

## 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 180 days after such discharge or release, 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 180 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 180 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; Pub. L. 110-181, div. A, title XVII, § 1709, Jan. 28, 2008, 122 Stat. 494.)

#### PRIOR PROVISIONS

Prior section 1712 was renumbered section 3512 of this title.

#### AMENDMENTS

2008—Subsec. (a)(1)(B)(iii). Pub. L. 110-181 substituted “180 days after such discharge” for “90 days after such discharge”, “180 days from the date of such veteran’s subsequent discharge” for “90 days from the date of such veteran’s subsequent discharge”, and “180 days after the date of correction” for “90 days after the date of correction”.

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 sub-

section (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 Administrator 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 fa-

cilities, 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, §1901(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, §1901(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, §1901(c)(2), substituted “section 603” for “section 601(4)(C)” in two places.

Subsec. (f). Pub. L. 99-272, §1901(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, §1901(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 com-

ensation 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, §1901(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 “facilities” after “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.

#### PILOT PROGRAM ON PROVISION OF DENTAL INSURANCE PLANS TO VETERANS AND SURVIVORS AND DEPENDENTS OF VETERANS

Pub. L. 111-163, title V, §510, May 5, 2010, 124 Stat. 1162, provided that:

“(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing a dental insurance plan to veterans and survivors and dependents of veterans described in subsection (b).

“(b) COVERED VETERANS AND SURVIVORS AND DEPENDENTS.—The veterans and survivors and dependents of veterans described in this subsection are as follows:

“(1) Any veteran who is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

“(2) Any survivor or dependent of a veteran who is eligible for medical care under section 1781 of such title.

“(c) DURATION OF PROGRAM.—The pilot program shall be carried out during the 3-year period beginning on the date that is 270 days after the date of the enactment of this Act [May 5, 2010].

“(d) LOCATIONS.—The pilot program shall be carried out in such Veterans Integrated Services Networks as the Secretary considers appropriate for purposes of the pilot program.

“(e) ADMINISTRATION.—The Secretary shall contract with a dental insurer to administer the dental insurance plan provided under the pilot program.

“(f) BENEFITS.—The dental insurance plan under the pilot program shall provide such benefits for dental care and treatment as the Secretary considers appropriate for the dental insurance plan, including diagnostic services, preventative services, endodontics and other restorative services, surgical services, and emergency services.

“(g) ENROLLMENT.—

“(1) VOLUNTARY.—Enrollment in the dental insurance plan under the pilot program shall be voluntary.

“(2) MINIMUM PERIOD.—Enrollment in the dental insurance plan shall be for such minimum period as the Secretary shall prescribe for purposes of this section.

“(h) PREMIUMS.—

“(1) IN GENERAL.—Premiums for coverage under the dental insurance plan under the pilot program shall be in such amount or amounts as the Secretary shall prescribe to cover all costs associated with the pilot program.

“(2) ANNUAL ADJUSTMENT.—The Secretary shall adjust the premiums payable under the pilot program for coverage under the dental insurance plan on an annual basis. Each individual covered by the dental insurance plan at the time of such an adjustment shall be notified of the amount and effective date of such adjustment.

“(3) RESPONSIBILITY FOR PAYMENT.—Each individual covered by the dental insurance plan shall pay the entire premium for coverage under the dental insurance plan, in addition to the full cost of any copayments.

“(i) VOLUNTARY DISENROLLMENT.—

“(1) IN GENERAL.—With respect to enrollment in the dental insurance plan under the pilot program, the Secretary shall—

“(A) permit the voluntary disenrollment of an individual in the dental insurance plan if the disenrollment occurs during the 30-day period beginning on the date of the enrollment of the individual in the dental insurance plan; and

“(B) permit the voluntary disenrollment of an individual in the dental insurance plan for such circumstances as the Secretary shall prescribe for purposes of this subsection, but only to the extent such disenrollment does not jeopardize the fiscal integrity of the dental insurance plan.

“(2) ALLOWABLE CIRCUMSTANCES.—The circumstances prescribed under paragraph (1)(B) shall include the following:

“(A) If an individual enrolled in the dental insurance plan relocates to a location outside the jurisdiction of the dental insurance plan that prevents use of the benefits under the dental insurance plan.

“(B) If an individual enrolled in the dental insurance plan is prevented by a serious medical condition from being able to obtain benefits under the dental insurance plan.

“(C) Such other circumstances as the Secretary shall prescribe for purposes of this subsection.

“(3) ESTABLISHMENT OF PROCEDURES.—The Secretary shall establish procedures for determinations on the permissibility of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments.

“(j) RELATIONSHIP TO DENTAL CARE PROVIDED BY SECRETARY.—Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1712 of title 38, United States Code, and the participation of an individual in the dental insurance plan under the pilot program shall not affect the individual's entitlement to outpatient dental services and treatment, and related dental appliances, under that section.

“(k) REGULATIONS.—The dental insurance plan under the pilot program shall be administered under such regulations as the Secretary shall prescribe.”

#### 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 authority 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.

(iii) 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 a period of war after the Persian Gulf War; or

(II) in combat against a hostile force during a period of hostilities (as defined in paragraph (2)(B)) after November 11, 1998.

(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.

(3) Upon request of a veteran described in paragraph (1)(B)(iii), the Secretary shall provide the veteran a preliminary general mental health assessment as soon as practicable after receiving the request, but not later than 30 days after receiving the request.

(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) 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 otherwise 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 to the Department, for review of such individual's discharge or release from such service.

(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.