

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "1710 and 1720" for "610 and 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. (d). Pub. L. 102-83, §5(c)(1), substituted "1720(a)(2)(A)" for "620(a)(2)(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".

1988—Subsec. (a). Pub. L. 100-322, §134(a)(1), added cls. (1) and (2) and struck out former cls. (1) to (3) which read as follows:

"(1) \$7.30 for domiciliary care,

"(2) \$17.05 for nursing home care, and

"(3) \$15.25 for hospital care."

Subsec. (d). Pub. L. 100-322, §134(a)(2), added subsec. (d).

1983—Subsec. (a). Pub. L. 98-160, §105(a)(1), substituted "\$7.30" for "\$6.35" in par. (1), "\$17.05" for "\$12.10" in par. (2), and "\$15.25" for "\$13.25" in par. (3).

Subsec. (c). Pub. L. 98-160, §105(a)(2), added subsec. (c).

1979—Subsec. (a). Pub. L. 96-151 substituted "\$6.35" for "\$5.50", "\$12.10" for "\$10.50", and "\$13.25" for "\$11.50".

1976—Pub. L. 94-581 struck out "of any war or of service after January 31, 1955" after "for each veteran" in provisions following par. (3).

Pub. L. 94-417 designated existing provisions as subsec. (a), increased from \$4.50 to \$5.50 the per diem rate for domiciliary care, from \$6 to \$10.50 the per diem rate for nursing home care, and from \$10 to \$11.50 the per diem rate for hospital care, struck out "of any war or of service after January 31, 1955" after "for each veteran", "in the case of such a veteran receiving domiciliary or hospital care," after "if", and provisions relating to the case of a veteran receiving nursing home care, and added subsec. (b).

1973—Pub. L. 93-82 increased from \$3.50 to \$4.50 the per diem rate for domiciliary care, from \$5 to \$6 the per diem rate for nursing home care, and from \$7.50 to \$10 the per diem rate for hospital care, and substituted "veteran of any war or of service after January 31, 1955" for "veteran of any war".

1969—Pub. L. 91-178 increased from \$3.50 to \$7.50 the per diem payment for hospital care.

1968—Pub. L. 90-432 increased from \$2.50 to \$3.50 the per diem rate for hospital or domiciliary care and from \$3.50 to \$5.00 the per diem rate for nursing home care as the amounts the Administrator shall pay each State providing such services for veterans.

1964—Pub. L. 88-450 amended section generally and, among other changes, authorized payment at the per diem rate of \$3.50 for each veteran receiving nursing care in a State home, if such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirement in clause (B) of such paragraph (1) shall, for this purpose, refer to the inability to defray the expenses of necessary nursing home care, and eliminated provisions which permitted reduction of the amount payable to the State homes under certain conditions and prohibited payments to State homes where a bar or canteen is maintained therein where intoxicating liquors are sold.

1962—Subsec. (b). Pub. L. 87-819 provided that no reduction shall be made by the retention or collection by a State home of amounts from the estate of a deceased veteran if such amounts are placed in a post or other special fund for the benefit of the State home or its inhabitants in providing the benefits enumerated in clauses (A) to (C).

1960—Subsec. (a). Pub. L. 86-625 substituted "at the per diem rate of \$2.50 per diem for each veteran" for "at the annual rate of \$700.00 for each veteran".

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 211(a)(3)(A) of Pub. L. 109-461 effective 90 days after Dec. 22, 2006, see section 211(a)(5)

of Pub. L. 109-461, set out as a note under section 1710 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 134(b) of Pub. L. 100-322 provided that:

"(1) The amendment made by subsection (a)(1) [amending this section] shall take effect as of January 1, 1988.

"(2) The amendment made by subsection (a)(2) [amending this section] shall take effect on October 1, 1988."

#### EFFECTIVE DATE OF 1983 AMENDMENT

Section 105(b) of Pub. L. 98-160 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on April 1, 1984."

#### EFFECTIVE DATE OF 1979 AMENDMENT

Section 101(b)(2) of Pub. L. 96-151 provided that: "The amendments made by paragraph (1) [amending this section] shall take effect on January 1, 1980, but, with respect to fiscal year 1980, shall take effect only to such extent and in such amounts as may be specifically provided for such purpose in appropriation Acts."

#### EFFECTIVE DATE OF 1976 AMENDMENTS

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.

Section 1(c) of Pub. L. 94-417 provided that:

"(1) The amendments made by subsection (a) of this section [amending this section] shall be effective on October 1, 1976.

"(2) At the time of the first payment to a State under section 641 [now 1741] of title 38, United States Code, as amended by subsection (a) of this section, the Administrator of Veterans' Affairs shall pay such State, in a lump sum, an amount equal to the difference between the total amount paid each such State under such section 641 [now 1741] for care provided by such State in a State home from January 1, 1976, to October 1, 1976, and the amount such State would have been paid for providing such care if the amendment made by subsection (a) of this section had been effective on January 1, 1976."

#### 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 1964 AMENDMENT

Section 3(c) of Pub. L. 88-450 provided that: "The amendment made by this section [amending this section] shall take effect on January 1, 1965; except that subsection (b) of section 641 [now 1741] of title 38, United States Code, as in effect immediately before such date, shall remain in effect with respect to any amounts retained or collected by any State home before such date."

#### PAYMENTS TO STATES FOR NURSING HOME CARE

Section 3(b) of Pub. L. 88-450 provided that: "No payment shall be made to any State home solely by reason of the amendment made by this section [amending this section] on account of nursing home care furnished any veteran except where such care is furnished the veteran by the State home for the first time after the effective date of this section [Jan. 1, 1965]."

### § 1742. Inspections of such homes; restrictions on beneficiaries

(a) The Secretary may inspect any State home at such times as the Secretary deems necessary. No payment or grant may be made to any home under this subchapter unless such home is determined by the Secretary to meet such standards as the Secretary shall prescribe, which stand-

ards with respect to nursing home care shall be no less stringent than those prescribed pursuant to section 1720(b) of this title.

(b) The Secretary may ascertain the number of persons on account of whom payments may be made under this subchapter on account of any State home, but shall have no authority over the management or control of any State home.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1146, § 642; Pub. L. 94-581, title I, § 107(a), title II, § 210(a)(16), Oct. 21, 1976, 90 Stat. 2847, 2863; renumbered § 1742 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

#### PRIOR PROVISIONS

Prior section 1742 was renumbered section 3542 of this title.

#### AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 642 of this title as this section.

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

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

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

1976—Subsec. (a). Pub. L. 94-581 substituted “as the Administrator deems necessary” for “as he deems necessary” in existing provisions and inserted provision that no payment or grant may be made to any home under this subchapter unless such home is determined by the Administrator to meet such standards as the Administrator shall prescribe, which standards with respect to nursing home care shall be no less stringent than those prescribed pursuant to section 620(b) 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.

### § 1743. Applications

Payments on account of any veteran cared for in a State home shall be made under this subchapter only from the date the Secretary receives a request for determination of such veteran's eligibility; however, if such request is received by the Secretary within ten days after care of such veteran begins, payments shall be made on account of such veteran from the date care began.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1147, § 643; Pub. L. 97-251, § 7, Sept. 8, 1982, 96 Stat. 716; renumbered § 1743 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

#### PRIOR PROVISIONS

Prior section 1743 was renumbered section 3543 of this title.

#### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 643 of this title as this section and substituted “Secretary” for “Administrator” in two places.

1982—Pub. L. 97-251 struck out “of any war” after “Payments on account of any veteran”.

### § 1744. Hiring and retention of nurses: payments to assist States

(a) PAYMENT PROGRAM.—The Secretary shall make payments to States under this section for

the purpose of assisting State homes in the hiring and retention of nurses and the reduction of nursing shortages at State homes.

(b) ELIGIBLE RECIPIENTS.—Payments to a State for a fiscal year under this section shall, subject to submission of an application, be made to any State that during that fiscal year—

(1) receives per diem payments under this subchapter for that fiscal year; and

(2) has in effect an employee incentive scholarship program or other employee incentive program at a State home designed to promote the hiring and retention of nursing staff and to reduce nursing shortages at that home.

(c) USE OF FUNDS RECEIVED.—A State may use an amount received under this section only to provide funds for a program described in subsection (b)(2). Any program shall meet such criteria as the Secretary may prescribe. In prescribing such criteria, the Secretary shall take into consideration the need for flexibility and innovation.

(d) LIMITATIONS ON AMOUNT OF PAYMENT.—(1) A payment under this section may not be used to provide more than 50 percent of the costs for a fiscal year of the employee incentive scholarship or other employee incentive program for which the payment is made.

(2) The amount of the payment to a State under this section for any fiscal year is, for each State home in that State with a program described in subsection (b)(2), the amount equal to 2 percent of the amount of payments estimated to be made to that State, for that State home, under section 1741 of this title for that fiscal year.

(e) APPLICATIONS.—A payment under this section for any fiscal year with respect to any State home may only be made based upon an application submitted by the State seeking the payment with respect to that State home. Any such application shall describe the nursing shortage at the State home and the employee incentive scholarship program or other employee incentive program described in subsection (c) for which the payment is sought.

(f) SOURCE OF FUNDS.—Payments under this section shall be made from funds available for other payments under this subchapter.

(g) DISBURSEMENT.—Payments under this section to a State home shall be made as part of the disbursement of payments under section 1741 of this title with respect to that State home.

(h) USE OF CERTAIN RECEIPTS.—The Secretary shall require as a condition of any payment under this section that, in any case in which the State home receives a refund payment made by an employee in breach of the terms of an agreement for employee assistance that used funds provided under this section, the payment shall be returned to the State home's incentive program account and credited as a non-Federal funding source.

(i) ANNUAL REPORT FROM PAYMENT RECIPIENTS.—Any State home receiving a payment under this section for any fiscal year, shall, as a condition of the payment, be required to agree to provide to the Secretary a report setting forth in detail the use of funds received through the payment, including a descriptive analysis of how effective the incentive program has been on