

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 describ-

ing 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 Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.

(d) The provisions of subsection (a) shall terminate on December 31, 2013.

(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; Pub. L. 110–181, div. A, title XVII, §1706(b), Jan. 28, 2008, 122 Stat. 493; Pub. L. 110–387, title VIII, §805, Oct. 10, 2008, 122 Stat. 4141.)

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

2008—Subsec. (c). Pub. L. 110–181 added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110–387 substituted “December 31, 2013” for “December 31, 2008”.

Pub. L. 110–181 redesignated former subsec. (c) as (d).

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”.

FINDING RELATED TO AGE-APPROPRIATE NURSING HOME CARE

Pub. L. 110–181, div. A, title XVII, §1706(a), Jan. 28, 2008, 122 Stat. 493, provided that: “Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.”

REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 106–117, title I, §101(i), Nov. 30, 1999, 113 Stat. 1550, required the Secretary of Veterans Affairs to submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the operation of section 101 of Pub. L. 106–117 not later than January 1, 2003.

§ 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)¹ 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.)

REFERENCES IN TEXT

Section 1701(10) of this title, referred to in subsec. (a)(5), was repealed by Pub. L. 110–387, title VIII, §801(1), Oct. 10, 2008, 122 Stat. 4140.

¹ See References in Text note below.