(Added Pub. L. 106–117, title I, § 111(a), Nov. 30, 1999, 113 Stat. 1553; amended Pub. L. 110–387, title IV, § 402(a), Oct. 10, 2008, 122 Stat. 4123.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (f)(2), 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.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–387, § 402(a)(1), substituted ''shall reimburse'' for ''may reimburse''.

Subsec. (f)(1)(C). Pub. L. 110–387, § 402(a)(2), added subpar. (C) and struck out former subpar. (C) which read as follows: ''until such time as the veteran can be transferred safely to a Department facility or other Federal facility''.

EFFECTIVE DATE

Pub. L. 106–117, title I, § 111(c), Nov. 30, 1999, 113 Stat. 1556, provided that: ''The amendments made by this section [enacting this section and amending section 1729A of this title] shall take effect 180 days after the date of the enactment of this Act [Nov. 30, 1999].''

IMPLEMENTATION REPORTS

Pub. L. 106–117, title I, § 111(d), Nov. 30, 1999, 113 Stat. 1556, provided that: ''The Secretary [of Veterans Affairs] shall include with the budget justification materials submitted to Congress in support of the Department of Veterans Affairs budget for fiscal year 2002 and for fiscal year 2003 a report on the implementation of section 1725 of title 38, United States Code, as added by subsection (a). Each such report shall include information on the experience of the Department under that section and the costs incurred, and expected to be incurred, under that section.''

§ 1726. Reimbursement for loss of personal effects by natural disaster

The Secretary shall, under regulations which the Secretary shall prescribe, reimburse veterans in Department hospitals and domiciliaries for any loss of personal effects sustained by fire, earthquake, or other natural disaster while such effects were stored in designated locations in Department hospitals or domiciliaries.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144, § 627; Pub. L. 93–82, title I, § 105, Aug. 2, 1973, 87 Stat. 183; Pub. L. 94–581, title II, § 210(a)(12), Oct. 21, 1976, 90 Stat. 2863; renumbered § 1726 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1726, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1197, provided for control by agencies of United States, prior to repeal by Pub. L. 89–358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3689 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 626 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'' in two places.

1976—Pub. L. 94–581 substituted ''the Administrator shall prescribe'' for ''he shall prescribe''.

1973—Pub. L. 93–82 substituted ''natural disaster'' for ''fire'' in section catchline and extended reimbursement provisions to earthquake and other natural disasters also.

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 Jan. 1, 1971, see section 501 of Pub. L. 93–82, set out as a note under section 1701 of this title.

§ 1727. Persons eligible under prior law

Persons who have a status which would, under the laws in effect on December 31, 1957, entitle them to the medical services, hospital and domiciliary care, and other benefits, provided for in this chapter, but who do not meet the service requirements contained in this chapter, shall be entitled to such benefits notwithstanding failure to meet such service requirements.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144, § 627; Pub. L. 94–581, title II, § 202(m), Oct. 21, 1976, 90 Stat. 2856; renumbered § 1727 Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 627 of this title as this section.

1976—Pub. L. 94–581 substituted ''1957'' for ''1958''.

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.

§ 1728. Reimbursement of certain medical expenses

(a) The Secretary shall, under such regulations as the Secretary prescribes, reimburse veterans eligible for hospital care or medical services under this chapter for the customary and usual charges of emergency treatment (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title) for which such veterans have made payment, from sources other than the Department, where such emergency treatment was rendered to such veterans in need thereof for any of the following:

(1) An adjudicated service-connected disability.

(2) A non-service-connected disability associated with and held to be aggravating a service-connected disability.

(3) Any disability of a veteran if the veteran has a total disability permanent in nature from a service-connected disability.

(4) Any illness, injury, or dental condition of a veteran who—

(A) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title); and

(B) is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition.

(b) In any case where reimbursement would be in order under subsection (a) of this section, the Secretary may, in lieu of reimbursing such veteran, make payment of the reasonable value of emergency treatment directly—

(1) to the hospital or other health facility furnishing the emergency treatment; or

(2) to the person or organization making such expenditure on behalf of such veteran.

(c) In this section, the term ''emergency treatment'' has the meaning given such term in section 1725(f)(1) of this title.

(Added Pub. L. 93–82, title I, § 106(a), Aug. 2, 1973, 87 Stat. 183, § 628; amended Pub. L. 94–581, title II, §§ 202(n), 210(a)(13), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 96–151, title II, § 201(d), Dec. 20, 1979, 93 Stat. 1093; Pub. L. 101–237, title II, § 202(a), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102–54, § 14(b)(14), June 13, 1991, 105 Stat. 284; renumbered § 1728 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. 110–387, title IV, § 402(b), Oct. 10, 2008, 122 Stat. 4123.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–387, § 402(b)(1), added subsec. (a) and struck out former subsec. (a) which authorized the Secretary to reimburse veterans entitled to hospital care or medical services for the reasonable value of such care or services for which such veterans made payment from sources other than the Department under certain conditions.

Subsec. (b). Pub. L. 110–387, § 402(b)(2), substituted ''emergency treatment'' for ''care or services'' in introductory provisions and in par. (1).

Subsec. (c). Pub. L. 110–387, § 402(b)(3), added subsec. (c).

1991—Pub. L. 102–83, § 5(a), renumbered section 628 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in two places in introductory provisions.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in introductory provisions and in par. (3).

Subsec. (a)(2)(D). Pub. L. 102–83, § 5(c)(1), substituted ''3101(9)'' for ''1501(9)''.

Pub. L. 102–54 substituted ''(i) is'' for ''is (i)''.

Subsec. (b). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions.

1989—Subsec. (a)(2)(D). Pub. L. 101–237 substituted ''(i) a participant in a vocational rehabilitation program (as defined in section 1501(9) of this title), and (ii)'' for ''found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and''.

1979—Subsec. (a). Pub. L. 96–151 substituted provisions relating to travel and incidental expenses for provisions relating to necessary travel.

1976—Subsec. (a). Pub. L. 94–581 substituted ''as the Administrator shall prescribe'' for ''as he shall prescribe'' in provisions preceding par. (1), substituted ''delay'' for ''they'' in par. (1), and substituted ''make possible such veteran's entrance'' for ''make possible his entrance'' in par. (2)(D)(ii).

EFFECTIVE DATE OF 1989 AMENDMENT

Section 202(b) of Pub. L. 101–237 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to hospital care and medical services received on or after the date of the enactment of this Act [Dec. 18, 1989].''

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 Jan. 1, 1971, see section 501 of Pub. L. 93–82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1729. Recovery by the United States of the cost of certain care and services

(a)(1) Subject to the provisions of this section, in any case in which a veteran is furnished care or services under this chapter for a non-service-connected disability described in paragraph (2) of this subsection, the United States has the right to recover or collect reasonable charges for such care or services (as determined by the Secretary) from a third party to the extent that the veteran (or the provider of the care or services) would be eligible to receive payment for such care or services from such third party if the care or services had not been furnished by a department or agency of the United States.

(2) Paragraph (1) of this subsection applies to a non-service-connected disability—

(A) that is incurred incident to the veteran's employment and that is covered under a workers' compensation law or plan that provides for payment for the cost of health care and services provided to the veteran by reason of the disability;

(B) that is incurred as the result of a motor vehicle accident to which applies a State law that requires the owners or operators of motor vehicles registered in that State to have in force automobile accident reparations insurance;

(C) that is incurred as the result of a crime of personal violence that occurred in a State, or a political subdivision of a State, in which a person injured as the result of such a crime is entitled to receive health care and services at such State's or subdivision's expense for personal injuries suffered as the result of such crime;

(D) that is incurred by a veteran—

(i) who does not have a service-connected disability; and

(ii) who is entitled to care (or payment of the expenses of care) under a health-plan contract; or

(E) for which care and services are furnished before October 1, 2010, under this chapter to a veteran who—

(i) has a service-connected disability; and

(ii) is entitled to care (or payment of the expenses of care) under a health-plan contract.

(3) In the case of a health-plan contract that contains a requirement for payment of a deductible or copayment by the veteran—

(A) the veteran's not having paid such deductible or copayment with respect to care or