline.

Subsec. (a). Pub. L. 104-262, § 101(c)(1)(A), (B), redesignated subsec. (b) as (a) and struck out former subsec. (a) which required and authorized the Secretary to furnish on an ambulatory or outpatient basis medical services for certain veterans.

Subsec. (a)(1)(D). Pub. L. 104-110 substituted “December 31, 1996” for “December 31, 1995”.

Subsec. (b). Pub. L. 104-262, § 101(c)(1)(B), (C), redesignated subsec. (c) as (b) and substituted “subsection (a)” for “subsection (b) of this section”. Former subsec. (b) redesignated (a).

Subsecs. (c) to (e). Pub. L. 104-262, § 101(c)(1)(B), redesignated subsecs. (d), (h), and (j) as (c), (d), and (e), respectively. Former subsec. (c) redesignated (b).

Subsec. (f). Pub. L. 104-262, § 101(b)(2), redesignated subsec. (f) as subsec. (g) of section 1710 of this title.

Subsec. (h). Pub. L. 104-262, § 101(c)(1)(B), redesignated subsec. (h) as (d).

Subsec. (i). Pub. L. 104-262, § 101(c)(1)(A), struck out subsec. (i), which required Secretary to prescribe regulations relating to the order in which medical services were to be furnished to veterans.

Subsec. (j). Pub. L. 104-262, § 101(c)(1)(B), redesignated subsec. (j) as (e).

1994—Subsec. (a)(1)(D). Pub. L. 103-452, § 103(a)(2), substituted “December 31, 1995” for “December 31, 1994”.

Subsec. (i)(1). Pub. L. 103-452, § 101(e)(1), inserted “(A)” after “To a veteran” and inserted before period at end “, or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services”.

Subsec. (i)(2). Pub. L. 103-452, § 101(e)(2), substituted “or (B)” for “, (B)” and struck out before period at end

“, or (C) who is eligible for counseling under section 1720D of this title, for the purposes of such counseling”.

Subsec. (i)(5). Pub. L. 103-446, §1201(d)(3)(A), substituted “section 1722(a)(3)” for “section 1722(a)(1)(C)”.

Subsec. (j). Pub. L. 103-446, §1201(d)(3)(B), substituted “Section 7316” for “Section 4116”.

1993—Subsec. (a)(1)(D). Pub. L. 103-210, §1(b)(1), added subpar. (D).

Subsec. (a)(7). Pub. L. 103-210, §1(b)(2), added par. (7).

1992—Subsec. (i)(2)(C). Pub. L. 102-585 added cl. (C).

1991—Pub. L. 102-83, §5(a), renumbered section 612 of this title as this section.

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

Subsec. (a)(1)(C). Pub. L. 102-83, §5(c)(1), substituted “1151” for “351”.

Subsec. (a)(2)(B). Pub. L. 102-83, §5(c)(1), substituted “1710(a)” for “610(a)”, “1503” for “503”, and “1521(d)” for “521(d)”.

Subsec. (a)(4). Pub. L. 102-83, §5(c)(1), substituted “1710” for “610”.

Subsec. (a)(6). Pub. L. 102-83, §5(c)(1), substituted “1703” for “603”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b)(1)(B)(ii). Pub. L. 102-25, §334(a), inserted “or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days” after “180 days”.

Subsec. (b)(1)(H). Pub. L. 102-86, §301, amended subsec. (b)(1) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by adding subpar. (H).

Subsec. (b)(2). Pub. L. 102-25, §334(a), inserted “or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days” after “180 days”.

Subsec. (b)(3). Pub. L. 102-86, §302, amended subsec. (b) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by substituting “\$1,000” for “\$500”.

Pub. L. 102-83, §5(c)(1), substituted “1703(a)” for “603(a)”.

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

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

Subsec. (b)(4)(A). Pub. L. 102-83, §5(c)(1), substituted in two places “1703” for “603” and “1710(c)” for “610(c)”.

Subsec. (b)(4)(B). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in introductory provisions.

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

Subsec. (f). Pub. L. 102-83, §5(c)(1), substituted “1717” for “617” and “1710(a)(2)” for “610(a)(2)” in par. (1) and “1717” for “617” in par. (3).

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in pars. (2) and (4).

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

Pub. L. 102-25, §334(c), substituted “a period of war” for “the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era”.

Subsec. (i). Pub. L. 102-83, §5(c)(1), substituted “1710(e)” for “610(e)” in par. (3) and “1722(a)(1)(C)” for “622(a)(1)(C)” in par. (5).

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

Subsec. (j). Pub. L. 102-83, §4(b)(5), substituted “the Secretary of Health and Human Services” for “the Secretary” in second and third sentences.

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” wherever appearing.

1990—Subsec. (f)(1). Pub. L. 101-508, §8013(b)(1), substituted “section 610(a)(2)” for “section 610(a)(2)(B)”.

Subsec. (f)(3) to (7). Pub. L. 101-508, §8013(b)(2), (3), redesignated pars. (5) and (7) as (3) and (4), respectively, and struck out former pars. (3), (4), and (6) which read as follows:

“(3) A veteran may not be required to make a payment under this subsection for services furnished under subsection (a) of this section during any 90-day period to the extent that such payment would cause the total amount paid by the veteran under this subsection for medical services furnished during that period and under section 610(f) of this title for hospital and nursing home care furnished during that period to exceed the amount of the inpatient Medicare deductible in effect on the first day of such 90-day period.

“(4) A veteran may not be required to make a payment under this subsection if such payment would result in the veteran paying, under this subsection and section 610(f) of this title, a total amount greater than four times the amount of the inpatient Medicare deductible for care or services, or any combination thereof, furnished under this chapter during any 365-calendar-day period.

“(6) For the purposes of this subsection, the term ‘inpatient Medicare deductible’ means the amount of the inpatient hospital deductible in effect under section 1813(b) of the Social Security Act (42 U.S.C. 1395e(b)).”

1988—Pub. L. 100-322, §101(h)(1), substituted “Eligibility for outpatient services” for “Eligibility for medical treatment” in section catchline.

Subsec. (a)(1). Pub. L. 100-322, §101(a), substituted “shall furnish on an ambulatory or outpatient basis” for “may furnish” in introductory provisions and added subpar. (C).

Subsec. (a)(2). Pub. L. 100-322, §101(b)(1), (3), added par. (2) and struck out former par. (2) which read as follows: “Subject to subsection (k) of this section, as part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran such home health services as the Administrator finds to be necessary or appropriate for the effective and economical treatment of such disability (including only such improvements and structural alterations the cost of which does not exceed \$2,500 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment for such disability or to provide access to the home or to essential lavatory and sanitary facilities).”

Subsec. (a)(3) to (6). Pub. L. 100-322, §101(b)(2), (3), added pars. (3) to (5) and redesignated former par. (3) as (6).

Subsec. (b)(1)(B)(i). Pub. L. 100-322, §101(f)(1), substituted “at the time of the veteran’s” for “at time of”.

Subsec. (b)(1)(B)(ii). Pub. L. 100-322, §101(f)(2), substituted “180 days” for “one hundred and eighty days”.

Subsec. (b)(1)(B)(iii). Pub. L. 100-322, §101(f)(3), substituted “90 days” for “ninety days” in four places.

Subsec. (b)(1)(B)(iv). Pub. L. 100-322, §101(f)(4), substituted “90-day” for “ninety-day”.

Subsec. (b)(1)(F). Pub. L. 100-322, §101(g)(1)(A), 106, redesignated subpar. (G) as (F), substituted “90 days” for “six months”, and struck out former subpar. (F) which read as follows: “from which a veteran of the Spanish-American War or Indian wars is suffering;”.

Subsec. (b)(1)(G), (H). Pub. L. 100-322, §101(g)(1)(A), redesignated subpar. (H) as (G). Former subpar. (G) redesignated (F).

Subsec. (b)(4)(A). Pub. L. 100-322, §101(e)(2)(A), substituted “subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)” for “subsections (a) and (f) of this section”.

Subsec. (e). Pub. L. 100-322, §101(g)(1)(B), struck out subsec. (e) which read as follows: “Any disability of a veteran of the Spanish-American War or Indian Wars, upon application for the benefits of this section or outpatient medical services under section 624 of this title, shall be considered for the purposes thereof to be a service-connected disability incurred or aggravated in a period of war.”

Subsec. (f)(1). Pub. L. 100-322, §101(e)(1)(A)-(C), redesignated par. (4)(A) as par. (1), substituted "under subsection (a) of this section (including home health services under section 617 of this title)" for "under this subsection (including home health services under paragraph (2) of this subsection)" and "paragraph (2) of this subsection" for "subparagraph (B) of this paragraph", and struck out former par. (1) which read as follows: "Except as provided in paragraph (4) of this subsection, the Administrator may furnish medical services for any disability on an outpatient or ambulatory basis—

"(A) to any veteran eligible for hospital care under section 610 of this title (i) if such services are reasonably necessary in preparation for, or (to the extent that facilities are available) to obviate the need of, hospital admission, or (ii) if such a veteran has been furnished hospital care, nursing home care, or domiciliary care and such medical services are reasonably necessary to complete treatment incident to such care (for a period not in excess of twelve months after discharge from such treatment, except where the Administrator finds that a longer period is required by virtue of the disability being treated); and

"(B) to any veteran who is a former prisoner of war."

Subsec. (f)(2). Pub. L. 100-322, §101(e)(1)(D)-(F), redesignated par. (4)(B) as (2), substituted "subsection (a) of this section and who is required under paragraph (1) of this subsection" for "this subsection and who is required under subparagraph (A) of this paragraph", and struck out former par. (2) which read as follows: "Subject to subsection (k) of this section, as part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran (including only such improvements and structural alterations the cost of which does not exceed \$600 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment or provide access to the home or to essential lavatory and sanitary facilities)."

Subsec. (f)(3). Pub. L. 100-322, §101(e)(1)(A), (D), (E), (G), redesignated par. (4)(C) as (3), substituted "under this subsection for services furnished under subsection (a) of this section" for "under this paragraph for services furnished under this subsection" and "veteran under this subsection" for "veteran under this paragraph", and struck out former par. (3) which read as follows: "In addition to furnishing medical services under this subsection through Veterans' Administration facilities, the Administrator may furnish such services in accordance with section 603 of this title."

Subsec. (f)(4). Pub. L. 100-322, §101(e)(1)(D), redesignated par. (4)(D) as (4).

Subsec. (f)(5). Pub. L. 100-322, §101(e)(1)(D), (H), redesignated par. (4)(E) as (5) and substituted "under section 617 of this title" for "under this subsection".

Subsec. (f)(6). Pub. L. 100-322, §101(e)(1)(D), (E), redesignated par. (4)(F) as (6) and substituted "this subsection" for "this paragraph".

Subsec. (f)(7). Pub. L. 100-322, §101(e)(1)(D), (E), redesignated par. (4)(G) as (7) and substituted "this subsection" for "this paragraph".

Subsec. (g). Pub. L. 100-322, §101(e)(2)(B), struck out subsec. (g) which read as follows:

"(1) The Administrator may furnish medical services which the Administrator determines are needed to a veteran—

"(A) who is a veteran of the Mexican border period or of World War I; or

"(B) 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).

"(2) As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Adminis-

trator may furnish to the veteran home health services under the terms and conditions set forth in subsection (f) of this section.

"(3) In addition to furnishing medical services under this subsection through Veterans' Administration facilities, the Administrator may furnish such services in accordance with section 603 of this title."

Subsec. (i). Pub. L. 100-322, §101(c), added pars. (1) to (5) and struck out former pars. (1) to (6) which read as follows:

"(1) To any veteran for a service-connected disability.

"(2) To any veteran described in subsection (f)(2) of this section.

"(3) To any veteran with a disability rated as service-connected (including any veteran being examined to determine the existence or rating of a service-connected disability).

"(4) To any veteran (A) who is a former prisoner of war, or (B) who is eligible for care under section 610(a)(5) of this title.

"(5) To any veteran being furnished medical services under subsection (g) of this section.

"(6) To any veteran who is in receipt of pension under section 521 of this title."

Subsec. (k). Pub. L. 100-322, §101(d)(2), transferred subsec. (k) to section 617(a)(3) of this title.

1986—Subsec. (a). Pub. L. 99-272, §19011(b)(1), substituted par. (1) for "Except as provided in subsection (b) of this section, the Administrator, within the limits of Veterans' Administration facilities, may furnish such medical services as the Administrator finds to be reasonably necessary to any veteran for a service-connected disability.", designated second sentence of existing provision as par. (2), substituted "As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran" for "The Administrator may also furnish to any such veteran", struck out provision that in the case of a veteran discharged or released from active military, naval, or air service for a disability incurred or aggravated in the line of duty, services may be provided for that disability, whether or not service-connected for the purposes of this chapter, and added par. (3).

Subsec. (a)(2). Pub. L. 99-576, §202(1), substituted "Subject to subsection (k) of this section, as" for "As".

Subsec. (b)(3). Pub. L. 99-272, §19012(c)(1), substituted "clause (1), (2), or (5) of section 603(a)" for "clause (i), (ii), or (v) of section 601(4)(C)".

Subsec. (b)(4). Pub. L. 99-576, §231(b), designated existing provisions as subpar. (A), substituted "Except as provided in subparagraph (B) of this paragraph, in" for "In", and added subpar. (B).

Pub. L. 99-272, §19012(c)(2), substituted "section 603" for "section 601(4)(C)" in two places.

Subsec. (f). Pub. L. 99-272, §19011(b)(2), designated existing first sentence as par. (1), substituted "Except as provided in paragraph (4) of this subsection, the Administrator may" for "The Administrator, within the limits of Veterans' Administration facilities, may", redesignated former cl. (1) as cl. (A) and subcls. (A) and (B) as subcls. (i) and (ii), inserted "and" after "being treated"; struck out par. (2), which related to any veteran who had a service-connected disability rated at 50 percent or more, and redesignated cl. (3) as cl. (B); designated existing second sentence as par. (2) and substituted "As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran" for "The Administrator may also furnish to any such veteran"; struck out provision authorizing the Administrator to furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsec. (b)(1)(G) of this section; and added pars. (3) and (4).

Subsec. (f)(2). Pub. L. 99-576, §202(1), substituted "Subject to subsection (k) of this section, as" for "As".

Subsec. (f)(4)(D) to (G). Pub. L. 99-576, §237(b)(2), added subpar. (D) and redesignated former subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (g). Pub. L. 99-272, §19011(b)(3), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "In the case of any veteran who is a veteran of the Mexican border period or of World War I or who is in receipt of increased pension or additional compensation or allowance 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, the Administrator, within the limits of Veterans' Administration facilities, may furnish the veteran such medical services as the Administrator finds to be reasonably necessary. The Administrator may also furnish to any such veteran home health services under the terms and conditions set forth in subsection (f) of this section."

Subsec. (i)(6). Pub. L. 99-272, §19011(b)(4), added par. (6).

Subsec. (j). Pub. L. 99-576, §702(5), substituted "programs under other provisions" for "programs pursuant to other provisions", "veterans who voluntarily request such immunizations" for "veterans (voluntarily requesting such immunizations)", "facility. Any such immunization shall be made using" for "facility, utilizing", "Administration. For such purpose, notwithstanding any other provision of law, the Secretary may provide" for "Administration, and for such purpose, notwithstanding any other provision of law, the Secretary is authorized to provide", and "cost. Section 4116" for "cost and the provisions of section 4116".

Subsec. (k). Pub. L. 99-576, §202(2), added subsec. (k).

1985—Subsec. (f)(1). Pub. L. 99-166 substituted "if" for "where" after "(A)" and "(B)", inserted ", nursing home care, or domiciliary care", struck out "hospital" after "treatment incident to such", and substituted "from such treatment" for "from in-hospital treatment".

1982—Subsec. (a). Pub. L. 97-295, §4(17)(A), (B), inserted "of this section" after "subsection (b)", and substituted "facilities" for "sanitary".

Subsec. (f)(2). Pub. L. 97-295, §4(17)(C), substituted "percent" for "per centum".

Subsec. (h). Pub. L. 97-295, §4(17)(D), inserted "of this title" after "chapter 11".

Subsec. (i). Pub. L. 97-295, §4(17)(E), substituted "The" for "Not later than ninety days after the effective date of this subsection, the" at the beginning.

Subsec. (j). Pub. L. 97-295, §4(95)(A), substituted "Health and Human Services" for "Health, Education, and Welfare".

1981—Subsec. (b). Pub. L. 97-72, §103(a), divided existing provisions into pars. (1), (2), (3), and (4), redesignated cls. (1) through (8) as subpars. (A) through (H) of par. (1) as redesignated, made internal substitutions reflecting new number and letter designations, and, in par. (1)(B) as redesignated, inserted provisions set out in par. (1)(B)(ii), (iii)(I), and (iv).

Pub. L. 97-37, §3(b), in cl. (7) substituted "from which a veteran who is a former prisoner of war and who was detained or interned for a period of not less than six months is suffering" for "from which any veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war for a period of not less than six months is suffering".

Pub. L. 97-35 inserted provisions requiring the Secretary concerned to furnish a discharged or released member of the Armed Forces a written explanation concerning the provisions of cl. (2) of this subsection, and in cl. (2) added subcl. (B) and (D), and redesignated former subcl. (B) as (C) and, as so redesignated, substituted "90 days" for "one year" in two places.

Subsec. (c). Pub. L. 97-72, §103(b)(1), substituted "paragraph (1)(B)" for "clause (2)".

Subsec. (f). Pub. L. 97-72, §103(b)(2), substituted "clause (G) of subsection (b)(1)" for "subsection (b)(7)".

Subsec. (f)(3). Pub. L. 97-37, §5(b), added cl. (3).

Subsec. (i)(4). Pub. L. 97-72, §102(b), designated existing provisions relating to former prisoners of war as cl. (A) and added cl. (B) relating to veterans who are eligible for care under section 610(a)(5) of this title.

Pub. L. 97-37, §5(c), added cl. (4). Former cl. (4) redesignated (5).

Subsec. (i)(5). Pub. L. 97-37, §5(c)(1), redesignated former cl. (4) as (5).

1979—Subsec. (b). Pub. L. 96-151, §203, inserted provisions relating to the total amount the Administrator may expend.

Pub. L. 96-22, §102(b)(1), added pars. (7) and (8) and inserted provisions following par. (8).

Subsec. (f). Pub. L. 96-22, §102(b)(2), authorized the Administrator to furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsec. (b)(7) of this section.

Subsec. (g). Pub. L. 96-151, §204, inserted provisions relating to particular applicability to Mexican border period or World War I veterans, and provisions relating to furnishing by the Administrator of home health care services.

Subsec. (i)(3). Pub. L. 96-22, §101, inserted "(including any veteran being examined to determine the existence or rating of a service-connected disability)" after "with a disability rated as service connected".

1978—Subsec. (h). Pub. L. 95-588 substituted "\$1,000" for "\$500".

1976—Subsec. (a). Pub. L. 94-581, §§103(a)(1), 210(a)(3)(A), inserted provisions which authorized the Administrator to furnish such home health services as the Administrator finds to be necessary or appropriate for the effective and economical treatment of the disability (including only such improvements and structural alterations the cost of which does not exceed \$2,500 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment for the disability or to provide access to the home or to essential lavatory and sanitary facilities), and in the existing provisions substituted "as the Administrator finds" for "as he finds".

Subsec. (b). Pub. L. 94-581, §103(a)(2), added par. (5) and redesignated former par. (5) as (6).

Subsec. (d). Pub. L. 94-581, §210(a)(3)(B), substituted "procured by the Administrator" for "procured by him" and "whichever the Administrator determines" for "whichever he determines".

Subsec. (e). Pub. L. 94-581, §202(f)(1), substituted "Indian Wars" for "Indian wars".

Subsec. (f). Pub. L. 94-581, §§103(a)(3)-(7), 202(f)(2), substituted "within the limits of Veterans' Administration facilities, may furnish" for "may also furnish" in provisions preceding par. (1), substituted "or (to the extent that facilities are available) to obviate" for "or to obviate" in cl. (A) of par. (1), substituted "furnished" for "granted" in existing provisions of cl. (B) of par. (1) and inserted "(for a period not in excess of twelve months after discharge from in-hospital treatment, except where the Administrator finds that a longer period is required by virtue of the disability being treated)" at end, substituted "50 per centum" for "80 per centum" in par. (2), and inserted, after par. (2), provision authorizing the Administrator to furnish to the veteran such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of the veteran (including only such improvements and structural alterations the cost of which does not exceed \$600 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment or provide access to the home or to essential lavatory and sanitary facilities).

Subsec. (g). Pub. L. 94-581, §§202(f)(3), 210(a)(3)(C), inserted ", within the limits of Veterans' Administration facilities," after "the Administrator" and substituted "as the Administrator finds" for "as he finds".

Subsec. (h). Pub. L. 94-581, §210(a)(3)(D), substituted "such veteran's annual income is greater" for "his annual income is greater" and "such veteran's annual income does not exceed" for "his annual income does not exceed".

Subsecs. (i), (j). Pub. L. 94-581, §103(a)(8), added subsecs. (i) and (j).

1973—Subsec. (f). Pub. L. 93-82 substituted provisions relating to the furnishing of medical services for any

disability on an outpatient or ambulatory basis to veterans eligible for hospital care where such services are necessary in preparation for, or to obviate the need of, hospital admission, or where such veteran has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care and to veterans who have a service-connected disability rated at 80 per centum or more for provisions relating to the furnishing of medical services for a non-service connected disability where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission, where a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment incident to such hospital care, and where a veteran of any war has a total disability permanent in nature resulting from a service-connected disability.

1970—Subsec. (g). Pub. L. 91-500, §2, extended the authority of the Administrator to furnish medical services as he finds necessary to veterans permanently housebound or receiving pension or compensation based on need of regular aid and attendance and struck out conditions limiting such medical care to veterans hospitalized or suffering from one or more of the six specific conditions or diseases enumerated.

Subsec. (h). Pub. L. 91-588 inserted reference to Mexican border period and authorized the Administrator to continue furnishing drugs and medicine so ordered by any veteran in need of regular aid and attendance whose pension payments have been discontinued solely because his annual income is greater than the applicable maximum annual income limitation, but only so long as his annual income does not exceed such maximum annual income limitation by more than \$500.

Pub. L. 91-500, §3, authorized furnishing of drugs and medicines to veterans receiving additional compensation or allowance or increased pension by reason of being "permanently housebound".

1969—Subsec. (f)(3). Pub. L. 91-102 added par. (3).

1967—Subsec. (h). Pub. L. 90-77 imposed the obligation of furnishing drugs and medicines on the Administrator and extended such medical benefits to veterans receiving additional compensation under chapter 11 and veterans of the Vietnam era.

1964—Subsec. (b)(2). Pub. L. 88-430 permitted an application for treatment to be made within one year after a disqualifying discharge or release has been corrected, or the date of enactment of this exception, whichever is later.

Subsec. (g). Pub. L. 88-450 added subsec. (g).

Subsec. (h). Pub. L. 88-664 added subsec. (h).

1962—Subsec. (a). Pub. L. 87-583 provided for medical service to any veteran for a service-connected disability instead of to a veteran of any war, to a veteran discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or to a person who is in receipt of, but for the receipt of retirement pay would be entitled to, disability compensation.

1961—Subsecs. (b)(5), (e). Pub. L. 87-377 inserted "or Indian wars" after "Spanish-American War".

1960—Subsec. (f). Pub. L. 86-639 added subsec. (f).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-210 effective as of Aug. 2, 1990, see section 1(c)(1) of Pub. L. 103-210, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 to remain in effect through the period covered by Pub. L. 102-145, see section 111 of Pub. L. 102-145, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101-508 to remain in effect through the period covered by Pub. L. 102-109, see section 111 of Pub. L. 102-109, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101-508 applicable with respect to hospital care and medical services received after Nov. 5, 1990, see section 8013(d) of Pub. L. 101-508, as amended, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 101(a)-(c), (d)(2), (e)(1), (2), (f), (g)(1), (h)(1) of Pub. L. 100-322 applicable with respect to furnishing of medical services to veterans who apply for such services after June 30, 1988, see section 101(i) of Pub. L. 100-322, set out as a note under section 1703 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by section 237(b)(2) of Pub. L. 99-576 effective Apr. 7, 1986, see section 237(c) of Pub. L. 99-576, set out as a note under section 1710 of this title.

Amendment by section 19011(b) 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 1981 AMENDMENTS

Amendment by section 5(b), (c) of Pub. L. 97-37 effective Oct. 1, 1981, see section 5(d) of Pub. L. 97-37, set out as a note under section 1710 of this title.

Section 2002(b) of Pub. L. 97-35 provided that:

"(b)(1) The amendments made by clauses (1)(A), (1)(C), and (2) of subsection (a) [amending this section] shall take effect on October 1, 1981.

"(2) The amendment made by clause (1)(B) of subsection (a) [amending this section] shall apply only to veterans discharged or released from active military, naval, or air service after September 30, 1981."

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.

Amendment by section 102(b) of Pub. L. 96-22 effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

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

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

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.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-664 effective Jan. 1, 1965, see section 11 of Pub. L. 88-664, set out as a note under section 1503 of this title.

SAVINGS PROVISION

Provisions of subsec. (a) of this section, as in effect on Oct. 8, 1996, to continue to apply on and after such

date with respect to furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care before Oct. 9, 1996, on the basis of presumed exposure to a substance of radiation, but only for treatment for disability for which such care or services were furnished before Oct. 9, 1996, see section 102(b) of Pub. L. 104-262, set out as a note under section 1710 of this title.

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Any action taken by Secretary of Veterans Affairs before Feb. 13, 1996, under provision of law amended by title I of Pub. L. 104-110 that was taken during period beginning on date on which authority of Secretary under such provision of law expired and ending on Feb. 13, 1996, considered to have same force and effect as if such amendment had been in effect at time of that action, see section 103 of Pub. L. 104-110, set out as a note under section 1710 of this title.

DISABILITY OF VETERANS OF SPANISH-AMERICAN WAR

Section 101(g)(2) of Pub. L. 100-322, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: "Any disability of a veteran of the Spanish-American War, upon application for outpatient medical services under section 1712 or 1724 of title 38, United States Code, shall be considered for the purposes thereof to be a service-connected disability [sic] and, for the purposes of section 1712(b) of such title, to be compensable in degree."

PILOT PROGRAM OF MOBILE HEALTH-CARE CLINICS

Section 113 of Pub. L. 100-322 authorized Administrator of Veterans' Affairs to conduct a pilot program under which eligible veterans residing in areas which are at least 100 miles from the nearest Veterans' Administration health-care facility are furnished health-care services at a location convenient to their residences by Veterans' Administration employees furnishing such services through the use of appropriately equipped mobile health-care clinics, provided that the pilot program be conducted for a period of not less than 24 months, and required Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives interim and final reports on the project.

PILOT PROGRAM OF COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS

Section 115(a)-(f) of Pub. L. 100-322, as amended by Pub. L. 101-237, title II, §201(c), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102-83, §§5(c)(2), 6(j)(1), Aug. 6, 1991, 105 Stat. 406, 409; Pub. L. 102-405, title I, §107(h), Oct. 9, 1992, 106 Stat. 1978; Pub. L. 103-452, title I, §103(e), Nov. 2, 1994, 108 Stat. 4787; Pub. L. 104-110, title I, §102(a), Feb. 13, 1996, 110 Stat. 769; Pub. L. 104-275, title VI, §601(a), Oct. 9, 1996, 110 Stat. 3344, provided for a pilot program to provide care and treatment in community-based facilities to homeless veterans suffering from chronic mental illness, prior to repeal by Pub. L. 105-114, title II, §202(c)(4), Nov. 21, 1997, 111 Stat. 2287.

REPORT ON TREATMENT AND SERVICES FOR CHRONICALLY MENTALLY ILL VETERANS

Section 114 of Pub. L. 100-322 directed that the report required by section 235 of Pub. L. 99-576 [see below] include additional information about veterans being treated by the Veterans' Administration for mental illness disabilities who were furnished hospital, domiciliary, or nursing home care by the Administrator during fiscal years 1986, 1987, and 1988, and extended the deadline for submission of the report to not later than Dec. 15, 1988.

Section 235 of Pub. L. 99-576 directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Dec. 15, 1987, a report on Administrator's current use of author-

ity to contract for care and treatment, and for rehabilitative services, for chronically mentally ill veterans through various types of facilities and to furnish home health services to such veterans in such veterans' homes or in other settings in which they reside.

VETERANS DISCHARGED OR RELEASED FROM ACTIVE SERVICE WHO REENTERED SUCH SERVICE WITHIN ONE YEAR, AND WERE DISCHARGED OR RELEASED BEFORE AUGUST 13, 1981

Section 103(c) of Pub. L. 97-72, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

"(1) Section 1712(b)(1)(B)(iii)(I) [now 1712(a)(1)(B)(iii)(I), formerly 612(b)(1)(B)(iii)(I)] of title 38, United States Code, shall apply only to veterans discharged or released from active military, naval, or air service after August 12, 1981.

"(2) A veteran who before August 13, 1981—

"(A) was discharged or released from active military, naval, or air service,

"(B) reentered such service within one year after the date of such discharge or release, and

"(C) was discharged or released from such subsequent service,

may be provided dental services and treatment in the same manner as provided for in section 1712(b) [now 1712(a), formerly 612(b)] of title 38, United States Code, if the veteran is otherwise eligible for such services and treatment and if application for such services and treatment is or was made within one year from the date of such subsequent discharge or release."

STUDY OF HOME MODIFICATIONS FOR TOTALLY BLINDED SERVICE-CONNECTED VETERANS; REPORT NOT LATER THAN OCTOBER 1, 1979

Section 505 of Pub. L. 96-22 directed Administrator of Veterans' Affairs to submit a report to Committees on Veterans' Affairs of Senate and House of Representatives not later than Oct. 1, 1979, on needs of veterans who are totally blind from service-connected causes for home modifications the cost of which would exceed the amount allowable for such purposes under subsec. (a) of this section and on reasons why such veterans have not applied for home health services.

ANNUAL REPORT TO CONGRESS ON RESULTS OF REGULATIONS PRESCRIBED TO CARRY OUT SPECIAL PRIORITIES IN FURNISHING MEDICAL SERVICES

Section 103(b) of Pub. L. 94-581, as amended by Pub. L. 100-527, §10(1), Oct. 25, 1988, 102 Stat. 2640; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that not later than one year after Oct. 21, 1976, and annually thereafter, the Secretary of Veterans Affairs was to report to the Congress on the results of the regulations prescribed to carry out former subsec. (i) of this section.

NOTIFICATION TO ELIGIBLE INDIVIDUALS OF EXPANDED CARE AND SERVICES AVAILABLE AS RESULT OF AMENDMENTS BY VETERANS OMNIBUS HEALTH CARE ACT OF 1976

Section 117(b) of Pub. L. 94-581 directed Administrator, not later than ninety days after Oct. 21, 1976, to take all appropriate steps to ensure that each individual eligible for new or expanded services as a result of amendments made by Veterans Omnibus Health Care Act of 1976 (Pub. L. 94-581) was personally notified about his or her eligibility and the way to secure care and services and directed Administrator to send copies of all notification forms to appropriate House and Senate committees, along with a description of how the forms were distributed.

§ 1712A. Eligibility for readjustment counseling and related mental health services

(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B), the Secretary shall furnish counseling to the veteran to assist

the veteran in readjusting to civilian life. Such counseling may include a general mental and psychological assessment of the veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

(B) Subparagraph (A) applies to the following veterans:

(i) Any veteran who served on active duty—

(I) in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during the Vietnam era; or

(II) after May 7, 1975, in an area at a time during which hostilities occurred in that area.

(ii) Any veteran (other than a veteran covered by clause (i)) who served on active duty during the Vietnam era who seeks or is furnished such counseling before January 1, 2004.

(2)(A) Upon the request of any veteran (other than a veteran covered by paragraph (1)) who served in the active military, naval, or air service in a theater of combat operations (as so determined) during a period of war, or in any other area during a period in which hostilities (as defined in subparagraph (B)) occurred in such area, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

(B) For the purposes of subparagraph (A), the term "hostilities" means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.

(b)(1) If, on the basis of the assessment furnished under subsection (a) of this section, a physician or psychologist employed by the Department (or, in areas where no such physician or psychologist is available, a physician or psychologist carrying out such function under a contract or fee arrangement with the Secretary) determines that the provision of mental health services to such veteran is necessary to facilitate the successful readjustment of the veteran to civilian life, such veteran shall, within the limits of Department facilities, be furnished such services on an outpatient basis. For the purposes of furnishing such mental health services, the counseling furnished under subsection (a) of this section shall be considered to have been furnished by the Department as a part of hospital care. Any hospital care and other medical services considered necessary on the basis of the assessment furnished under subsection (a) of this section shall be furnished only in accordance with the eligibility criteria otherwise set forth in this chapter (including the eligibility criteria set forth in section 1784 of this title).

(2) Mental health services furnished under paragraph (1) of this subsection may, if determined to be essential to the effective treatment and readjustment of the veteran, include such consultation, counseling, training, services, and expenses as are described in sections 1782 and 1783 of this title.

[(c) Repealed. Pub. L. 104-262, title III, §331(b), Oct. 9, 1996, 110 Stat. 3198.]

(d) The Under Secretary for Health may provide for such training of professional, paraprofessional, and lay personnel as is necessary to carry out this section effectively, and, in carrying out this section, may utilize the services of paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 3485 of this title) in initial intake and screening activities.

(e)(1) In furnishing counseling and related mental health services under subsections (a) and (b) of this section, the Secretary shall have available the same authority to enter into contracts with private facilities that is available to the Secretary (under sections 1703(a)(2) and 1710(a)(1)(B) of this title) in furnishing medical services to veterans suffering from total service-connected disabilities.

(2) Before furnishing counseling or related mental health services described in subsections (a) and (b) of this section through a contract facility, as authorized by this subsection, the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which the counseling or services are to be furnished.

(3) The authority of the Secretary to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(f) The Secretary, in cooperation with the Secretary of Defense, shall take such action as the Secretary considers appropriate to notify veterans who may be eligible for assistance under this section of such potential eligibility.

(g)(1)(A) Except as provided in subparagraph (C) of this paragraph, the Secretary may close or relocate a center in existence on January 1, 1988, only as described in the national plan required by paragraph (3) of this subsection (or in a revision to such plan under paragraph (4) of this subsection in which the closure or relocation of that center is proposed).

(B) A closure or relocation of a center which is proposed in such national plan may be carried out only after the end of the 120-day period beginning on the date on which the national plan is submitted. A closure or relocation of a center not proposed in such plan may be carried out only after the end of the 60-day period beginning on the date the Secretary submits a revision to such plan in which the closure or relocation of that center is proposed.

(C) The Secretary may relocate a center in existence on January 1, 1988, without regard to the national plan (including any revision to such plan) if such relocation is to a new location away from a Department general health-care facility when such relocation is necessitated by circumstances beyond the control of the Department. Such a relocation may be carried out only after the end of the 30-day period beginning on the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and the House of Representatives of the pro-

posed relocation, of the circumstances making it necessary, and of the reason for the selection of the new site for the center.

(2)(A) Not later than April 1, 1988, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983 (Public Law 98-160), to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder.

(B) The report required by subparagraph (A) of this paragraph shall include—

(i) the opinion of the Secretary with respect to (I) the extent to which the readjustment needs of veterans who served on active duty during the Vietnam era remain unmet, and (II) the extent to which the provision of readjustment counseling services under this section in centers is needed to meet such needs; and

(ii) in light of the opinion submitted pursuant to clause (i) of this subparagraph, such recommendations for amendments to this subsection and for other legislative and administrative action as the Secretary considers appropriate.

(3)(A) The Secretary, after considering the recommendations of the Under Secretary for Health, shall submit to such committees a report setting forth a national plan for all centers in existence on January 1, 1988. Such national plan shall set forth the Secretary's proposals as to each such center for a period (to be determined by the Secretary) of not less than 12 months beginning on the date of the submission of the report. The plan shall include, as to each center, whether the Secretary proposes to relocate the center to a general Department facility, relocate the center to a new location away from a general Department facility, expand the center in the same location, or close the center. The plan shall also set forth any proposal of the Secretary to open additional centers.

(B) The plan shall include the Secretary's evaluation as to how, in light of each of the criteria described in subparagraph (C) of this paragraph, the proposal set forth in the plan for each center covered by the plan would ensure the continued availability and effective furnishing of readjustment counseling services to eligible veterans needing such services in the geographic area served by that center.

(C) The Secretary shall make the evaluation described in subparagraph (B) of this paragraph with respect to any center in light of the following:

(i) The distribution of Vietnam-era veterans in the geographic area served by the center and the relationships between the location of such center and the general Department facility and such distribution.

(ii) The distance between the center and the general Department facility.

(iii) The availability of other entities (such as State, local, or private outreach facilities) which provide assistance to Vietnam-era veterans in the area served by the center.

(iv) The availability of transportation to, and parking at, the center and the general Department facility.

(v) The availability, cost, and suitability of the space at the general Department facility.

(vi) The overall cost impact of the proposed closure or relocation, including a comparison of the recurring nonpersonnel costs of providing readjustment counseling to the same estimated number of veterans at the center and the general Department facility.

(vii) The workload trends over the two previous fiscal years, and projected over the next fiscal year (or longer), at the center.

(viii) Such other factors as the Secretary determines to be relevant to making the evaluation described in subparagraph (B) of this paragraph.

(D) For the purposes of this paragraph, the term "general Department facility" means a Department facility which is not a center and at which readjustment counseling would be furnished in a particular geographic area upon the closure or relocation of a center.

(4) After submitting the plan required by paragraph (3) of this subsection, the Secretary may submit to the committees a revision to such plan in order to modify the proposal set forth in the plan as to any center. Any such revision shall include, with respect to each center addressed in the revision, a description of the Secretary's evaluation of the matters specified in paragraphs (3)(B) and (3)(C) of this subsection.

(5) For purposes of determining a period of time under paragraph (1)(B) of this subsection, if the national plan (or a revision to the national plan) is submitted to the committees during the 121-day period beginning 60 days before and ending 60 days after the final day of a session of the Congress, it shall be deemed to have been submitted on the sixty-first day after the final day of such session.

[~~(h) Repealed. Pub. L. 102-83, §4(b)(6), Aug. 6, 1991, 105 Stat. 405.]~~

(i) For the purposes of this section:

(1) The term "center" means a facility (including a Resource Center designated under subsection (h)(3)(A) of this section) which is operated by the Department for the provision of services under this section and which (A) is situated apart from Department general health-care facilities, or (B) was so situated but has been relocated to a Department general health-care facility.

(2) The term "Department general health-care facility" means a health-care facility which is operated by the Department for the furnishing of health-care services under this chapter, not limited to services provided through the program established under this section.

(Added Pub. L. 96-22, title I, §103(a)(1), June 13, 1979, 93 Stat. 48, §612A; amended Pub. L. 96-128, title V, §501(b), Nov. 28, 1979, 93 Stat. 987; Pub. L. 97-72, title I, §104(a)(1), (b), Nov. 3, 1981, 95 Stat. 1049; Pub. L. 98-160, title I, §101, Nov. 21, 1983, 97

Stat. 993; Pub. L. 99-166, title I, §§105, 106, Dec. 3, 1985, 99 Stat. 944, 945; Pub. L. 99-272, title XIX, §§1901(d)(4), 1901(c)(3), Apr. 7, 1986, 100 Stat. 379, 382; Pub. L. 99-576, title II, §204, title VII, §702(6), Oct. 28, 1986, 100 Stat. 3255, 3302; Pub. L. 100-322, title I, §107(a)-(e), May 20, 1988, 102 Stat. 494-496; Pub. L. 100-687, div. B, title XV, §1501(a), Nov. 18, 1988, 102 Stat. 4132; Pub. L. 102-25, title III, §334(d), Apr. 6, 1991, 105 Stat. 89; Pub. L. 102-54, §14(b)(11), June 13, 1991, 105 Stat. 283; renumbered §1712A and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), (6), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 104-262, title I, §101(d)(5), title III, §331, Oct. 9, 1996, 110 Stat. 3180, 3197; Pub. L. 106-117, title II, §205(a), Nov. 30, 1999, 113 Stat. 1563; Pub. L. 107-135, title II, §208(e)(3)(A), Jan. 23, 2002, 115 Stat. 2463.)

REFERENCES IN TEXT

Section 102 of the Veterans' Health Care Amendments of 1983, referred to in subsec. (g)(2)(A), is section 102 of Pub. L. 98-160, title I, Nov. 21, 183, 97 Stat. 994, which was formerly set out below.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-135 substituted “section 1784” for “section 1711(b)” in par. (1) and “sections 1782 and 1783” for “section 1701(6)(B)” in par. (2).

1999—Subsec. (a)(1)(B)(ii). Pub. L. 106-117 substituted “January 1, 2004” for “January 1, 2000”.

1996—Subsec. (a). Pub. L. 104-262, §331(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

“(a)(1) Upon the request of any veteran who served on active duty during the Vietnam era, the Secretary shall, within the limits of Department facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

“(2)(A) The Secretary shall furnish counseling as described in paragraph (1), upon request, to any veteran who served on active duty after May 7, 1975, in an area at a time during which hostilities occurred in such area.

“(B) For the purposes of subparagraph (A) of this paragraph, the term ‘hostilities’ means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.”

Subsec. (b)(1). Pub. L. 104-262, §101(d)(5)(A), struck out “under the conditions specified in section 1712(a)(5)(B) of this title” after “furnished such services on an outpatient basis”.

Subsec. (c). Pub. L. 104-262, §331(b), struck out subsec. (c) which read as follows: “Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such counseling, the Secretary shall—

“(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

“(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Department for review of such individual's discharge or release from such service.”

Subsec. (e)(1). Pub. L. 104-262, §101(d)(5)(B), substituted “sections 1703(a)(2) and 1710(a)(1)(B)” for “sections 1712(a)(1)(B) and 1703(a)(2)”.

1992—Subsecs. (d), (g)(3)(A). Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director”.

1991—Pub. L. 102-83, §5(a), renumbered section 612A of this title as this section.

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration” in par. (1).

Pub. L. 102-25 designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(1). Pub. L. 102-83, §5(c)(1), substituted “1712(a)(5)(B)” for “612(a)(5)(B)” and “1711(b)” for “611(b)”.

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration” wherever appearing.

Pub. L. 102-54 substituted “section 612(a)(5)(B)” for “paragraph (1)(A)(ii) of section 612(f)”.

Subsec. (b)(2). Pub. L. 102-83, §5(c)(1), substituted “1701(6)(B)” for “601(6)(B)”.

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration” in pars. (1) and (2).

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted “3485” for “1685”.

Subsec. (e). Pub. L. 102-83, §5(c)(1), substituted “1712(a)(1)(B) and 1703(a)(2)” for “612(a)(1)(B) and 603(a)(2)” in par. (1).

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

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

Subsec. (g). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” and “Secretary's” for “Administrator's” wherever appearing.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration” wherever appearing.

Subsec. (h). Pub. L. 102-83, §4(b)(6), struck out subsec. (h) which related to carrying out a pilot program to provide and coordinate services to meet the readjustment needs of veterans on active duty during the Vietnam era.

Subsec. (i). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration” wherever appearing.

1988—Subsec. (g)(1). Pub. L. 100-322, §107(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “During the 24-month period ending on September 30, 1989, the Administrator shall take appropriate steps to ensure—

“(A) the orderly, gradual transition, by October 1, 1989, of that part of the program established under this section for the provision of readjustment counseling services by Veterans' Administration personnel from a program providing such services primarily through centers located in facilities situated apart from the health-care facilities operated by the Veterans' Administration for the provision of other health-care services under other provisions of this chapter to a program providing readjustment counseling services primarily through such health-care facilities; and

“(B) the continued availability after such date of readjustment counseling and related mental health services under this section to veterans eligible for the provision of such counseling and services who request such counseling.”

Subsec. (g)(1)(A). Pub. L. 100-687, §1501(a)(1), substituted “Except as provided in subparagraph (C) of this paragraph, the” for “The”.

Subsec. (g)(1)(C). Pub. L. 100-687, §1501(a)(2), added subpar. (C).

Subsec. (g)(2)(A). Pub. L. 100-322, §107(b), substituted “April 1, 1988” for “April 1, 1987” and struck out “(or, if the study is not then completed, whatever information from it is then available)” after “(Public Law 98-160)”.

Subsec. (g)(2)(B)(i). Pub. L. 100-322, §107(e)(1)(A), substituted "in centers is needed" for "in a program providing such services through facilities situated apart from Veterans' Administration health-care facilities is needed".

Subsec. (g)(2)(B)(ii). Pub. L. 100-322, §107(e)(1)(B), substituted "this subsection" for "paragraph (1) of this subsection".

Subsec. (g)(3) to (5). Pub. L. 100-322, §107(c), added pars. (3) to (5) and struck out former pars. (3) and (4) which read as follows:

"(3) Not later than July 1, 1987, the Administrator shall submit to such committees a report containing a description of the plans made and timetable for carrying out paragraph (1) of this subsection. Such report shall be prepared taking into consideration the results of the study referred to in paragraph (2)(A) of this subsection (or, if the study is not then completed, whatever information from it is then available).

"(4) Not later than February 1, 1989, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under as much of the transition as was carried out pursuant to paragraph (1) of this subsection before September 30, 1988, including such recommendations for legislative and administrative action as the Administrator considers appropriate in light of such experience."

Subsec. (h)(3)(B). Pub. L. 100-322, §107(e)(2)(A), substituted "referred to as 'Resource Centers'" for "referred to as 'Centers'".

Subsec. (h)(4), (5). Pub. L. 100-322, §107(e)(2)(B), substituted "Resource Center" for "Center" wherever appearing.

Subsec. (i). Pub. L. 100-322, §107(d), added subsec. (i). 1986—Subsec. (b)(1). Pub. L. 99-272, §1901(d)(4)(A), substituted "paragraph (1)(A)(ii)" for "clause (1)(B)".

Subsec. (e)(1). Pub. L. 99-272, §1901(c)(3), substituted "603(a)(2)" for "601(4)(C)(ii)".

Pub. L. 99-272, §1901(d)(4)(B), substituted "612(a)(1)(B)" for "612(f)(2)".

Subsec. (g)(1). Pub. L. 99-576, §204(a), substituted "the 24-month period ending on September 30, 1989" for "the twelve-month period ending on September 30, 1988" in introductory provision, and substituted "orderly, gradual transition by October 1, 1989" for "orderly transition, by October 1, 1988" in subpar. (A).

Subsec. (g)(2)(A). Pub. L. 99-576, §204(b)(1), inserted "(Pub. L. 98-160) (or, if the study is not then completed, whatever information from it is then available)" after "the Veterans' Health Care Amendments of 1983".

Subsec. (g)(3). Pub. L. 99-576, §204(b)(2), inserted at end "Such report shall be prepared taking into consideration the results of the study referred to in paragraph (2)(A) of this subsection (or, if the study is not then completed, whatever information from it is then available)."

Subsec. (g)(4). Pub. L. 99-576, §204(c), added par. (4).

Subsec. (h)(3)(A)(i). Pub. L. 99-576, §702(6), substituted "December 3, 1985," for "the date of the enactment of this section".

1985—Subsec. (g)(1)(B). Pub. L. 99-166, §106, which directed the substitution of "who request such counseling" for "who requested counseling before such date", was executed by making the substitution for the phrase "who requested such counseling before such date" to reflect the probable intent of Congress.

Subsec. (h). Pub. L. 99-166, §105, added subsec. (h).

1983—Subsec. (a). Pub. L. 98-160, §101(a), struck out "if such veteran requests such counseling within two years after the date of such veteran's discharge or release from active duty, or by September 30, 1984, whichever is later" after "to assist such veteran in readjusting to civilian life".

Subsec. (g)(1). Pub. L. 98-160, §101(b)(1), substituted "September 30, 1988" for "September 30, 1984" in provisions preceding subpar. (A).

Subsec. (g)(1)(A). Pub. L. 98-160, §101(b)(1), substituted "October 1, 1988" for "October 1, 1984".

Subsec. (g)(2). Pub. L. 98-160, §101(b)(2), amended par. (2) generally, designating existing provisions as subpar.

(A), substituting "Not later than April 1, 1987, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983, to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder" for "Not later than April 1, 1984, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the plans made and actions taken to carry out this subsection", and adding subpar. (B).

Subsec. (g)(3). Pub. L. 98-160, §101(b)(2), added par. (3). 1981—Subsec. (a). Pub. L. 97-72, §104(a)(1), substituted "or by September 30, 1984" for "or two years after the effective date of this section".

Subsec. (g). Pub. L. 97-72, §104(b), added subsec. (g). 1979—Subsec. (d). Pub. L. 96-128 substituted "title" for "title".

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1901(d)(4) of Pub. L. 99-272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 1901(f) of Pub. L. 99-272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 104(a)(2) of Pub. L. 97-72 provided that: "The amendment made by paragraph (1) [amending this section] shall take effect as of October 1, 1981."

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES

Pub. L. 109-461, title II, §203, Dec. 22, 2006, 120 Stat. 3410, provided that:

"(a) REQUIRED CAPACITY FOR COMMUNITY-BASED OUTPATIENT CLINICS.—

"(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that each community-based outpatient clinic of the Department of Veterans Affairs has the capacity to provide, or monitor the provision of, mental health services to enrolled veterans who, as determined by the Secretary, are in need of such services.

"(2) SETTINGS.—In carrying out paragraph (1), the Secretary shall ensure that mental health services are provided through—

"(A) a community-based outpatient clinic of the Department by an employee of the Department;

"(B) referral to another facility of the Department;

"(C) contract with an appropriate mental health professional in the community; or

"(D) telemental health services.

"(b) CLINICAL TRAINING AND PROTOCOLS.—

"(1) COLLABORATION.—The National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs shall collaborate with the Secretary of Defense—

"(A) to enhance the clinical skills of military clinicians on matters relating to post-traumatic

stress disorder through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

“(B) to promote pre-deployment resilience and post-deployment readjustment among members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2007 \$2,000,000 to carry out this subsection.

“(c) MENTAL HEALTH OUTREACH.—The Secretary of Veterans Affairs shall—

“(1) develop additional educational materials on post-traumatic stress disorder; and

“(2) undertake additional efforts to educate veterans about post-traumatic stress disorder.

“(d) REVIEW OF PTSD CLINICAL GUIDELINES.—The Secretary of Veterans Affairs shall—

“(1) review the clinical guidelines of the Department of Veterans Affairs on post-traumatic stress disorder and all appropriate protocols related to post-traumatic stress disorder;

“(2) revise such guidelines and protocols as the Secretary considers appropriate to ensure that clinicians are able to effectively distinguish between diagnoses with similar symptoms that may manifest as post-traumatic stress disorder, including traumatic brain injury; and

“(3) develop performance measures for the treatment of post-traumatic stress disorder among veterans.”

EXPANSION OF TELEHEALTH SERVICES

Pub. L. 109-461, title II, §205, Dec. 22, 2006, 120 Stat. 3411, provided that:

“(a) IN GENERAL.—The Secretary of Veterans Affairs shall increase the number of facilities of the Readjustment Counseling Service that are capable of providing health services and counseling through telehealth linkages with facilities of the Veterans Health Administration.

“(b) PLAN.—Not later than July 1, 2007, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to implement the requirement in subsection (a). The plan shall specify which facilities of the Readjustment Counseling Service will have the capabilities described in subsection (a) as of the end of each of fiscal years 2007, 2008, and 2009.”

EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS

Pub. L. 109-461, title II, §215, Dec. 22, 2006, 120 Stat. 3424, provided that:

“(a) ADDITIONAL OUTREACH WORKERS.—The Secretary of Veterans Affairs shall employ not fewer than 100 veterans for the purpose of providing outreach to veterans on the availability of readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

“(b) CONSTRUCTION WITH CURRENT OUTREACH PROGRAM.—The veterans employed under subsection (a) are in addition to any veterans employed by the Secretary for the purpose described in that subsection under the February 2004 program of the Department of Veterans Affairs to provide outreach described in that subsection.

“(c) ASSIGNMENT TO VET CENTERS.—The Secretary may assign any veteran employed under subsection (a) to any center for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code, that the Secretary considers appropriate in order to meet the purpose described in that subsection.

“(d) INAPPLICABILITY AND TERMINATION OF LIMITATION ON DURATION OF EMPLOYMENT.—Any limitation on the duration of employment of veterans under the program described in subsection (b) is hereby terminated and shall not apply to veterans employed under such program or under this section.

“(e) EMPLOYMENT STATUS.—Veterans employed under subsection (a) shall be employed in career conditional status, which is the employment status in which veterans are employed under the program described in subsection (b).”

STUDY OF POST-TRAUMATIC STRESS DISORDER IN VIETNAM VETERANS

Pub. L. 106-419, title II, §212, Nov. 1, 2000, 114 Stat. 1843, provided that:

“(a) STUDY ON POST-TRAUMATIC STRESS DISORDER.—Not later than 10 months after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Veterans Affairs shall enter into a contract with an appropriate entity to carry out a study on post-traumatic stress disorder.

“(b) FOLLOW-UP STUDY.—The contract under subsection (a) shall provide for a follow-up study to the study conducted in accordance with section 102 of the Veterans Health Care Amendments of 1983 [Public Law 98-160] [set out as a note below]. Such follow-up study shall use the data base and sample of the previous study.

“(c) INFORMATION TO BE INCLUDED.—The study conducted pursuant to this section shall be designed to yield information on—

“(1) the long-term course of post-traumatic stress disorder;

“(2) any long-term medical consequences of post-traumatic stress disorder;

“(3) whether particular subgroups of veterans are at greater risk of chronic or more severe problems with such disorder; and

“(4) the services used by veterans who have post-traumatic stress disorder and the effect of those services on the course of the disorder.

“(d) REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study under this section. The report shall be submitted no later than October 1, 2004.”

SPECIALIZED MENTAL HEALTH SERVICES

Pub. L. 106-117, title I, §116, Nov. 30, 1999, 113 Stat. 1559, as amended by Pub. L. 108-170, title I, §108, Dec. 6, 2003, 117 Stat. 2046, provided that:

“(a) IMPROVEMENT TO SPECIALIZED MENTAL HEALTH SERVICES.—The Secretary [of Veterans Affairs], in furtherance of the responsibilities of the Secretary under section 1706(b) of title 38, United States Code, shall carry out a program to expand and improve the provision of specialized mental health services to veterans. The Secretary shall establish the program in consultation with the Committee on Care of Severely Chronically Mentally Ill Veterans established pursuant to section 7321 of title 38, United States Code.

“(b) COVERED PROGRAMS.—For purposes of this section, the term ‘specialized mental health services’ includes programs relating to—

“(1) the treatment of post-traumatic stress disorder; and

“(2) substance use disorders.

“(c) FUNDING.—(1) In carrying out the program described in subsection (a), the Secretary shall identify, from funds available to the Department [of Veterans Affairs] for medical care, an amount of not less than \$25,000,000 in each of fiscal years 2004, 2005, and 2006 to be available to carry out the program and to be allocated to facilities of the Department pursuant to subsection (d).

“(2) In identifying available amounts pursuant to paragraph (1), the Secretary shall ensure that, after the allocation of those funds under subsection (d), the total expenditure for programs relating to (A) the treatment of post-traumatic stress disorder, and (B) substance use disorders is not less than \$25,000,000 in excess of the baseline amount.

“(3)(A) For purposes of paragraph (2), the baseline amount is the amount of the total expenditures on such

programs for the most recent fiscal year for which final expenditure amounts are known, adjusted to reflect any subsequent increase in applicable costs to deliver such services in the Veterans Health Administration, as determined by the Committee on Care of Severely Chronically Mentally Ill Veterans.

“(B) For purposes of this paragraph, in fiscal years 2004, 2005, and 2006, the fiscal year used to determine the baseline amount shall be fiscal year 2003.

“(d) ALLOCATION OF FUNDS TO DEPARTMENT FACILITIES.—(1) In each of fiscal years 2004, 2005, and 2006, the Secretary shall allocate funds identified pursuant to subsection (c)(1) to individual medical facilities of the Department as the Secretary determines appropriate based upon proposals submitted by those facilities for the use of those funds for improvements to specialized mental health services.

“(2) In allocating funds to facilities in a fiscal year under paragraph (1), the Secretary shall ensure that—

“(A) not less than \$10,000,000 is allocated by direct grants to programs that are identified by the Mental Health Strategic Health Care Group and the Committee on Care of Severely Chronically Mentally Ill Veterans;

“(B) not less than \$5,000,000 is allocated for programs on post-traumatic stress disorder; and

“(C) not less than \$5,000,000 is allocated for programs on substance use disorder.

“(3) The Secretary shall provide that the funds to be allocated under this section during each of fiscal years 2004, 2005, and 2006 are funds for a special purpose program for which funds are not allocated through the Veterans Equitable Resource Allocation system.

“(e) REPORT.—Not later than 12 months after the date of the enactment of this Act [Nov. 30, 1999], the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing the implementation of this section. The Secretary shall include in the report information on the allocation of funds to facilities of the Department under the program and a description of the improvements made with those funds to specialized mental health services for veterans.”

MARRIAGE AND FAMILY COUNSELING FOR PERSIAN GULF WAR VETERANS

Section 121 of Pub. L. 102-405 provided that:

“(a) REQUIREMENT.—Subject to the availability of funds appropriated pursuant to the authorization in subsection (g), the Secretary shall conduct a program to furnish to the persons referred to in subsection (b) the marriage and family counseling services referred to in subsection (c). The authority to conduct the program shall expire on September 30, 1994.

“(b) PERSONS ELIGIBLE FOR COUNSELING.—The persons eligible to receive marriage and family counseling services under the program are—

“(1) veterans who were awarded a campaign medal for active-duty service during the Persian Gulf War and the spouses and children of such veterans; and

“(2) veterans who are or were members of the reserve components who were called or ordered to active duty during the Persian Gulf War and the spouses and children of such members.

“(c) COUNSELING SERVICES.—Under the program, the Secretary may provide marriage and family counseling that the Secretary determines, based on an assessment by a mental-health professional employed by the Department and designated by the Secretary (or, in an area where no such professional is available, a mental-health professional designated by the Secretary and performing services under a contract or fee arrangement with the Secretary), is necessary for the amelioration of psychological, marital, or familial difficulties that result from the active duty service referred to in subsection (b)(1) or (2).

“(d) MANNER OF FURNISHING SERVICES.—(1) Marriage and family counseling services shall be furnished under the program—

“(A) by personnel of the Department of Veterans Affairs who are qualified to provide such counseling services;

“(B) by appropriately certified marriage and family counselors employed by the Department; and

“(C) by qualified mental health professionals pursuant to contracts with the Department, when Department facilities are not capable of furnishing economical medical services because of geographical inaccessibility or are not capable of furnishing the services required.

“(2) The Secretary shall establish the qualifications required of personnel under subparagraphs (A) and (C) of paragraph (1) and shall prescribe the training, experience, and certification required of appropriately certified marriage and family counselors under subparagraph (B) of such paragraph.

“(3) The Secretary may employ licensed or certified marriage and family counselors to provide counseling under paragraph (1)(B) and may classify the positions in which they are employed at levels determined appropriate by the Secretary, taking into consideration the training, experience, and licensure or certification required of such counselors.

“(e) CONTRACT COUNSELING SERVICES.—(1) Subject to paragraphs (2) and (4), a mental health professional referred to in subsection (d)(1)(C) may furnish marriage and family counseling services to a person under the program as follows:

“(A) For a period of not more than 15 days beginning on the date of the commencement of the furnishing of such services to the person.

“(B) For a 90-day period beginning on such date if—

“(i) the mental health professional submits to the Secretary a treatment plan with respect to the person not later than 15 days after such date; and

“(ii) the treatment plan and the assessment made under subsection (c) are approved by an appropriate mental health professional of the Department designated for that purpose by the Under Secretary for Health.

“(C) For an additional 90-day period beginning on the date of the expiration of the 90-day period referred to in subparagraph (B) (or any subsequent 90-day period) if—

“(i) not more than 30 days before the expiration of the 90-day period referred to in subparagraph (B) (or any subsequent 90-day period), the mental health professional submits to the Secretary a revised treatment plan containing a justification of the need of the person for additional counseling services; and

“(ii) the plan is approved in accordance with the provisions of subparagraph (B)(i).

“(2)(A) A mental health professional referred to in paragraph (1) who assesses the need of any person for services for the purposes of subsection (c) may not furnish counseling services to that person.

“(B) The Secretary may waive the prohibition referred to in subparagraph (A) for locations (as determined by the Secretary) in which the Secretary is unable to obtain the assessment referred to in that subparagraph from a mental health professional other than the mental health professional with whom the Secretary enters into contracts under subsection (d)(1)(C) for the furnishing of counseling services.

“(3) The Secretary shall reimburse mental health professionals for the reasonable cost (as determined by the Secretary) of furnishing counseling services under paragraph (1). In the event of the disapproval of a treatment plan of a person submitted by a mental health professional under paragraph (1)(B)(i), the Secretary shall reimburse the mental health professional for the reasonable cost (as so determined) of furnishing counseling services to the person for the period beginning on the date of the commencement of such services and ending on the date of the disapproval.

“(4) The Secretary may authorize the furnishing of counseling in an individual case for a period shorter than the 90-day period specified in subparagraph (B) or (C) of paragraph (1) and, upon further consideration, extend the shorter period to the full 90 days.

“(5)(A) For the purposes of this subsection, the term ‘treatment plan’, with respect to a person entitled to counseling services under the program, must include—

“(i) an assessment by the mental health professional submitting the plan of the counseling needs of the person described in the plan on the date of the submittal of the plan; and

“(ii) a description of the counseling services to be furnished to the person by the mental health professional during the 90-day period covered by the plan, including the number of counseling sessions proposed as part of such services.

“(B) The Secretary shall prescribe an appropriate form for the treatment plan.

“(f) COST RECOVERY.—For the purposes of section 1729 of title 38, United States Code, marriage and family counseling services furnished under the program shall be deemed to be care and services furnished by the Department under chapter 17 of such title, and the United States shall be entitled to recover or collect the reasonable cost of such services in accordance with that section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

“(h) REPORT.—Not later than July 1, 1994, the Secretary shall submit to Congress a report on the program conducted pursuant to this section. The report shall contain information regarding the persons furnished counseling services under the program, including—

“(1) the number of such persons, stated as a total number and separately for each eligibility status referred to in subsection (b);

“(2) the age and gender of such persons;

“(3) the manner in which such persons were furnished such services under the program; and

“(4) the number of counseling sessions furnished to such persons.

“(i) DEFINITIONS.—For the purposes of this section, the terms ‘veteran’, ‘child’, ‘active duty’, ‘reserve component’, ‘spouse’, and ‘Persian Gulf War’ have the meanings given such terms in paragraphs 101(2), (4), (21), (27), (31), and (33) of section 101 of title 38, United States Code, respectively.”

POST-TRAUMATIC STRESS DISORDER PROGRAM PLANNING

Section 123 of Pub. L. 102-405 provided that:

“(a) PLAN.—The Secretary shall develop a plan—

“(1) to ensure, to the maximum extent practicable, that veterans suffering from post-traumatic stress disorder related to active duty are provided appropriate treatment and rehabilitative services for that condition in a timely manner;

“(2) to expand and improve the services available for veterans suffering from post-traumatic stress disorder related to active duty;

“(3) to eliminate waiting lists for inpatient treatment and other modes of treatment for post-traumatic stress disorder;

“(4) to enhance outreach activities carried out to inform combat-area veterans of the availability of treatment for post-traumatic stress disorder; and

“(5) to ensure, to the extent practicable, that there are Department post-traumatic stress disorder treatment units in locations that are readily accessible to veterans residing in rural areas of the United States.

“(b) CONSIDERATIONS.—In developing the plan referred to in subsection (a), the Secretary shall consider—

“(1) the numbers of veterans suffering from post-traumatic stress disorder related to active duty, as indicated by relevant studies, scientific and clinical reports, and other pertinent information;

“(2) the numbers of veterans who would likely seek post-traumatic stress disorder treatment from the Department if waiting times for treatment were eliminated and outreach activities to combat-area veterans with post-traumatic stress disorder were enhanced;

“(3) the current and projected capacity of the Department to provide appropriate treatment and rehabilitative services for post-traumatic stress disorder;

“(4) the level and geographic accessibility of inpatient and outpatient care available through the Department for veterans suffering from post-traumatic stress disorder across the United States;

“(5) the desirability of providing that inpatient and outpatient post-traumatic stress disorder care be furnished in facilities of the Department that are physically independent of general psychiatric wards of the medical facilities of the Department;

“(6) the treatment needs of veterans suffering from post-traumatic stress disorder who are women, of such veterans who are ethnic minorities (including Native Americans, Native Hawaiians, Asian-Pacific Islanders, and Native Alaskans), and of such veterans who suffer from substance abuse problems in addition to post-traumatic stress disorder; and

“(7) the recommendations of the Special Committee on Post-Traumatic-Stress Disorder with respect to (A) specialized inpatient and outpatient programs of the Department for the treatment of post-traumatic stress disorder, and (B) with respect to the establishment of educational programs that are designed for each of the various levels of education, training, and experience of the various mental health professionals involved in the treatment of veterans suffering from post-traumatic stress disorder.

“(c) REPORT.—Not later than six months after the date of the enactment of this Act [Oct. 9, 1992], the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan developed pursuant to subsection (a). The report shall include specific information relating to the consideration given to the matters described in subsection (b).

“(d) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘active duty’ has the meaning given that term in section 101(21) of title 38, United States Code.

“(2) The term ‘veteran’ has the meaning given that term in section 101(2) of such title.

“(3) The term ‘combat-area veteran’ means a veteran who served on active duty in an area at a time during which hostilities (as defined in section 1712A(a)(2)(B) of such title) occurred in such area.”

UPDATES OF REPORTS ON POST-TRAUMATIC STRESS DISORDER

Section 122(b) of Pub. L. 102-405 directed Special Committee on Post-Traumatic-Stress Disorder, not later than Oct. 1, 1992, and Oct. 1, 1993, to concurrently submit to Secretary and Committees on Veterans' Affairs of Senate and House of Representatives a report containing information updating the reports submitted to the Secretary under section 110(e) of the Veterans' Health Care Act of 1984, together with any additional information the Special Committee considers appropriate regarding the overall efforts of the Department of Veterans Affairs to meet the needs of veterans with post-traumatic stress disorder and other psychological problems in readjusting to civilian life, and directed Secretary, not later than 90 days after receiving each of the reports to submit to the committees any comments concerning the report that the Secretary considered appropriate. Similar provisions were contained in Pub. L. 101-237, title II, §201(e), Dec. 18, 1989, 103 Stat. 2066, as amended by Pub. L. 101-366, title II, §204, Aug. 15, 1990, 104 Stat. 439.

AUTHORIZATION FOR RELOCATION OF CERTAIN FACILITIES

Section 1501(b) of Pub. L. 100-687 related to relocation of 17 Veterans' Administration Readjustment Counseling Service Vet Centers from their locations away from general Veterans' Administration health-care facilities to other such locations.

PROHIBITION OF DELEGATION OF DUTIES

Section 107(f) of Pub. L. 100-322, as amended by Pub. L. 100-527, §10(4), Oct. 25, 1988, 102 Stat. 2641; Pub. L.

102-40, §2(b), May 7, 1991, 105 Stat. 187; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: "The Chief Medical Director [now Under Secretary for Health] of the Department of Veterans Affairs may not delegate the function of making recommendations under section 1712A(g)(3)(A) [formerly 612A(g)(3)(A)] of title 38, United States Code, as amended by subsection (c)."

POST-TRAUMATIC-STRESS DISORDER; DIAGNOSIS AND TREATMENT; EDUCATION AND TRAINING OF HEALTH-CARE PERSONNEL; COORDINATION WITH READJUSTMENT COUNSELING; SPECIAL COMMITTEE; NATIONAL CENTER; COMPILATION AND PUBLICATION OF RESEARCH RESULTS; REPORTS TO CONGRESSIONAL COMMITTEES

Pub. L. 98-528, title I, §110, Oct. 19, 1984, 98 Stat. 2691, as amended by Pub. L. 106-117, title II, §206, Nov. 30, 1999, 113 Stat. 1563; Pub. L. 108-170, title IV, §405(e), Dec. 6, 2003, 117 Stat. 2063, provided that:

"(a)(1) The Under Secretary for Health of the Department of Veterans Affairs may designate special programs within the Veterans Health Administration for the diagnosis and treatment of post-traumatic-stress disorder (hereinafter in this section referred to as 'PTSD')."

"(2) The Under Secretary for Health shall direct (A) that (in addition to providing diagnostic and treatment services for PTSD) Department programs designated under paragraph (1) (hereinafter in this section referred to as 'designated PTSD programs') carry out activities to promote the education and training of health-care personnel (including health-care personnel not working for the Department or the Federal Government) in the causes, diagnosis, and treatment of PTSD, and (B) that (when appropriate) the provision of treatment services under such program be coordinated with the provision of readjustment counseling services under section 1712A of title 38, United States Code.

"(b)(1) The Under Secretary for Health shall establish in the Veterans Health Administration a Special Committee on Post-Traumatic-Stress Disorder (hereinafter in this section referred to as the 'Special Committee'). The Under Secretary for Health shall appoint qualified employees of the Veterans Health Administration to serve on the Special Committee.

"(2) The Special Committee shall assess, and carry out a continuing assessment of, the capacity of the Department to provide diagnostic and treatment services for PTSD to veterans eligible for health care furnished by the Department.

"(3) The Special Committee shall also advise the Under Secretary for Health regarding the development of policies, the provision of guidance, and the coordination of services for the diagnosis and treatment of PTSD (A) in designated PTSD programs, (B) in inpatient psychiatric programs and outpatient mental health programs other than designated PTSD programs, and (C) in readjustment counseling programs of the Department.

"(4) The Special Committee shall also make recommendations to the Under Secretary for Health for guidance with respect to PTSD regarding—

"(A) appropriate diagnostic and treatment methods;

"(B) referral for and coordination of followup care;

"(C) the evaluation of PTSD treatment programs;

"(D) the conduct of research concerning such diagnosis and treatment (taking into account the provisions of subsection (c));

"(E) special programs of education and training for employees of the Veterans Health Administration and the Veterans Benefits Administration (also taking into account such provisions);

"(F) the appropriate allocation of resources for all such activities; and

"(G) any specific steps that should be taken to improve such diagnosis and treatment and to correct any deficiencies in the operations of designated PTSD programs.

"(c) The Under Secretary for Health shall establish and operate in the Veterans Health Administration a

National Center on Post-Traumatic-Stress Disorder. The National Center (1) shall carry out and promote the training of health care and related personnel in, and research into, the causes and diagnosis of PTSD and the treatment of veterans for PTSD, and (2) shall serve as a resource center for, and promote and seek to coordinate the exchange of information regarding, all research and training activities carried out by the Department, and by other Federal and non-Federal entities, with respect to PTSD.

"(d) The Under Secretary for Health shall regularly compile and publish the results of research that has been conducted relating to PTSD.

"(e)(1) Not later than March 1, 2000, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

"(A) A list of the members of the Special Committee.

"(B) A list of all designated PTSD programs and other programs providing treatment for PTSD, together with a description of the resources that have been allocated for the development and operation of each such program, a description of the education and training that has been provided for Department health-care personnel in such programs and elsewhere within the Department in the diagnosis and treatment of PTSD, and specification of the funding that has been allocated to each such program and elsewhere within the Department to support research relating to PTSD.

"(C) The assessment of the Under Secretary for Health of the Department, after consultation with the Special Committee, regarding the capability of the Department to meet the needs for inpatient and outpatient PTSD diagnosis and treatment (both through designated PTSD programs and otherwise) of veterans who served in the Republic of Vietnam during the Vietnam era, former prisoners of war, and other veterans eligible for health care from the Department and the efficacy of the treatment so provided, as well as a description of the results of any evaluations that have been made of PTSD treatment programs.

"(D) The plans of the Special Committee for further assessments of the capability of the Department to diagnose and treat veterans with PTSD.

"(E) The recommendations made by the Special Committee to the Under Secretary for Health and the views of the Under Secretary for Health on such recommendations.

"(F) A summary of the results of research conducted by the Department relating to PTSD.

"(G) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied to implement subsections (b) and (c).

"(H) The assessment of the Administrator [now Secretary] of the capacity of the Department to meet in all geographic areas of the United States the needs described in subparagraph (C) and any plans and timetable for increasing that capacity (including the costs of such action).

"(2) Not later than February 1, 2001, and May 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 containing information updating the reports submitted under this subsection since the enactment of the Veterans' Millennium Health Care and Benefits Act [Nov. 30, 1999]."

STUDY OF POST-TRAUMATIC STRESS DISORDER AND OTHER POST-WAR PSYCHOLOGICAL PROBLEMS

Section 102 of Pub. L. 98-160, as amended by Pub. L. 99-576, title II, §216, Oct. 28, 1986, 100 Stat. 3259, directed Administrator of Veterans' Affairs to provide for the conducting of a comprehensive study of prevalence and incidence in population of Vietnam veterans of post-traumatic stress disorder and other psychological problems of readjusting to civilian life and effects of such

problems on such veterans and directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Oct. 1, 1986, a report on results of study.

READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES FOR VETERANS OF WAR DECLARED AFTER JUNE 13, 1979

Section 103(b) of Pub. L. 96-22, as amended by Pub. L. 102-83, §§5(c)(2), 6(d), Aug. 6, 1991, 105 Stat. 406, 407, provided that: "In the event of a declaration of war by the Congress after June 13, 1979, the Secretary of Veterans Affairs, not later than six months after the date of such declaration, shall determine and recommend to the Congress whether eligibility for the readjustment counseling and related mental health services provided for in section 1712A [formerly 612A] of title 38, United States Code (as added by subsection (a) of this section) should be extended to the veterans of such war."

§ 1712B. Counseling for former prisoners of war

The Secretary may establish a program under which, upon the request of a veteran who is a former prisoner of war, the Secretary, within the limits of Department facilities, furnishes counseling to such veteran to assist such veteran in overcoming the psychological effects of the veteran's detention or internment as a prisoner of war.

(Added Pub. L. 99-166, title I, §107(a), Dec. 3, 1985, 99 Stat. 945, §612B; renumbered §1712B and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 612B of this title as this section.

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

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

[§ 1713. Renumbered § 1781]

PRIOR PROVISIONS

A prior section 1713 was renumbered section 3513 of this title.

§ 1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs

(a) Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Department facility or other training institution, or by outpatient treatment, including such service under contract, and including travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from such veteran's home to such hospital or training institution.

(b) The Secretary may provide guide dogs trained for the aid of the blind to veterans who are enrolled under section 1705 of this title. The Secretary may also provide such veterans with mechanical or electronic equipment for aiding them in overcoming the disability of blindness.

(c) The Secretary may, in accordance with the priority specified in section 1705 of this title, provide—

(1) service dogs trained for the aid of the hearing impaired to veterans who are hearing impaired and are enrolled under section 1705 of this title; and

(2) service dogs trained for the aid of persons with spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility to veterans with such injury, dysfunction, or impairment who are enrolled under section 1705 of this title.

(d) In the case of a veteran provided a dog under subsection (b) or (c), the Secretary may pay travel and incidental expenses for that veteran under the terms and conditions set forth in section 111 of this title to and from the veteran's home for expenses incurred in becoming adjusted to the dog.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, §614; Pub. L. 93-82, title I, §103(b), Aug. 2, 1973, 87 Stat. 181; Pub. L. 94-581, title II, §210(a)(5), Oct. 21, 1976, 90 Stat. 2862; Pub. L. 96-151, title II, §201(c), Dec. 20, 1979, 93 Stat. 1093; renumbered §1714 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-135, title II, §201(a), (b)(1), Jan. 23, 2002, 115 Stat. 2456, 2457.)

PRIOR PROVISIONS

Prior section 1714 was renumbered section 3514 of this title.

Provisions similar to those comprising subsec. (a) of this section were classified to section 613 of this title prior to repeal by section 103(b) of Pub. L. 93-82.

AMENDMENTS

2002—Pub. L. 107-135, §201(b)(1), substituted "guide dogs; service dogs" for "seeing-eye dogs" in section catchline.

Subsec. (b). Pub. L. 107-135, §201(a)(1), struck out "seeing-eye or" after "may provide", substituted "who are enrolled under section 1705 of this title" for "who are entitled to disability compensation, and may pay travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs", and substituted "disability" for "handicap".

Subsecs. (c), (d). Pub. L. 107-135, §201(a)(2), added subsecs. (c) and (d).

1991—Pub. L. 102-83, §5(a), renumbered section 614 of this title as this section.

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

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

1979—Subsec. (a). Pub. L. 96-151, §201(c)(1), substituted provisions respecting travel and incidental expenses for provisions respecting necessary travel expenses.

Subsec. (b). Pub. L. 96-151, §201(c)(2), substituted provisions respecting travel and incidental expenses for provisions respecting all necessary travel expenses.

1976—Subsec. (a). Pub. L. 94-581, §210(a)(5)(A), substituted "such veteran's home" for "his home".

Subsec. (b). Pub. L. 94-581, §210(a)(5)(B), substituted "and may pay" for "and he may pay".

1973—Pub. L. 93-82 designated existing provisions as subsec. (b) and added subsec. (a).

EFFECTIVE DATE OF 1979 AMENDMENT

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.

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

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1715. Tobacco for hospitalized veterans

The Secretary may furnish tobacco to veterans receiving hospital or domiciliary care.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, § 615; renumbered § 1715 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 615 of this title as this section.

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

USE OF TOBACCO PRODUCTS IN DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Pub. L. 102-585, title V, § 526, Nov. 4, 1992, 106 Stat. 4961, provided that:

“(a) IN GENERAL.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that, consistent with medical requirements and limitations, each facility of the Department described in subsection (b)—

“(1) establishes and maintains—

“(A) a suitable indoor area in which patients or residents may smoke and which is ventilated in a manner that, to the maximum extent feasible, prevents smoke from entering other areas of the facility; or

“(B) an area in a building that—

“(i) is detached from the facility;

“(ii) is accessible to patients or residents of the facility; and

“(iii) has appropriate heating and air conditioning; and

“(2) provides access to an area established and maintained under paragraph (1), consistent with medical requirements and limitations, for patients or residents of the facility who are receiving care or services and who desire to smoke tobacco products.

“(b) COVERED FACILITIES.—A Department facility referred to in subsection (a) is any Department of Veterans Affairs medical center, nursing home, or domiciliary care facility.

“(c) REPORTS.—(1) Not later than 180 days after the date of the enactment of this Act [Nov. 4, 1992], the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility of the establishment and maintenance of areas for smoking in Department facilities under this section. The report shall include information on—

“(A) the cost of, and a proposed schedule for, the establishment of such an area at each Department facility covered by this section;

“(B) the extent to which the ventilating system of each facility is adequate to ensure that use of the area for smoking does not result in health problems for other patients or residents of the facility; and

“(C) the effect of the establishment and maintenance of an area for smoking in each facility on the accreditation score issued for the facility by the Joint Commission on the Accreditation of Health Organizations.

“(2) Not later than 120 days after the effective date of this section, the Secretary shall submit to the committees referred to in paragraph (1) a report on the implementation of this section. The report shall include a description of the actions taken at each covered facility to ensure compliance with this section.

“(d) EFFECTIVE DATE.—The requirement to establish and maintain areas for smoking under subsection (a) shall take effect 60 days after the date on which the

Comptroller General submits to the committees referred to in subsection (c)(1) that report required under that subsection.”

§ 1716. Hospital care by other agencies of the United States

When so specified in an appropriation or other Act, the Secretary may make allotments and transfers to the Departments of Health and Human Services (Public Health Service), the Army, Navy, Air Force, or Interior, for disbursement by them under the various headings of their appropriations, of such amounts as are necessary for the care and treatment of veterans entitled to hospitalization from the Department under this chapter. The amounts to be charged the Department for care and treatment of veterans in hospitals shall be calculated on the basis of a per diem rate approved by the Office of Management and Budget.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, § 616; Pub. L. 94-581, title II, § 202(g), Oct. 21, 1976, 90 Stat. 2856; Pub. L. 97-295, § 4(95)(A), Oct. 12, 1982, 96 Stat. 1313; renumbered § 1716 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 616 of this title as this section.

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

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans' Administration” in two places.

1982—Pub. L. 97-295 substituted “Health and Human Services” for “Health, Education, and Welfare”.

1976—Pub. L. 94-581 substituted “Office of Management and Budget” for “Bureau of the Budget”.

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.

§ 1717. Home health services; invalid lifts and other devices

(a)(1) As part of medical services furnished to a veteran under section 1710(a) of this title, the Secretary may furnish such home health services as the Secretary finds to be necessary or appropriate for the effective and economical treatment of the veteran.

(2) Improvements and structural alterations may be furnished as part of such home health services only as necessary to assure the continuation of treatment for the veteran's disability or to provide access to the home or to essential lavatory and sanitary facilities. The cost of such improvements and structural alterations (or the amount of reimbursement therefor) under this subsection may not exceed—

(A) \$4,100 in the case of medical services furnished under section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title; or

(B) \$1,200 in the case of medical services furnished under any other provision of section 1710(a) of this title.

(3) The Secretary may furnish home health services to a veteran in any setting in which the veteran is residing. The Secretary may not fur-

nish such services in such a manner as to relieve any other person or entity of a contractual obligation to furnish services to the veteran. When home health services are furnished in a setting other than the veteran's home, such services may not include any structural improvement or alteration.

(b) The Secretary may furnish an invalid lift, or any type of therapeutic or rehabilitative device, as well as other medical equipment and supplies (excluding medicines), if medically indicated, to any veteran who is receiving (1) compensation under section 1114(l)–(p) of this title (or the comparable rates provided pursuant to section 1134 of this title), or (2) pension under chapter 15 of this title by reason of being in need of regular aid and attendance.

(c) The Secretary may furnish devices for assisting in overcoming the handicap of deafness (including telecaptioning television decoders) to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment.

(Added Pub. L. 86–211, § 5, Aug. 29, 1959, 73 Stat. 435, § 617; amended Pub. L. 88–450, § 6(a), (c), Aug. 19, 1964, 78 Stat. 504; Pub. L. 90–77, title I, § 109, Aug. 31, 1967, 81 Stat. 180; Pub. L. 90–493, § 3(a), Aug. 19, 1968, 82 Stat. 809; Pub. L. 97–295, § 4(18), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 98–528, title I, § 107, Oct. 19, 1984, 98 Stat. 2690; Pub. L. 99–576, title II, § 202(2), Oct. 28, 1986, 100 Stat. 3254; Pub. L. 100–322, title I, § 101(d), May 20, 1988, 102 Stat. 491; renumbered § 1717 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–405, title I, § 101(a), Oct. 9, 1992, 106 Stat. 1973; Pub. L. 104–262, title I, § 101(d)(6), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 105–114, title IV, § 402(b), Nov. 21, 1997, 111 Stat. 2294.)

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–114, § 402(b)(1), substituted “treatment of the veteran” for “treatment of the veteran’s disability”.

Subsec. (a)(2)(B). Pub. L. 105–114, § 402(b)(2), substituted “section 1710(a)” for “section 1710(a)(2)”.

1996—Subsec. (a)(1). Pub. L. 104–262, § 101(d)(6)(A), substituted “section 1710(a)” for “section 1712(a)”.

Subsec. (a)(2)(A). Pub. L. 104–262, § 101(d)(6)(B)(i), substituted “section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title” for “paragraph (1) of section 1712(a) of this title”.

Subsec. (a)(2)(B). Pub. L. 104–262, § 101(d)(6)(B)(ii), substituted “section 1710(a)(2)” for “section 1712”.

1992—Subsec. (a)(2). Pub. L. 102–405 substituted “\$4,100” for “\$2,500” in subpar. (A) and “\$1,200” for “\$600” in subpar. (B).

1991—Pub. L. 102–83, § 5(a), renumbered section 617 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted “1712(a)” for “612(a)” in pars. (1) and (2)(A) and “1712” for “612” in par. (2)(B).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing in pars. (1) and (3).

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted “1114(l)–(p)” for “314(l)–(p)” and “1134” for “334”.

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

Subsec. (c). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1988—Pub. L. 100–322, § 101(d)(3), substituted “Home health services; invalid” for “Invalid” in section catchline.

Subsec. (a). Pub. L. 100–322, § 101(d)(1)(B), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (a)(3). Pub. L. 100–322, § 101(d)(2), transferred subsec. (k) of section 612 of this title to subsec. (a) of this section and redesignated it as par. (3).

Subsecs. (b), (c). Pub. L. 100–322, § 101(d)(1)(A), redesignated subsecs. (a) and (b) as (b) and (c), respectively.

1986—Subsec. (a)(3) [formerly § 612(k)]. Pub. L. 99–576 added subsec. (k). See 1988 Amendment note above.

1984—Pub. L. 98–528 designated existing provision as subsec. (a) and added subsec. (b).

1982—Pub. L. 97–295 substituted “section 314(l)–(p) of this title (or the comparable rates provided pursuant to section 334 of this title)” for “subsections 314(l)–(p) (or the comparable rates provided pursuant to section 334) of this title”.

1968—Pub. L. 90–493 substituted “Invalid lifts and other devices” for “Invalid lifts and other devices for pensioners” in section catchline, and inserted provisions authorizing the Administrator to furnish lifts and other devices to any veteran who is receiving compensation under subsections 314(l)–(p) (or the comparable rates provided pursuant to section 334) of this title.

1967—Subsec. (b). Pub. L. 90–77 substituted “to any veteran in receipt of pension under chapter 15 of this title based on need of regular aid and attendance” for “to any veteran who is eligible to receive an invalid lift under subsection (a) of this section, or who would be so eligible, but for the fact that he has such a lift”.

1964—Pub. L. 88–450 inserted “and other devices” in section catchline, designated existing provisions of section as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 101(b) of Pub. L. 102–405 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to a veteran who first applies for benefits under section 1717(a)(2) of title 38, United States Code, after December 31, 1989.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–322 applicable with respect to furnishing of medical services to veterans who apply for such services after June 30, 1988, see section 101(i) of Pub. L. 100–322, set out as a note under section 1703 of this title.

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.

EFFECTIVE DATE

Section effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as an Effective Date of 1959 Amendment note under section 1521 of this title.

APPLICABILITY OF INCREASE IN GRANT LIMITS

Section 101(c) of Pub. L. 102–405 provided that: “A veteran who exhausts such veteran’s eligibility for benefits under section 1717(a)(2) of title 38, United States Code, before January 1, 1990, is not entitled to additional benefits under such section by reason of the amendments made by subsection (a) [amending this section].”

§ 1718. Therapeutic and rehabilitative activities

(a) In providing rehabilitative services under this chapter, the Secretary, upon the recommendation of the Under Secretary for Health, may use the services of patients and members in Department health care facilities for therapeutic and rehabilitative purposes. Such patients and members shall not under these circumstances be held or considered as employees

of the United States for any purpose. The Secretary shall prescribe the conditions for the use of such services.

(b)(1) In furnishing rehabilitative services under this chapter, the Secretary, upon the recommendation of the Under Secretary for Health, may enter into a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity) to provide for therapeutic work for patients and members in Department health care facilities.

(2) Notwithstanding any other provision of law, the Secretary may also furnish rehabilitative services under this subsection through contractual arrangements with nonprofit entities to provide for such therapeutic work for such patients. The Secretary shall establish appropriate fiscal, accounting, management, record-keeping, and reporting requirements with respect to the activities of any such nonprofit entity in connection with such contractual arrangements.

(c)(1) There is hereby established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Special Therapeutic and Rehabilitation Activities Fund (hereinafter in this section referred to as the "fund") for the purpose of furnishing rehabilitative services authorized in subsection (b) or (d). Such amounts of the fund as the Secretary may determine to be necessary to establish and maintain operating accounts for the various rehabilitative services activities may be deposited in checking accounts in other depositories selected or established by the Secretary.

(2) All funds received by the Department under contractual arrangements made under subsection (b) or (d), or by nonprofit entities described in subsection (b)(2), shall be deposited in or credited to the fund, and the Secretary shall distribute out of the fund moneys to participants at rates not less than the wage rates specified in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and regulations prescribed thereunder for work of similar character.

(3) The Under Secretary for Health shall prepare, for inclusion in the annual report submitted to Congress under section 529 of this title, a description of the scope and achievements of activities carried out under this section (including pertinent data regarding productivity and rates of distribution) during the prior twelve months and an estimate of the needs of the program of therapeutic and rehabilitation activities to be carried out under this section for the ensuing fiscal year.

(d) In providing to a veteran rehabilitative services under this chapter, the Secretary may furnish the veteran with the following:

- (1) Work skills training and development services.
- (2) Employment support services.
- (3) Job development and placement services.

(e) In providing rehabilitative services under this chapter, the Secretary shall take appropriate action to make it possible for the patient to take maximum advantage of any benefits to which such patient is entitled under chapter 31, 34, or 35 of this title, and, if the patient is still receiving treatment of a prolonged nature under

this chapter, the provision of rehabilitative services under this chapter shall be continued during, and coordinated with, the pursuit of education and training under such chapter 31, 34, or 35.

(f) The Secretary shall prescribe regulations to ensure that the priorities set forth in section 1705 of this title shall be applied, insofar as practicable, to participation in therapeutic and rehabilitation activities carried out under this section.

(g)(1) The Secretary may not consider any of the matters stated in paragraph (2) as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

(2) Paragraph (1) applies to the following:

(A) A veteran's participation in an activity carried out under this section.

(B) A veteran's receipt of a distribution as a result of participation in an activity carried out under this section.

(C) A veteran's participation in a program of rehabilitative services that (i) is provided as part of the veteran's care furnished by a State home and (ii) is approved by the Secretary as conforming appropriately to standards for activities carried out under this section.

(D) A veteran's receipt of payment as a result of participation in a program described in subparagraph (C).

(3) A distribution of funds made under this section and a payment made to a veteran under a program of rehabilitative services described in paragraph (2)(C) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.

(Added Pub. L. 87-574, §2(1), Aug. 6, 1962, 76 Stat. 308, §618; amended Pub. L. 94-581, title I, §105(a), Oct. 21, 1976, 90 Stat. 2845; Pub. L. 98-543, title III, §303, Oct. 24, 1984, 98 Stat. 2748; Pub. L. 99-576, title II, §205, Oct. 28, 1986, 100 Stat. 3256; Pub. L. 102-54, §§10, 14(b)(12), June 13, 1991, 105 Stat. 273, 284; renumbered §1718 and amended Pub. L. 102-83, §§2(c)(3), 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 402, 404-406; Pub. L. 102-86, title V, §506(a)(1), Aug. 14, 1991, 105 Stat. 426; Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 102-585, title IV, §401, Nov. 4, 1992, 106 Stat. 4953; Pub. L. 103-446, title XII, §1201(i)(1), Nov. 2, 1994, 108 Stat. 4688; Pub. L. 104-262, title I, §101(d)(7), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 108-170, title I, §104(b), Dec. 6, 2003, 117 Stat. 2045; Pub. L. 109-444, §8(a)(1), Dec. 21, 2006, 120 Stat. 3313; Pub. L. 109-461, title X, §§1004(a)(1), 1006(b), Dec. 22, 2006, 120 Stat. 3465, 3468.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (c)(2), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

AMENDMENTS

2006—Subsec. (c)(2). Pub. L. 109-461, §1006(b), provided that as of the enactment of Pub. L. 109-461, the amend-

ments made by Pub. L. 109-444 were deemed for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, §1004(a)(1), inserted "of 1938" after "Act".

Pub. L. 109-444, which inserted "of 1938" after "Act", was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

2003—Subsec. (c)(1). Pub. L. 108-170, §104(b)(2)(A), substituted "subsection (b) or (d)" for "subsection (b) of this section".

Subsec. (c)(2). Pub. L. 108-170, §104(b)(2)(B), substituted "subsection (b) or (d)" for "subsection (b) of this section" and "subsection (b)(2)" for "paragraph (2) of such subsection".

Subsecs. (d) to (g). Pub. L. 108-170, §104(b)(1), added subsec. (d) and redesignated former subsecs. (d) to (f) as (e) to (g), respectively.

1996—Subsec. (e). Pub. L. 104-262 substituted "section 1705" for "section 1712(i)".

1994—Subsec. (c)(1). Pub. L. 103-446 substituted "Department of Veterans Affairs" for "Department".

1992—Subsecs. (a), (b)(1), (c)(3). Pub. L. 102-405 substituted "Under Secretary for Health" for "Chief Medical Director".

Subsec. (f). Pub. L. 102-585 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

"(1) Neither a veteran's participation in an activity carried out under this section nor a veteran's receipt of a distribution as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) A distribution of funds made under this section shall be considered for purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization."

1991—Pub. L. 102-83, §5(a), renumbered section 618 of this title as this section.

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

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

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

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

Pub. L. 102-54, §10(a), substituted "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)" for "contractual arrangements with private industry or other sources outside the Veterans' Administration".

Subsec. (b)(2). Pub. L. 102-86 amended subsec. (b)(2) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by substituting "arrangements" for "arangements" in first sentence.

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

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

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

Pub. L. 102-54, §10(b), substituted "furnishing rehabilitative services authorized in" for "carrying out the provisions of".

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

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

Subsec. (c)(3). Pub. L. 102-83, §2(c)(3), substituted "section 529" for "section 214".

Pub. L. 102-54, §14(b)(12), inserted "and" after "productivity".

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

Subsec. (e). Pub. L. 102-83, §5(c)(1), substituted "1712(i)" for "612(i)".

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

1986—Subsec. (a). Pub. L. 99-576, §205(1), substituted "may use" for "may utilize", "purposes. Such" for "purposes, at nominal remuneration, and such", and "use" for "utilization".

Subsec. (b)(1). Pub. L. 99-576, §205(2), struck out "for remuneration" after "therapeutic work".

Subsec. (c)(2), (3). Pub. L. 99-576, §205(3), substituted "distribute" for "pay" in par. (2), and substituted "rates of distribution" for "and wage rates" in par. (3).

Subsec. (f). Pub. L. 99-576, §205(4), designated existing provisions as par. (1), substituted "a distribution" for "remuneration", and added par. (2).

1984—Subsec. (f). Pub. L. 98-543 added subsec. (f).

1976—Subsec. (a). Pub. L. 94-581, §105(a)(1), (2), designated existing provisions as subsec. (a) and substituted "In providing rehabilitative services under this chapter, the" for "The" and "health care facilities" for "hospitals and domiciliaries".

Subsecs. (b) to (e). Pub. L. 94-581, §105(a)(3), added subsecs. (b) to (e).

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.

DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING

Section 7 of Pub. L. 102-54, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-86, title V, §501, Aug. 14, 1991, 105 Stat. 424; Pub. L. 103-452, title I, §103(f), Nov. 2, 1994, 108 Stat. 4787; Pub. L. 104-110, title I, §102(b), Feb. 13, 1996, 110 Stat. 769, authorized Secretary of Veterans' Affairs, between Oct. 1, 1991, and Dec. 31, 1997, to carry out compensated work therapy and therapeutic transitional housing demonstration program, prior to repeal by Pub. L. 105-114, title II, §202(c)(1), Nov. 21, 1997, 111 Stat. 2287.

SETTLEMENT OF CLAIMS

Section 105(b) of Pub. L. 94-581, as amended by Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067; Pub. L. 102-83, §6(a), Aug. 6, 1991, 105 Stat. 407, provided that:

"(1) The Secretary of Veterans Affairs may settle claims made by the Department of Veterans Affairs against any private nonprofit corporation organized under the laws of any State, for the use of facilities and personnel of the Department in work projects as a part of a therapeutic or rehabilitation program for patients and members in health care facilities of the Department, and to execute a binding release of all claims by the United States against any such corporation, in such amounts, and upon such terms and conditions as the Secretary considers appropriate.

"(2) For the purposes of this subsection, notwithstanding section 3302 of title 31, or any other provision of law, the Secretary may utilize any funds received under any settlement made pursuant to paragraph (1) of this subsection for any purpose agreed upon by the Secretary and such corporation."

§ 1719. Repair or replacement of certain prosthetic and other appliances

The Secretary may repair or replace any artificial limb, truss, brace, hearing aid, spectacles, or similar appliance (not including dental appliances) reasonably necessary to a veteran and belonging to such veteran which was damaged or destroyed by a fall or other accident caused by a service-connected disability for which such veteran is in receipt of, or but for the receipt of

retirement pay would be entitled to, disability compensation.

(Added Pub. L. 87-850, §1(a), Oct. 23, 1962, 76 Stat. 1126, §619; amended Pub. L. 94-581, title II, §210(a)(6), Oct. 21, 1976, 90 Stat. 2862; renumbered §1719 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 619 of this title as this section.

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

1976—Pub. L. 94-581 substituted "belonging to such veteran" for "belonging to him".

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

Section 2 of Pub. L. 87-850 provided that: "The amendment made by this Act [enacting this section] shall apply only with respect to the repair or replacement of artificial limbs, trusses, braces, hearing aids, spectacles, and similar devices damaged or destroyed after the date of enactment of this Act [Oct. 23, 1962]."

§ 1720. Transfers for nursing home care; adult day health care

(a)(1) Subject to subsection (b) of this section, the Secretary may transfer to a non-Department nursing home, for care at the expense of the United States—

(A) a veteran—

(i) who has been furnished care by the Secretary in a facility under the direct jurisdiction of the Secretary; and

(ii) who the Secretary determines—

(I) requires a protracted period of nursing home care which can be furnished in the non-Department nursing home; and

(II) in the case of a veteran who has been furnished hospital care in a facility under the direct jurisdiction of the Secretary, has received maximum benefits from such care; and

(B) a member of the Armed Forces—

(i) who has been furnished care in a hospital of the Armed Forces;

(ii) who the Secretary concerned determines has received maximum benefits from such care but requires a protracted period of nursing home care; and

(iii) who upon discharge from the Armed Forces will become a veteran.

(2) The Secretary may transfer a person to a nursing home under this subsection only if the Secretary determines that the cost to the United States of the care of such person in the nursing home will not exceed—

(A) the amount equal to 45 percent of the cost of care furnished by the Department in a general hospital under the direct jurisdiction of the Secretary (as such cost may be determined annually by the Secretary); or

(B) the amount equal to 50 percent of such cost, if such higher amount is determined to be necessary by the Secretary (upon the recommendation of the Under Secretary for Health) to provide adequate care.

(3) Nursing home care may not be furnished under this subsection at the expense of the United States for more than six months in the aggregate in connection with any one transfer except—

(A) in the case of a veteran—

(i) who is transferred to a non-Department nursing home from a hospital under the direct jurisdiction of the Secretary; and

(ii) whose hospitalization was primarily for a service-connected disability;

(B) in a case in which the nursing home care is required for a service-connected disability; or

(C) in a case in which, in the judgment of the Secretary, a longer period of nursing home care is warranted.

(4) A veteran who is furnished care by the Secretary in a hospital or domiciliary facility in Alaska or Hawaii may be furnished nursing home care at the expense of the United States under this subsection even if such hospital or domiciliary facility is not under the direct jurisdiction of the Secretary.

(b) No veteran may be transferred or admitted to any institution for nursing home care under this section, unless such institution is determined by the Secretary to meet such standards as the Secretary may prescribe. The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Secretary shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

(c)(1)(A) In furnishing nursing home care, adult day health care, or other extended care services under this section, the Secretary may enter into agreements for furnishing such care or services with—

(i) in the case of the medicare program, a provider of services that has entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)); and

(ii) in the case of the medicaid program, a provider participating under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.).

(B) In entering into an agreement under subparagraph (A) with a provider of services described in clause (i) of that subparagraph or a provider described in clause (ii) of that subparagraph, the Secretary may use the procedures available for entering into provider agreements under section 1866(a) of the Social Security Act.

(2) In applying the provisions of section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) with respect to any contract entered into under this section to provide nursing home care of veterans, the payment of wages not less than those specified in section 6(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(b)) shall be deemed to constitute compliance with such provisions.

(d)(1) Subject to subsection (b) of this section, the Secretary may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care

at the expense of the United States to any non-Department nursing home. The Secretary may also authorize a direct admission to such a nursing home for nursing home care for any veteran who has been discharged from a hospital under the direct jurisdiction of the Secretary and who is currently receiving medical services as part of home health services from the Department.

(2) Direct admission authorized by paragraph (1) of this subsection may be authorized upon determination of need therefor—

(A) by a physician employed by the Department; or

(B) in areas where no such physician is available, by a physician carrying out such function under contract or fee arrangement,

based on an examination by such physician.

(3) The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section.

(e)(1) The cost of intermediate care for purposes of payment by the United States pursuant to subsection (a)(2)(B) of this section shall be determined by the Secretary except that the rate of reimbursement shall be commensurately less than that provided for nursing home care.

(2) For the purposes of this section, the term "non-Department nursing home" means a public or private institution not under the direct jurisdiction of the Secretary which furnishes nursing home care.

(f)(1)(A) The Secretary may furnish adult day health care services to a veteran enrolled under section 1705(a) of this title who would otherwise require nursing home care.

(B) The Secretary may provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility furnishing care to veterans under subparagraph (A) of this paragraph. Any such in-kind assistance shall be provided under a contract or agreement between the Secretary and the facility concerned. The Secretary may provide such assistance only for use solely in the furnishing of adult day health care and only if, under such contract or agreement, the Department receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department facility that provided the assistance.

(2) The Secretary may conduct, at facilities over which the Secretary has direct jurisdiction, programs for the furnishing of adult day health care to veterans who are eligible for such care under paragraph (1) of this subsection, except that necessary travel and incidental expenses (or transportation in lieu thereof) may be furnished under such a program only under the terms and conditions set forth in section 111 of this title. The furnishing of care under any such program shall be subject to the limitations that are applicable to the duration of adult day health care furnished under paragraph (1) of this subsection.

(Added Pub. L. 88-450, §2(a), Aug. 19, 1964, 78 Stat. 500, §620; amended Pub. L. 90-429, July 26, 1968, 82 Stat. 446; Pub. L. 90-612, §§1, 3, Oct. 21, 1968, 82 Stat. 1202; Pub. L. 91-101, Oct. 30, 1969, 83 Stat. 167; Pub. L. 93-82, title I, §104, Aug. 2, 1973, 87 Stat. 182; Pub. L. 94-581, title I, §106, title II, §§202(h), 210(a)(7), Oct. 21, 1976, 90 Stat. 2847, 2856, 2863; Pub. L. 97-295, §4(19), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 98-160, title I, §103(a)(1), (2), Nov. 21, 1983, 97 Stat. 995; Pub. L. 99-166, title I, §108(a)-(c), Dec. 3, 1985, 99 Stat. 946, 947; Pub. L. 99-272, title XIX, §19011(d)(5), Apr. 7, 1986, 100 Stat. 379; Pub. L. 100-322, title I, §§103(b), 111(a), May 20, 1988, 102 Stat. 493, 499; renumbered §1720 and amended Pub. L. 102-83, §§4(a)(2)(A)(ii), (3)-(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 104-262, title I, §101(d)(8), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 105-114, title IV, §402(c), Nov. 21, 1997, 111 Stat. 2294; Pub. L. 106-117, title I, §101(d), Nov. 30, 1999, 113 Stat. 1549; Pub. L. 108-170, title I, §105, Dec. 6, 2003, 117 Stat. 2045.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (c)(1)(A)(ii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XIX of the Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

Prior section 1720 was renumbered section 3520 of this title.

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-170, §105(a), designated existing provisions as par. (2) and added par. (1).

Subsec. (f)(1)(B). Pub. L. 108-170, §105(b), inserted "or agreement" after "contract" in two places.

1999—Subsec. (f)(1)(A). Pub. L. 106-117 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "The Secretary is authorized to furnish adult day health care as provided for in this subsection. For the purpose only of authorizing the furnishing of such care and specifying the terms and conditions under which it may be furnished to veterans needing such care—

"(i) references to 'nursing home care' in subsections (a) through (d) of this section shall be deemed to be references to 'adult day health care'; and

"(ii) a veteran who is eligible for medical services under paragraph (1), (2), or (3) of section 1710(a) of this title shall be deemed to be a veteran described in subsection (a)(1) of this section."

1997—Subsec. (a)(1)(A)(i). Pub. L. 105-114 substituted "care" for "hospital care, nursing home care, or domiciliary care".

1996—Subsec. (f)(1)(A)(ii). Pub. L. 104-262, §101(d)(8)(A), substituted "paragraph (1), (2), or (3) of section 1710(a)" for "section 1712(a)(1)(B)".

Subsec. (f)(3). Pub. L. 104-262, §101(d)(8)(B), struck out par. (3) which read as follows: "Adult day health care may not be furnished under this section after September 30, 1991."

1992—Subsec. (a)(2)(B). Pub. L. 102-405 substituted "Under Secretary for Health" for "Chief Medical Director".

1991—Pub. L. 102-83, §5(a), renumbered section 620 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing in par. (1) introductory provisions and subpar. (A) and pars. (2) to (4).

Pub. L. 102-83, §4(a)(5), substituted "non-Department" for "non-Veterans' Administration" wherever appearing in pars. (1) and (3)(A)(i).

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in par. (2)(A).

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

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

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".

Subsec. (d)(2)(A). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Subsec. (e). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in pars. (1) and (2).

Pub. L. 102-83, §4(a)(5), substituted "non-Department" for "non-Veterans' Administration" in par. (2).

Subsec. (f)(1)(A). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

Subsec. (f)(1)(A)(ii). Pub. L. 102-83, §5(c)(1), substituted "1712(a)(1)(B)" for "612(a)(1)(B)".

Subsec. (f)(1)(B). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" before "may" in two places.

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

Pub. L. 102-83, §4(a)(2)(A)(ii), substituted "Secretary" for "Veterans' Administration" in second sentence.

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

1988—Subsec. (e)(1). Pub. L. 100-322, §103(b), struck out "For the purposes of this section, the term 'nursing home care' includes intermediate care, as determined by the Administrator in accordance with regulations which the Administrator shall prescribe." at beginning and struck out "(as defined in section 101(28) of this title)" after "provided for nursing home care".

Subsec. (f)(3). Pub. L. 100-322, §111(a), substituted "September 30, 1991" for "September 30, 1988".

1986—Subsec. (f)(1)(A)(ii). Pub. L. 99-272 substituted "612(a)(1)(B)" for "612(f)(2)".

1985—Subsec. (a). Pub. L. 99-166, §108(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Subject to subsection (b) and except as provided in subsection (e) of this section, the Administrator may transfer—

"(1) Any veteran who has been furnished care by the Administrator in a hospital under the direct jurisdiction of the Administrator, and

"(2) Any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nursing home care, and (C) who upon discharge therefrom will become a veteran to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—

"(i) such veteran has received maximum benefits from such care in such hospital, but will require a protracted period of nursing home care which can be furnished in such institution, and

"(ii) the cost of such nursing home care in such institution will not exceed 45 percent of the cost of care furnished by the Veterans' Administration in a general hospital under the direct and exclusive jurisdiction of the Administrator, as such cost may be determined annually by the Administrator, or not to exceed 50 percent of such cost where determined necessary by the Administrator, upon recommendation of the Chief Medical Director, to provide adequate care.

Nursing home care may not be furnished pursuant to this section at the expense of the United States for

more than six months in the aggregate in connection with any one transfer, except (I) in the case of the veteran whose hospitalization was primarily for a service-connected disability, or (II) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran. Any veteran who is furnished care by the Administrator in a hospital in Alaska or Hawaii may be furnished nursing home care under the provisions of this section even if such hospital is not under the direct jurisdiction of the Administrator."

Subsec. (d). Pub. L. 99-166, §108(b), designated existing first sentence as par. (1), substituted "to any non-Veterans' Administration nursing home" for "to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care", inserted "The Administrator may also authorize a direct admission to such a nursing home for nursing home care for any veteran who has been discharged from a hospital under the direct jurisdiction of the Administrator and who is currently receiving medical services as part of home health services from the Veterans' Administration.", substituted par. (2) for "Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee arrangement based on an examination by such physician.", and designated existing last sentence as par. (3).

Subsec. (e). Pub. L. 99-166, §108(c), designated existing provisions as par. (1), substituted "subsection (a)(2)(B)" for "subsection (a)(ii)" in second sentence, and added par. (2).

1983—Pub. L. 98-160, §103(a)(2), inserted "; adult day health care" in section catchline.

Subsec. (f). Pub. L. 98-160, §103(a)(1), added subsec. (f).

1982—Subsec. (a)(ii) Pub. L. 97-295, §4(19)(A), substituted "percent" for "per centum" wherever appearing.

Subsec. (c). Pub. L. 97-295, §4(19)(B), inserted "(41 U.S.C. 351(b)(1))" after "the Service Contract Act of 1965" and substituted "(29 U.S.C. 206(b))" for "as amended."

1976—Subsec. (a). Pub. L. 94-581, §§106(1)–(3), 202(h), inserted "and except as provided in subsection (e)" after "subsection (b)" in provisions preceding par. (1), substituted "direct jurisdiction" for "direct and exclusive jurisdiction" in par. (1), substituted "45 per centum" for "40 per centum" and "annually" for "from time to time" in cl. (i) and inserted ", or not to exceed 50 per centum of such cost where determined necessary by the Administrator, upon recommendation of the Chief Medical Director, to provide adequate care" at the end thereof, and substituted "direct jurisdiction" for "direct and exclusive jurisdiction" in provisions following cl. (i).

Subsec. (b). Pub. L. 94-581, §210(a)(7), substituted "such standards as the Administrator may prescribe" for "such standards as he may prescribe".

Subsec. (e). Pub. L. 94-581, §106(4), added subsec. (e). 1973—Subsec. (a). Pub. L. 93-82, §104(a), (b), designated cls. (1) and (2) as (i) and (ii), respectively, and in provisions preceding cl. (i) as so designated, substituted authority of the Administrator to transfer veterans and other persons under pars. (1) and (2), for authority of the Administrator to transfer veterans who have been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care for care at the expense of the United States, and in the provisions following cl. (ii) as so designated, substituted designations (I) and (II) for designations (A) and (B).

Subsec. (b). Pub. L. 93-82, §104(c), inserted provisions relating to the admissions of veterans to institutions for nursing home care and for the furnishing of standards and reports to Federal, State and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

Subsec. (d). Pub. L. 93-82, §104(d), added subsec. (d).

1969—Subsec. (a). Pub. L. 91-101 inserted provision authorizing the furnishing of nursing home care for more than six months in the aggregate in connection with any one transfer in the case of a veteran whose hospitalization was primarily for a service-connected disability.

1968—Subsec. (a). Pub. L. 90-612, §1, authorized furnishing of nursing home care to veterans who are being furnished care by the Administrator in hospitals in Alaska or Hawaii even if the hospitals involved are not under the direct and exclusive jurisdiction of the Administrator.

Subsec. (a)(2). Pub. L. 90-429 substituted "40 per centum" for "one-third".

Subsec. (c). Pub. L. 90-612, §3, added subsec. (c).

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by 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 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

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

COMPARISON STUDY BETWEEN ADULT DAY HEALTH CARE AND NURSING HOME CARE

Section 111(b), (c) of Pub. L. 100-322 directed Administrator to conduct a study of medical efficacy and cost-effectiveness of furnishing adult day health care under subsec. (f) of this section as an alternative to nursing home care and the comparative advantages and disadvantages of providing such care through facilities that are not under direct jurisdiction of Administrator and through facilities that are under direct jurisdiction of Administrator, with Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives an interim report on the study not later than Feb. 1, 1988, a final report on such study not later than Feb. 1, 1991.

Section 103(b), (c) of Pub. L. 98-160, which provided for a study and report, not later than Feb. 1, 1988, of the medical efficacy and cost-effectiveness of furnishing adult day health care as an alternative for nursing home care and of the comparative advantages and disadvantages of providing such care in Veterans' Administration or in other facilities, was repealed by Pub. L. 100-322, title I, §111(d), May 20, 1988, 102 Stat. 499.

§ 1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency

(a) The Secretary, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, may take appropriate steps to (1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for alcohol or drug dependence or abuse disabilities and have been determined by competent medical authority to be sufficiently rehabilitated to be employable, and (2) provide all possible assistance to the Secretary of Labor in placing such veterans in such opportunities.

(b) Upon receipt of an application for treatment and rehabilitative services under this title

for an alcohol or drug dependence or abuse disability from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Secretary shall—

(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Department; and

(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Department for review of such individual's discharge or release from such service.

(c)(1) Any person serving in the active military, naval, or air service who is determined by the Secretary concerned to have an alcohol or drug dependence or abuse disability may be transferred to any facility in order for the Secretary to furnish care or treatment and rehabilitative services for such disability. Care and services provided to a member so transferred shall be provided as if such member were a veteran. Any transfer of any such member for such care and services shall be made pursuant to such terms as may be agreed upon by the Secretary concerned and the Secretary, subject to the provisions of sections 1535 and 1536 of title 31.

(2) No person serving in the active military, naval, or air service may be transferred pursuant to an agreement made under paragraph (1) of this subsection unless such person requests such transfer in writing for a specified period of time. No such person transferred pursuant to such a request may be furnished such care and services by the Secretary beyond the period of time specified in such request unless such person requests in writing an extension for a further specified period of time and such request is approved by the Secretary.

(d)(1) The Secretary shall ensure that each medical center of the Department develops and carries out a plan to provide treatment for substance use disorders, either through referral or direct provision of services, to veterans who require such treatment.

(2) Each plan under paragraph (1) shall make available clinically proven substance abuse treatment methods, including opioid substitution therapy, to veterans with respect to whom a qualified medical professional has determined such treatment methods to be appropriate.

(Added Pub. L. 96-22, title I, §104(a), June 13, 1979, 93 Stat. 50, §620A; amended Pub. L. 96-128, title V, §501(c), Nov. 28, 1979, 93 Stat. 987; Pub. L. 97-251, §6, Sept. 8, 1982, 96 Stat. 716; Pub. L. 97-258, §3(k)(1), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 99-108, §3, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99-166, title I, §101(a), (b)(1), Dec. 3, 1985, 99 Stat. 942, 943; Pub. L. 100-687, div. B, title XV, §1509, Nov. 18, 1988, 102 Stat. 4137; Pub. L. 100-689, title V, §502(a)(1), (b), Nov. 18, 1988, 102 Stat. 4179; Pub. L. 102-54, §14(b)(13), June 13, 1991, 105 Stat. 284; renumbered §1720A and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title III, §303, Aug. 14, 1991, 105 Stat. 416; Pub. L. 103-452, title I, §103(b), Nov. 2, 1994, 108 Stat. 4786; Pub.

L. 104-110, title I, §101(b), Feb. 13, 1996, 110 Stat. 768; Pub. L. 105-114, title II, §202(b), Nov. 21, 1997, 111 Stat. 2287; Pub. L. 106-117, title I, §114, Nov. 30, 1999, 113 Stat. 1558; Pub. L. 106-419, title IV, §404(a)(4), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 107-95, §8(c), Dec. 21, 2001, 115 Stat. 920.)

AMENDMENTS

2001—Subsec. (d). Pub. L. 107-95 added subsec. (d).

2000—Subsec. (c)(1). Pub. L. 106-419 substituted “for such disability. Care and services provided to a member so transferred” for “for such disability unless such transfer is during the last thirty days of such member’s enlistment period or tour of duty, in which case such care and services provided to such member”.

1999—Subsec. (c)(1). Pub. L. 106-117, §114(a), substituted “may be transferred” for “may not be transferred” in first sentence.

Pub. L. 106-117, §114(a)(2), which directed the amendment of first sentence of par. (1) by striking out “unless such transfer is during the last thirty days of such member’s enlistment or tour of duty”, could not be executed because that phrase did not appear.

Subsec. (c)(2). Pub. L. 106-117, §114(b), struck out “during the last thirty days of such person’s enlistment period or tour of duty” before period at end of first sentence.

1997—Pub. L. 105-114, §202(b)(2), substituted “Treatment and rehabilitative services for persons with drug and alcohol dependency” for “Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities” in section catchline.

Subsecs. (a) to (d). Pub. L. 105-114, §202(b)(1), redesignated subsecs. (b) to (d) as (a) to (c), respectively, and struck out former subsec. (a) which read as follows:

“(a)(1) The Secretary, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for eligible veterans suffering from alcohol or drug dependence or abuse disabilities.

“(2) Before furnishing such care and services to any veteran through a contract facility as authorized by paragraph (1) of this subsection, the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.”

Subsecs. (e) to (g). Pub. L. 105-114, §202(b)(1)(B), struck out subsecs. (e) to (g) which read as follows:

“(e) The Secretary may not furnish care and treatment and rehabilitative services under subsection (a) of this section after December 31, 1997.

“(f)(1) During the period beginning on December 1, 1988, and ending on October 1, 1997, the Secretary shall conduct an ongoing clinical evaluation in order to determine the long-term results of drug and alcohol abuse treatment furnished to veterans in contract residential treatment facilities under this section.

“(2) The evaluation shall include an assessment of the following:

“(A) The long-term results of treatment referred to in paragraph (1) of this subsection on drug and alcohol use by veterans who may have received such treatment.

“(B) The need for hospitalization of such veterans for drug and alcohol abuse after completion of the residential treatment.

“(C) The employment status and income of such veterans.

“(D) The extent of any criminal activity of such veterans.

“(E) Whether certain models and methods of residential treatment for drug and alcohol abuse are more successful for veterans with specific abuses, specific levels of resources available to them, and specific needs than are other models and methods.

“(3) To the extent feasible, the Secretary shall select for consideration in the evaluation veterans whose treatment for drug and alcohol abuse in contract residential treatment facilities under such section represents a variety of models and methods of residential drug and alcohol abuse treatment.

“(4) The Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives the following reports on the evaluation under this subsection:

“(A) Not later than February 1, 1993, an interim report containing information obtained during the first four years of the evaluation and any conclusions that the Secretary has drawn on the basis of that information.

“(B) Not later than March 31, 1998, a final report containing information obtained during the evaluation and the determinations and conclusions of the Secretary based on that information.

“(g) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.”

1996—Subsec. (e). Pub. L. 104-110 substituted “December 31, 1997” for “December 31, 1995”.

1994—Subsec. (e). Pub. L. 103-452 substituted “December 31, 1995” for “December 31, 1994”.

1991—Pub. L. 102-83, §5(a), renumbered section 620A of this title as this section.

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

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

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in pars. (1) and (2).

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

Subsec. (e). Pub. L. 102-86 amended subsec. (e) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by substituting “December 31, 1994” for “September 30, 1991”.

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

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

Pub. L. 102-54 struck out “during the period” before “beginning” in par. (1).

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

1988—Subsec. (e). Pub. L. 100-689, §502(a)(1), substituted “1991” for “1988”.

Subsec. (f). Pub. L. 100-689, §502(b), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

“(1) The Administrator shall monitor the performance of each contract facility furnishing care and services under the program carried out under subsection (a) of this section.

“(2) The Administrator shall use the results of such monitoring to determine—

“(A) with respect to the program, the medical advantages and cost-effectiveness that result from furnishing such care and services; and

“(B) with respect to such contract facilities generally, the level of success under the program, considering—

“(i) the rate of successful rehabilitation for veterans furnished care and services under the program;

“(ii) the rate of readmission to contract facilities under the program or to Veterans’ Administration health-care facilities by such veterans for care or services for disabilities referred to in subsection (a) of this section;

“(iii) whether the care and services furnished under the program obviated the need of such veterans for hospitalization for such disabilities;

“(iv) the average duration of the care and services furnished such veterans under the program;

“(v) the ability of the program to aid in the transition of such veterans back into their communities; and

“(vi) any other factor that the Administrator considers appropriate.

“(3) The Administrator shall maintain records of—

“(A) the total cost for the care and services furnished by each contract facility under the program;

“(B) the average cost per veteran for the care and services furnished under the program; and

“(C) the appropriateness of such costs, by comparison to—

“(i) the average charges for the same types of care and services furnished generally by other comparable halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities; and

“(ii) the historical costs for such care and services for the period of time that the program carried out under subsection (a) of this section was a pilot program, taking into account economic inflation.

“(4) Not later than February 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under the program carried out under this section during fiscal years 1984 through 1987. The report shall include—

“(A) a description of the care and services furnished;

“(B) the matters referred to in paragraphs (1), (2), and (3) of this subsection; and

“(C) the Administrator's findings, assessment, and recommendations regarding the program under this section.”

Subsec. (f)(1). Pub. L. 100-687 substituted “during the period beginning on December 1, 1988, and ending on October 1, 1997” for “before October 1, 1997” in par. (1) as amended by Pub. L. 100-689 above.

1985—Pub. L. 99-166, §101(b)(1), struck out “; pilot program” after “disabilities” in section catchline.

Subsec. (a)(1). Pub. L. 99-166, §101(a)(1), struck out “may conduct a pilot program under which the Administrator” before “may contract” in first sentence, and struck out second sentence relating to the planning, designing, and conducting of a pilot program by the Chief Medical Director so as to demonstrate any medical advantages and cost effectiveness that might result from furnishing care and services to disabled veterans in contract facilities as authorized by this section, rather than in facilities over which the Administrator had jurisdiction.

Subsec. (e). Pub. L. 99-166, §101(a)(2), substituted “September 30, 1988” for “October 31, 1985”.

Pub. L. 99-108 substituted “October 31, 1985” for “the last day of the fifth fiscal year following the fiscal year in which the pilot program authorized by such subsection is initiated”.

Subsec. (f). Pub. L. 99-166, §101(a)(3), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “Not later than March 31, 1984, the Administrator shall report to the Committee on Veterans' Affairs of the Senate and House of Representatives on the findings and recommendations of the Administrator pertaining to the operation through September 30, 1983, of the pilot program authorized by this section.”

1982—Subsec. (d)(1). Pub. L. 97-258 substituted “sections 1535 and 1536 of title 31” for “the Act of March 4, 1915 (31 U.S.C 686)” after “provisions of”.

Subsec. (f). Pub. L. 97-251 substituted “March 31, 1984” and “September 30, 1983” for “March 31, 1983” and “September 30, 1982”, respectively.

1979—Subsec. (a)(1). Pub. L. 96-128, §501(c)(1), substituted “treatment facilities for” for “treatment facilities of”.

Subsec. (d)(2). Pub. L. 96-128, §501(c)(2), substituted “such request unless” for “such request, unless”.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Any action taken by Secretary of Veterans Affairs before Feb. 13, 1996, under provision of law amended by title I of Pub. L. 104-110 that was taken during period beginning on date on which authority of Secretary under such provision of law expired and ending on Feb. 13, 1996, considered to have same force and effect as if such amendment had been in effect at time of that action, see section 103 of Pub. L. 104-110, set out as a note under section 1710 of this title.

REPORT ON CONSOLIDATION OF CERTAIN PROGRAMS

Section 202(a) of Pub. L. 104-110 provided that: “The Secretary of Veterans Affairs shall submit to Congress, not later than March 1, 1997, a report on the advantages and disadvantages of consolidating into one program the following three programs:

“(1) The alcohol and drug abuse contract care program under section 1720A of title 38, United States Code.

“(2) The program to provide community-based residential care to homeless chronically mentally ill veterans under section 115 of the Veterans' Benefits and Services Act of 1988 [Pub. L. 100-322] (38 U.S.C. 1712 note).

“(3) The demonstration program under section 7 of Public Law 102-54 (38 U.S.C. 1718 note).”

LOANS TO ORGANIZATIONS PROVIDING TRANSITIONAL HOUSING FOR SUBSTANCE ABUSERS

Section 8 of Pub. L. 102-54 provided that:

“(a) LOAN PROGRAM.—The Secretary of Veterans Affairs may make loans in accordance with this section to assist in the provision of transitional housing exclusively to veterans who are in (or who recently have been in) a program for the treatment of substance abuse.

“(b) LOAN RECIPIENTS.—A loan under this section may only be made to a nonprofit organization under selection criteria promulgated by the Secretary and only to assist that organization in leasing housing units for use as a group residence for the purposes described in subsection (a). The amount of such a loan that is used with respect to any single residential unit may not exceed \$4,500. In making loans under this subsection, the Secretary shall, except to the extent that the Secretary determines that it is infeasible to do so, ensure that—

“(1) each loan is repaid within two years after the date on which the loan is made;

“(2) each loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay an installment by the date specified in the loan agreement involved; and

“(3) each loan is made only to a nonprofit private entity which agrees that, in the operation of each residence established with the assistance of the loan—

“(A) the use of alcohol or any illegal drug in the residence will be prohibited;

“(B) any resident who violates the prohibition in subclause (A) of this clause will be expelled from the residence;

“(C) the costs of maintaining the residence, including fees for rent and utilities, will be paid by the residents;

“(D) the residents will, through a majority vote of the residents, otherwise establish policies governing the conditions of residence, including the manner in which applications for residence are approved; and

“(E) the residence will be operated solely as a residence for not less than six veterans.

“(c) FUNDING.—Loans under this section shall be made from the special account of the General Post Fund of the Department of Veterans Affairs established for purposes of this section. The amount of such loans outstanding at any time may not exceed \$100,000. Amounts received as payment of principal and interest on such loans shall be deposited in that account. The operation of the loan program under this section shall be separately accounted for, and shall be separately stated in the documents accompanying the President's budget for each fiscal year.

“(d) TERMS AND CONDITIONS.—Loans under this section shall be made on such terms and conditions, including interest, as the Secretary prescribes.

“(e) REPORT.—After the end of the 15-month period beginning on the date the first loan is extended under this section, the Secretary shall issue a report on the Department's experience under the section. The report shall include the following information:

“(1) The default rate on loans extended under this section.

“(2) The manner in which loan payments are collected.

“(3) The number of facilities at which loans have been extended.

“(4) The adequacy of the amount of funds in the special account referred to in subsection (c).”

EVALUATION OF VETERANS' ADMINISTRATION INPATIENT AND OUTPATIENT DRUG AND ALCOHOL TREATMENT PROGRAMS

Pub. L. 100-690, title II, §2501, Nov. 18, 1988, 102 Stat. 4232, directed Administrator of Veterans' Affairs to conduct an evaluation of inpatient and outpatient drug and alcohol treatment programs operated by the Veterans' Administration, such evaluation to include a determination of medical advantages and cost-effectiveness of such programs, taking into consideration rates of readmission and the rate of successful rehabilitation, and authorized appropriations for this purpose for fiscal years 1989, 1990, and 1991.

RATIFICATION FOR LAPSED PERIOD

Section 502(a)(2) of Pub. L. 100-689 ratified actions by the Administrator of Veterans' Affairs in providing, during the period beginning Oct. 1, 1988, and ending Nov. 18, 1988, for care and treatment and rehabilitative services under this section.

§ 1720B. Respite care

(a) The Secretary may furnish respite care services to a veteran who is enrolled to receive care under section 1710 of this title.

(b) For the purpose of this section, the term “respite care services” means care and services which—

(1) are of limited duration;

(2) are furnished on an intermittent basis to a veteran who is suffering from a chronic illness and who resides primarily at home; and

(3) are furnished for the purpose of helping the veteran to continue residing primarily at home.

(c) In furnishing respite care services, the Secretary may enter into contract arrangements.

(Added Pub. L. 99-576, title II, §201(a)(1), Oct. 28, 1986, 100 Stat. 3254, §620B; amended Pub. L. 101-237, title II, §201(a), Dec. 18, 1989, 103 Stat. 2066; renumbered §1720B and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-585, title V, §502, Nov. 4, 1992, 106 Stat. 4955; Pub. L. 106-117, title I, §101(e), Nov. 30, 1999, 113 Stat. 1549.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-117, §101(e)(1), substituted “enrolled” for “eligible”.

Subsec. (b). Pub. L. 106-117, §101(e)(2), in introductory provisions, substituted “the term ‘respite care services’ means care and services” for “the term ‘respite care’ means hospital or nursing home care”, in par. (1) substituted “are” for “is”, in par. (2) substituted “are” for “is” and struck out “in a Department facility” after “furnished”, and in par. (3) substituted “are” for “is”.

Subsec. (c). Pub. L. 106-117, §101(e)(3), added subsec. (c).

1992—Subsec. (c). Pub. L. 102-585 struck out subsec. (c) which read as follows: “The authority provided by this section terminates on September 30, 1992.”

1991—Pub. L. 102-83, §5(a), renumbered section 620B of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1710” for “610”.

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

Subsec. (b)(2). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration”.

1989—Subsec. (c). Pub. L. 101-237 substituted “September 30, 1992” for “September 30, 1989”.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING TRANSITION PERIODS

Section 604 of Pub. L. 101-237 ratified actions of the Secretary of Veterans Affairs in carrying out this section, section 115 of Pub. L. 100-322 [38 U.S.C. 1712 note], section 618 of Pub. L. 100-440 [5 U.S.C. 6302 note], or section 1829 [now 3729] of this title, by contract or otherwise, during the period beginning Dec. 1, 1989, and ending Dec. 18, 1989.

Pub. L. 101-110, §3(b), Oct. 6, 1989, 103 Stat. 682, ratified actions of the Secretary of Veterans Affairs in carrying out this section, section 115 of Pub. L. 100-322 [38 U.S.C. 1712 note], section 618 of Pub. L. 100-440 [5 U.S.C. 6302 note], or section 1829 [now 3729] of this title, by contract or otherwise, during the period beginning Oct. 1, 1989, and ending Oct. 6, 1989.

INTERIM EXTENSION OF RESPITE CARE PROGRAM

Pub. L. 101-110, §1(a), Oct. 6, 1989, 103 Stat. 682, provided that: “Notwithstanding the provisions of subsection (c) of section 620B [now 1720B] of title 38, United States Code, the authority provided by such section shall terminate on November 30, 1989.”

REPORT

Section 201(b) of Pub. L. 99-576 provided that if the Administrator of Veterans' Affairs furnished respite care under this section, the Administrator was to conduct an evaluation of the health efficacy and cost-effectiveness of furnishing such care and submit to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than Feb. 1, 1989, a report containing the results of such evaluation and appropriate recommendations.

§ 1720C. Noninstitutional alternatives to nursing home care

(a) The Secretary may furnish medical, rehabilitative, and health-related services in non-institutional settings for veterans who are eligible under this chapter for, and are in need of, nursing home care. The Secretary shall give priority for participation in such program to veterans who—

(1) are in receipt of, or are in need of, nursing home care primarily for the treatment of a service-connected disability; or

(2) have a service-connected disability rated at 50 percent or more.

(b)(1) Under the program conducted pursuant to subsection (a), the Secretary shall (A) furnish appropriate health-related services solely through contracts with appropriate public and

private agencies that provide such services, and (B) designate Department health-care employees to furnish case management services to veteran furnished services under the program.

(2) For the purposes of paragraph (1), the term "case management services" includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(c) The Secretary may provide in-kind assistance (through the services of Department of Veterans Affairs employees and the sharing of other Department resources) to a facility furnishing services to veterans under subsection (b)(1)(A). Any such in-kind assistance shall be provided under a contract between the Department and the facility concerned. The Secretary may provide such assistance only for use solely in the furnishing of appropriate services under this section and only if, under such contract, the Department receives reimbursement for the full cost of such assistance (including the cost of services and supplies and normal depreciation and amortization of equipment). Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department facility that provided the assistance.

(d) The total cost of providing services or in-kind assistance in the case of any veteran for any fiscal year under the program may not exceed 65 percent of the cost that would have been incurred by the Department during that fiscal year if the veteran had been furnished, instead, nursing home care under section 1710 of this title during that fiscal year.

(e) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to the extent that appropriations are available.

(Added Pub. L. 101-366, title II, §201(a)(1), Aug. 15, 1990, 104 Stat. 437, §620C; renumbered §1720C and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-452, title I, §103(c), Nov. 2, 1994, 108 Stat. 4786; Pub. L. 104-110, title I, §101(c), Feb. 13, 1996, 110 Stat. 768; Pub. L. 105-114, title II, §206(a)-(b)(2), Nov. 21, 1997, 111 Stat. 2289.)

AMENDMENTS

1997—Pub. L. 105-114, §206(b)(2), struck out "pilot program" after "home care" in section catchline.

Subsec. (a). Pub. L. 105-114, §206(a), substituted "The Secretary may furnish" for "During the period through December 31, 1997, the Secretary may conduct a pilot program for the furnishing of".

Subsec. (b)(1). Pub. L. 105-114, §206(b)(1), substituted "Under the program" for "Under the pilot program".

Subsec. (d). Pub. L. 105-114, §206(b)(1), substituted "under the program" for "under the pilot program".

1996—Subsec. (a). Pub. L. 104-110 substituted "December 31, 1997" for "September 30, 1995" in introductory provisions.

1994—Subsec. (a). Pub. L. 103-452, in introductory provisions, substituted "During the period through Sep-

tember 30, 1995," for "During the four-year period beginning on October 1, 1990," and "care. The Secretary shall give priority for participation in such program to veterans who" for "care and who".

1991—Pub. L. 102-83, §5(a), renumbered section 620C of this title as this section.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted "1710" for "610".

EFFECTIVE DATE OF 1994 AMENDMENT

Section 103(c)(1) of Pub. L. 103-452 provided that the amendment made by that section is effective Oct. 1, 1994.

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Any action taken by Secretary of Veterans Affairs before Feb. 13, 1996, under provision of law amended by title I of Pub. L. 104-110 that was taken during period beginning on date on which authority of Secretary under such provision of law expired and ending on Feb. 13, 1996, considered to have same force and effect as if such amendment had been in effect at time of that action, see section 103 of Pub. L. 104-110, set out as a note under section 1710 of this title.

REPORT TO CONGRESSIONAL COMMITTEES

Section 201(b) of Pub. L. 101-366, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-452, title I, §103(g), Nov. 2, 1994, 108 Stat. 4787, provided that: "Not later than February 1, 1995, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the Secretary's evaluation, findings, and conclusions regarding the conduct, through September 30, 1993, of the pilot program required by section 1720C [formerly 620C] of title 38, United States Code (as added by subsection (a)), and the results of the furnishing of care under such pilot program for the participating veterans. The report shall include a description of the conduct of the pilot program (including a description of the veterans furnished services and of the services furnished under the pilot program), and any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate to include in the report."

§1720D. Counseling and treatment for sexual trauma

(a)(1) The Secretary shall operate a program under which the Secretary provides counseling and appropriate care and services to veterans who the Secretary determines require such counseling and care and services to overcome psychological trauma, which in the judgment of a mental health professional employed by the Department, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty or active duty for training.

(2) In furnishing counseling to a veteran under this subsection, the Secretary may provide such counseling pursuant to a contract with a qualified mental health professional if (A) in the judgment of a mental health professional employed by the Department, the receipt of counseling by that veteran in facilities of the Department would be clinically inadvisable, or (B) Department facilities are not capable of furnishing such counseling to that veteran economically because of geographical inaccessibility.

(b)(1) The Secretary shall give priority to the establishment and operation of the program to

provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a), the Secretary shall ensure that the veteran is furnished counseling and care and services under this section in a way that is coordinated with the furnishing of such care and services under this chapter.

(2) In establishing a program to provide counseling under subsection (a), the Secretary shall—

(A) provide for appropriate training of mental health professionals and such other health care personnel as the Secretary determines necessary to carry out the program effectively;

(B) seek to ensure that such counseling is furnished in a setting that is therapeutically appropriate, taking into account the circumstances that resulted in the need for such counseling; and

(C) provide referral services to assist veterans who are not eligible for services under this chapter to obtain those from sources outside the Department.

(c) The Secretary shall provide information on the counseling and treatment available to veterans under this section. Efforts by the Secretary to provide such information—

(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number);

(2) shall ensure that information about the counseling and treatment available to veterans under this section—

(A) is revised and updated as appropriate;

(B) is made available and visibly posted at appropriate facilities of the Department; and

(C) is made available through appropriate public information services; and

(3) shall include coordination with the Secretary of Defense seeking to ensure that individuals who are being separated from active military, naval, or air service are provided appropriate information about programs, requirements, and procedures for applying for counseling and treatment under this section.

(d) In this section, the term “sexual harassment” means repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character.

(Added Pub. L. 102-585, title I, § 102(a)(1), Nov. 4, 1992, 106 Stat. 4945; amended Pub. L. 103-452, title I, § 101(a)-(d), (f)(1), (2)(A), (g)(1), Nov. 2, 1994, 108 Stat. 4783, 4784; Pub. L. 105-368, title IX, § 902, Nov. 11, 1998, 112 Stat. 3360; Pub. L. 106-117, title I, § 115(a)-(c), Nov. 30, 1999, 113 Stat. 1558; Pub. L. 108-422, title III, § 301, Nov. 30, 2004, 118 Stat. 2382.)

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-422, § 301(a)(1), (b), substituted “The” for “During the period through December 31, 2004, the” and inserted “or active duty for training” before period at end.

Subsec. (a)(2). Pub. L. 108-422, § 301(a)(2), struck out “, during the period through December 31, 2004,” after “the Secretary may”.

1999—Subsec. (a)(1). Pub. L. 106-117, § 115(a)(1), (b)(1), substituted “December 31, 2004” for “December 31,

2001” and “shall operate a program under which the Secretary provides counseling and appropriate care and services to veterans who the Secretary determines require such counseling and care and services” for “may provide counseling to a veteran who the Secretary determines requires such counseling”.

Subsec. (a)(2), (3). Pub. L. 106-117, § 115(a)(2), (b)(2), redesignated par. (3) as (2), substituted “December 31, 2004” for “December 31, 2001”, and struck out former par. (2) which read as follows: “During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition that the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that paragraph.”

Subsec. (c). Pub. L. 106-117, § 115(c)(1), inserted “and treatment” after “counseling” in first sentence.

Subsec. (c)(2), (3). Pub. L. 106-117, § 115(c), added par. (2), redesignated former par. (2) as (3), and inserted “and treatment” after “counseling”.

1998—Subsec. (a)(1), (3). Pub. L. 105-368 substituted “December 31, 2001” for “December 31, 1998”.

1994—Pub. L. 103-452, § 101(f)(2)(A), substituted “and treatment” for “to women veterans” in section catchline.

Subsec. (a)(1). Pub. L. 103-452, § 101(b)(1), (f)(1)(A), substituted “December 31, 1998,” for “December 31, 1995,” and struck out “woman” after “counseling to a”.

Subsec. (a)(2). Pub. L. 103-452, § 101(a), added par. (2) and struck out former par. (2) which read as follows: “To be eligible to receive counseling under this subsection, a veteran must seek such counseling from the Secretary within two years after the date of the veteran’s discharge or release from active military, naval, or air service.”

Subsec. (a)(3). Pub. L. 103-452, § 101(b)(2), substituted “December 31, 1998,” for “December 31, 1994.”

Subsec. (b). Pub. L. 103-452, § 101(c), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “In providing services to a veteran under subsection (a), the period for which counseling is provided may not exceed one year from the date of the commencement of the furnishing of such counseling to the veteran. However, the Secretary may authorize a longer period in any case if, in the judgment of the Secretary, a longer period of counseling is required.”

Subsec. (b)(1). Pub. L. 103-452, § 101(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Secretary shall give priority to the establishment and operation of the program to provide counseling under subsection (a). In the case of a veteran eligible for such counseling who requires other care or services under this chapter for trauma described in subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such other care and services under this chapter.”

Subsec. (b)(2)(C). Pub. L. 103-452, § 101(f)(1)(B), struck out “women” after “assist”.

Subsec. (c). Pub. L. 103-452, § 101(f)(1)(B), struck out “women” after “available to” in introductory provisions.

Pub. L. 103-452, § 101(c)(2), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1). Pub. L. 103-452, § 101(g)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “may include establishment of an information system involving the use of a toll-free telephone number (commonly referred to as an 800 number), and”.

Subsec. (c)(2). Pub. L. 103-452, § 101(f)(1)(C), substituted “individuals” for “women”.

Subsecs. (d), (e). Pub. L. 103-452, § 101(c)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

INFORMATION ON TELEPHONE COUNSELING AVAILABILITY; PERSONNEL TRAINING; CLIENT CONFIDENTIALITY; PUBLICITY; REPORT

Section 101(g)(2) to (5) of Pub. L. 103-452 provided that:

“(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)), the Secretary of Veterans Affairs shall ensure that the Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

“(3) The telephone assistance service shall be operated in a manner that protects the confidentiality of persons who place calls to the system.

“(4) The Secretary shall ensure that information about the availability of the telephone assistance service is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

“(5) Not later than 18 months after the date of the enactment of this Act [Nov. 2, 1994], the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)). The report shall set forth the following:

“(A) The number of persons who sought information during the period covered by the report through a toll-free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of such persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

“(B) A description of the training provided to the personnel who provide such assistance.

“(C) The recommendations and plans of the Secretary for the improvement of the service.”

TRANSITION PERIOD FOR ELIGIBILITY FOR COUNSELING

Section 102(b) of Pub. L. 102-585, as amended by Pub. L. 103-210, §2(b), Dec. 20, 1993, 107 Stat. 2497, provided that in the case of a veteran who was discharged or released from active military, naval, or air service before Dec. 31, 1992, the two-year period specified in 38 U.S.C. 1720D(a)(2) was to be treated as ending on Dec. 31, 1994, prior to repeal by Pub. L. 103-452, title I, §101(h), Nov. 2, 1994, 108 Stat. 4785.

COMMENCEMENT OF PROVISION OF INFORMATION ON SERVICES

Section 104 of Pub. L. 102-585 directed Secretary of Veterans Affairs, not later than 90 days after Nov. 4, 1992, to commence the provision of information on the counseling relating to sexual trauma that is available to women veterans under 38 U.S.C. 1720D.

REPORT ON IMPLEMENTATION OF SEXUAL TRAUMA COUNSELING PROGRAM

Section 105 of Pub. L. 102-585 directed Secretary of Veterans Affairs, not later than Mar. 31, 1994, to submit to Congress a comprehensive report on the Secretary's actions under 38 U.S.C. 1720D.

§ 1720E. Nasopharyngeal radium irradiation

(a) The Secretary may provide any veteran a medical examination, and hospital care, medical services, and nursing home care, which the Secretary determines is needed for the treatment of any cancer of the head or neck which the Secretary finds may be associated with the veteran's receipt of nasopharyngeal radium irradiation treatments in active military, naval, or air service.

(b) The Secretary shall provide care and services to a veteran under subsection (a) only on

the basis of evidence in the service records of the veteran which document nasopharyngeal radium irradiation treatment in service, except that, notwithstanding the absence of such documentation, the Secretary may provide such care to a veteran who—

(1) served as an aviator in the active military, naval, or air service before the end of the Korean conflict; or

(2) underwent submarine training in active naval service before January 1, 1965.

(Added Pub. L. 105-368, title IX, §901(a), Nov. 11, 1998, 112 Stat. 3360.)

§ 1720F. Comprehensive program for suicide prevention among veterans

(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

(1) recognizing risk factors for suicide;

(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

(3) best practices for suicide prevention.

(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.

(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

(1) The Department of Health and Human Services.

(2) The National Institute of Mental Health.

(3) The Substance Abuse and Mental Health Services Administration.

(4) The Centers for Disease Control and Prevention.

(f) **SEXUAL TRAUMA RESEARCH.**—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

(g) **24-HOUR MENTAL HEALTH CARE.**—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

(h) **HOTLINE.**—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

(i) **OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.**—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

- (1) remove the stigma associated with mental illness;
- (2) encourage veterans to seek treatment and assistance for mental illness;
- (3) promote skills for coping with mental illness; and
- (4) help families of veterans with—
 - (A) understanding issues arising from the readjustment of veterans to civilian life;
 - (B) identifying signs and symptoms of mental illness; and
 - (C) encouraging veterans to seek assistance for mental illness.

(j) **PEER SUPPORT COUNSELING PROGRAM.**—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

- (A) to assist other veterans with issues related to mental health and readjustment; and
- (B) to conduct outreach to veterans and the families of veterans.

(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

(k) **OTHER COMPONENTS.**—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.

(Added Pub. L. 110-110, §3(a)(1), Nov. 5, 2007, 121 Stat. 1031.)

CODIFICATION

Section 3(a)(1) of Pub. L. 110-110, which directed that this section be added at the end of this chapter, was executed by adding this section at the end of this chapter, to reflect the probable intent of Congress.

SENSE OF CONGRESS

Pub. L. 110-110, §2, Nov. 5, 2007, 121 Stat. 1031, provided that: "It is the sense of Congress that—

"(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as 'PTSD') is a serious problem; and

"(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act [enacting this section and provisions set out as a note under section 101 of this title]."

SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

AMENDMENTS

1976—Pub. L. 94-581, title II, §202(i), Oct. 21, 1976, 90 Stat. 2856, inserted "AND NURSING HOME" in subchapter heading.

§ 1721. Power to make rules and regulations

Rules and regulations prescribed under section 501(a) of this title shall include rules and regulations to promote good conduct on the part of persons who are receiving hospital, nursing home, and domiciliary care and medical services in Department facilities. The Secretary may prescribe in rules and regulations under such section limitations in connection with the furnishing of such care and services during a period of national emergency (other than a period of war or an emergency described in section 8111A of this title).

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, §621; Pub. L. 94-581, title II, §§202(j), 210(a)(8), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 100-322, title I, §133, May 20, 1988, 102 Stat. 507; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1721 and amended Pub. L. 102-83, §§2(c)(1), 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 402, 404-406.)

PRIOR PROVISIONS

Prior section 1721 was renumbered section 3521 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 621 of this title as this section.

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

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

Pub. L. 102-83, §2(c)(1), substituted "501(a)" for "210(c)(1)".

Pub. L. 102-40 substituted "8111A" for "5011A".

1988—Pub. L. 100-322 amended section generally. Prior to amendment, section read as follows: "The Administrator shall prescribe—

"(1) such rules and procedure governing the furnishing of hospital, nursing home, and domiciliary care as the Administrator may deem proper and necessary;

"(2) limitations in connection with the furnishing of hospital, nursing home, and domiciliary care; and

"(3) such rules and regulations as the Administrator deems necessary in order to promote good conduct on the part of persons who are receiving hospital, nursing home, or domiciliary care in Veterans' Administration facilities."

1976—Cl. (1). Pub. L. 94-581, §§202(j), 210(a)(8), substituted "hospital, nursing home, and domiciliary care as the Administrator may deem" for "hospital and domiciliary care as he may deem".