

Public Law 94-581
94th Congress

An Act

Oct. 21, 1976
[H.R. 2735]

To amend title 38, United States Code, to improve the quality of hospital care, medical services, and nursing home care in Veterans' Administration health care facilities; to make certain technical and conforming amendments; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Omnibus Health Care Act of 1976".

Veterans
Omnibus Health
Care Act of 1976.
38 USC 101 note.

TITLE I—GENERAL VETERANS HEALTH CARE AND
DEPARTMENT OF MEDICINE AND SURGERY AMEND-
MENTS

SEC. 101. Section 111 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) "pursuant to the provisions of this section" after "President"; and

(2) inserting at the end of such section the following new subsection:

Investigations.

"(e) (1) In carrying out the purposes of this section, the Administrator, in consultation with the Administrator of General Services, the Secretary of Transportation, the Comptroller General of the United States, and representatives of organizations of veterans, shall conduct periodic investigations of the actual cost of travel (including lodging and subsistence) to beneficiaries while traveling to or from a Veterans' Administration facility or other place pursuant to the provisions of this section, and the estimated cost of alternative modes of travel, including public transportation and the operation of privately owned vehicles. The Administrator shall conduct such investigations immediately following any alteration in the rates described in paragraph (3) (C) of this subsection, and, in any event, immediately following the enactment of this subsection and not less often than annually thereafter, and based thereon, shall determine rates of allowances or reimbursement to be paid under this section.

"(2) In no event shall payment be provided under this section—

"(A) unless the person claiming reimbursement has been determined, based on an annual declaration and certification by such person, to be unable to defray the expenses of such travel (except with respect to a veteran receiving benefits for or in connection with a service-connected disability under this title);

"(B) to reimburse for the cost of travel by privately owned vehicle in any amount in excess of the cost of such travel by public transportation unless (i) public transportation is not reasonably accessible or would be medically inadvisable, or (ii) the cost of such travel is not greater than the cost of public transportation; and

"(C) in excess of the actual expense incurred by such person as certified in writing by such person.

Review.

"(3) In conducting investigations and determining rates under this section, the Administrator shall review and analyze, among other factors, the following factors:

- “(A) (i) Depreciation of original vehicle costs;
- “(ii) gasoline and oil costs;
- “(iii) maintenance, accessories, parts, and tire costs;
- “(iv) insurance costs; and
- “(v) State and Federal taxes.

“(B) The availability of and time required for public transportation.

“(C) The per diem rates, mileage allowances, and expenses of travel authorized under sections 5702 and 5704 of title 5 for employees of the United States.

“(4) Before determining rates under this section, and not later than sixty days after the effective date of this subsection, and thereafter not later than sixty days after any alteration in the rates described in paragraph (3) (C) of this subsection, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the rates the Administrator proposes to establish or continue with a full justification therefor in terms of each of the limitations and factors set forth in this section.”

5 USC 5702,
5704.

Report to
congressional
committees.

SEC. 102. Section 601 of title 38, United States Code, is amended by—

(1) amending paragraph (5) by striking out in clause (B) all after “training” and inserting in lieu thereof “for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent or survivor of a veteran receiving care under the last sentence of section 613 (b) of this title; and”;

(2) amending paragraph (6) to read as follows:

“(6) The term ‘medical services’ includes, in addition to medical examination, treatment, and rehabilitative services—

“Medical
services.”

“(A) (i) surgical services, dental services and appliances as authorized in section 612 (b), (c), (d), and (e) of this title, optometric and podiatric services, and (except under the conditions described in section 612 (f) (1) (A) of this title), wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies or services as the Administrator determines to be reasonable and necessary, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title; and

“(B) such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

“(i) of the service-connected disability of a veteran pursuant to section 612 (a) of this title, and

“(ii) in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612 (f) (1) (B) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital, for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, necessary

expenses of travel and subsistence of such family member or individual in the case of a veteran who is receiving care for a service-connected disability, or in the case of dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title). For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title shall be eligible for the same medical services as a veteran.”;

(3) amending paragraph (7) to read as follows:

“Domiciliary care.”

“(7) The term ‘domiciliary care’ includes necessary medical services and travel and incidental expenses pursuant to the provisions of section 111 of this title.”; and

(4) inserting at the end of such section the following new paragraph:

“Rehabilitative services.”

“(8) The term ‘rehabilitative services’ means such professional, counseling, and guidance services and treatment programs (other than those types of vocational rehabilitation services provided under chapter 31 of this title) as are necessary to restore, to the maximum extent possible, the physical, mental, and psychological functioning of an ill or disabled person.”.

Medical treatment, eligibility.

SEC. 103. (a) Section 612 of title 38, United States Code, is amended by—

(1) inserting after the first sentence of subsection (a) the following new sentence: “The Administrator may also furnish to any such 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.”;

(2) striking out “or” at the end of clause (4) of subsection (b); redesignating clause (5) of such subsection as clause (6); and inserting after clause (4) of such subsection the following new clause (5):

“(5) 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; or”;

(3) striking out “may also furnish” in subsection (f) and inserting in lieu thereof a comma and “within the limits of Veterans’ Administration facilities, may furnish”;

(4) inserting in clause (1)(A) of subsection (f) “(to the extent that facilities are available)” after “or” the first place it appears;

(5) inserting before the semicolon at the end of clause (1)(B) of subsection (f) “(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)”;

(6) striking out “80” and inserting in lieu thereof “50” in clause (2) of subsection (f);

(7) inserting at the end of subsection (f) the following new sentence: “The Administrator may also furnish to any such 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.”); and

(8) inserting at the end thereof the following new subsections:
 “(i) Not later than ninety days after the effective date of this subsection, the Administrator shall prescribe regulations to ensure that special priority in furnishing medical services under this section and any other outpatient care with funds appropriated for the medical care of veterans shall be accorded in the following order, unless compelling medical reasons require that such care be provided more expeditiously:

Regulations.

“(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.

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

“(j) In order to assist the Secretary of Health, Education, and Welfare in carrying out national immunization programs pursuant to other provisions of law, the Administrator may authorize the administration of immunizations to eligible veterans (voluntarily requesting such immunizations) in connection with the provision of care for a disability under this chapter in any Veterans' Administration health care facility, utilizing vaccine furnished by the Secretary at no cost to the Veterans' Administration, and for such purpose, notwithstanding any other provision of law, the Secretary is authorized to provide such vaccine to the Veterans' Administration at no cost and the provisions of section 4116 of this title shall apply to claims alleging negligence or malpractice on the part of Veterans' Administration personnel granted immunity under such section.”.

(b) Not later than one year after the effective date of this section, and annually thereafter, the Administrator shall report to the Congress on the results of the regulations prescribed to carry out the amendment (adding section 612(i) of title 38, United States Code) made by subsection (a)(8) of this section.

Report to Congress.
38 USC 612 note.

SEC. 104. Subsection (a) of section 613 of title 38, United States Code, is amended by amending clause (2) to read as follows:

“(2) the widow or child of a veteran who (A) died as a result of a service-connected disability, or (B) at the time of death had a total disability permanent in nature, resulting from a service-connected disability.”.

SEC. 105. (a) Section 618 of title 38, United States Code, is amended by—

Therapeutic and rehabilitative services.

(1) striking out “The” in the first sentence and inserting in lieu thereof “(a) In providing rehabilitative services under this chapter, the”;

(2) striking out “hospitals and domiciliaries” and inserting in lieu thereof “health care facilities”; and

(3) inserting below subsection (a) (as redesignated by clause (1) of this subsection) the following new subsections:

“(b) (1) In furnishing rehabilitative services under this chapter, the Administrator, upon the recommendation of the Chief Medical Director, may enter into contractual arrangements with private industry or other sources outside the Veterans’ Administration to provide for therapeutic work for remuneration for patients and members in Veterans’ Administration health care facilities.

Recordkeeping.

“(2) Notwithstanding any other provision of law, the Administrator may also furnish rehabilitative services under this subsection through contractual arrangements with nonprofit entities to provide for such therapeutic work for such patients. The Administrator shall establish appropriate fiscal, accounting, management, recordkeeping, and reporting requirements with respect to the activities of any such nonprofit entity in connection with such contractual arrangements.

Veterans’
Administration
Special
Therapeutic and
Rehabilitation
Activities Fund.
Establishment.

“(c) (1) There is hereby established in the Treasury of the United States a revolving fund known as the Veterans’ Administration Special Therapeutic and Rehabilitation Activities Fund (hereinafter in this section referred to as the ‘fund’) for the purpose of carrying out the provisions of subsection (b) of this section. Such amounts of the fund as the Administrator may determine to be necessary to establish and maintain operating accounts for the various rehabilitative services activities may be deposited in checking accounts in other depositories selected or established by the Administrator.

“(2) All funds received by the Veterans’ Administration under contractual arrangements made under subsection (b) of this section, or by nonprofit entities described in paragraph (2) of such subsection, shall be deposited in or credited to the fund, and the Administrator shall pay out of the fund moneys to participants at rates not less than the wage rates specified in the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and regulations prescribed thereunder for work of similar character.

“(3) The Chief Medical Director shall prepare, for inclusion in the annual report submitted to Congress under section 214 of this title, a description of the scope and achievements of activities carried out under this section (including pertinent data regarding productivity and wage rates) during the prior twelve months and an estimate of the needs of the program of therapeutic and rehabilitation activities to be carried out under this section for the ensuing fiscal year.

38 USC 1501,
1651, 1700.

“(d) In providing rehabilitative services under this chapter, the Administrator shall take appropriate action to make it possible for the patient to take maximum advantage of any benefits to which such patient is entitled under chapter 31, 34, or 35 of this title, and, if the patient is still receiving treatment of a prolonged nature under this chapter, the provision of rehabilitative services under this chapter shall be continued during, and coordinated with, the pursuit of education and training under such chapter 31, 34, or 35.

Regulations.

“(e) The Administrator shall prescribe regulations to ensure that the priorities set forth in section 612(i) of this title shall be applied, insofar as practicable, to participation in therapeutic and rehabilitation activities carried out under this section.”

Claims,
settlement.
38 USC 618 note.

(b) (1) The Administrator is authorized to settle claims made by the Veterans’ Administration against any private nonprofit corporation organized under the laws of any State, for the use of Veterans’ Administration facilities and personnel in work projects as a part of a therapeutic or rehabilitation program for patients and members in Veterans’ Administration health care facilities, and to execute a binding release of all claims by the United States against any such corpora-

tion, in such amounts, and upon such terms and conditions as the Administrator deems appropriate.

(2) For the purposes of this subsection, notwithstanding section 484 of title 31, or any other provision of law, the Administrator may utilize any funds received under any settlement made pursuant to paragraph (1) of this subsection for any purpose agreed upon by the Administrator and such corporation.

SEC. 106. Section 620 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) “and except as provided in subsection (e)” after “subsection (b)”;

(2) striking out “40 per centum” and inserting in lieu thereof “45 per centum” in clause (ii) of subsection (a);

(3) inserting before the period at the end of clause (ii) of subsection (a) a comma and “or not to exceed 50 per centum of such cost where determined necessary by the Administrator, upon recommendation of the Chief Medical Director, to provide adequate care”; and

(4) inserting at the end thereof the following new subsection:

“(e) For the purposes of this section, the term ‘nursing home care’ includes intermediate care, as determined by the Administrator in accordance with regulations which the Administrator shall prescribe. The cost of intermediate care for purposes of payment by the United States pursuant to subsection (a) (ii) of this section shall be determined by the Administrator except that the rate of reimbursement shall be commensurately less than that provided for nursing home care (as defined in section 101(28) of this title).”

“Nursing home care.”

SEC. 107. (a) Subsection (a) of section 642 of title 38, United States Code, is amended by inserting at the end thereof the following new sentence: “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.”

(b) Section 5034 of title 38, United States Code, is amended by—

(1) striking out “subchapter” the first place it appears and inserting in lieu thereof “section or any amendment to it with respect to such amendment”; and

(2) inserting at the end thereof the following new clause:

“(3) General standards for the furnishing of nursing home care in facilities which are constructed with assistance received under this subchapter, which standards shall be no less stringent than those standards prescribed by the Administrator pursuant to section 620(b) of this title. The Administrator may inspect any State facility constructed with assistance received under this subchapter at such times as the Administrator deems necessary to insure that such facility meets such standards.”

SEC. 108. Subsection (e) of section 1903 of title 38, United States Code, is amended by—

(1) striking out “or member of the Armed Forces” and inserting such language after “title” in paragraph (1); and

(2) inserting at the end thereof the following new paragraph:

“(3) Notwithstanding any other provision of law, the Administrator may obtain, by purchase, lease, gift, or otherwise, any automobile, motor vehicle, or other conveyance deemed necessary to carry out the purposes of this subsection, and may sell, assign, transfer, or convey

any such automobile, vehicle, or conveyance to which the Veterans' Administration obtains title for such price and upon such terms as the Administrator deems appropriate; and any proceeds received from any such disposition shall be credited to the applicable Veterans' Administration appropriation."

SEC. 109. Subsection (b)(1) of section 4114 of title 38, United States Code, is amended by inserting "(which may be established retroactively based on changes in such customary amount and terms)" after "pay".

SEC. 110. Subchapter I of chapter 73 of title 38, United States Code, is further amended by—

(1) inserting in section 4102 "a Podiatric Service, an Optometric Service," after "Dental Service,";

(2) striking out "and a Director of Optometry, appointed by the Administrator." and inserting in lieu thereof "a Director of Podiatric Service, and a Director of Optometric Service, appointed by the Administrator, and who shall be responsible to the Chief Medical Director for the operation of their respective Services." in clause (7) of subsection (a) of section 4103;

(3) amending section 4104 by—

(A) inserting "podiatrists, optometrists," after "dentists," in clause (1); and

(B) striking out "optometrists," in clause (2);

(4) redesignating clauses (5), (6), (7), and (8) in subsection (a) of section 4105 as clauses (6), (7), (8), and (9), respectively, and inserting after clause (4) the following new clause:

"(5) Podiatrist—

"hold the degree of doctor of podiatric medicine, or its equivalent, from a school of podiatric medicine approved by the Administrator, and be licensed to practice podiatry in a State;"

(5) inserting "podiatrists, optometrists," after "dentists," in subsections (a) and (c) and inserting "podiatrist, optometrist," after "dentist," in subsection (e) of section 4106;

(6) amending section 4107 by—

(A)(i) inserting in the SECTION 4103 SCHEDULE in subsection (a)

"Director of Podiatric Service, \$36,338 minimum to \$46,026 maximum."

immediately below

"Director of Nursing Service, \$42,066 minimum to \$47,674 maximum.;" and

(ii) striking out "Director of Optometry" and inserting in lieu thereof "Director of Optometric Service" in such schedule in such subsection; and

(B) inserting immediately below the NURSE SCHEDULE in paragraph (1) of subsection (b) the following new schedule:

"CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

"Chief grade, \$31,309 minimum to \$40,705 maximum.

"Senior grade, \$26,861 minimum to \$34,916 maximum.

"Intermediate grade, \$22,906 minimum to \$29,782 maximum.

"Full grade, \$19,386 minimum to \$25,200 maximum.

"Associate grade, \$16,255 minimum to \$21,133 maximum.;"

(7) inserting "podiatrists, optometrists," after "dentists," and "podiatrist, optometrist," after "dentist," each place those words appear in the language preceding clause (1) and in subclause (B) of clause (6) of subsection (a) of section 4108;

38 USC 4108.

(8) inserting "podiatric, optometric," after "dental," in subsection (a) of section 4112;

(9) inserting "podiatrists, optometrists," after "dentists," in section 4113;

(10) amending section 4114 by—

(A) inserting "podiatrists, optometrists," after "dentists," each place such term appears in paragraphs (1) (A) and (B) and (3) (A) and (B) of subsection (a); and

(B) striking out "or dentist" and inserting in lieu thereof a comma and "dentist, podiatrist, or optometrist" in the language preceding clause (1) of subsection (d) and in clause (1) of such subsection;

(11) inserting "podiatrist, optometrist," after "dentist," each place such word appears in subsection (a) of section 4116; and

(12) amending section 4117 by—

(A) striking out "medical schools," and inserting in lieu thereof "schools and colleges of medicine, osteopathy, dentistry, podiatry, optometry, and nursing,"; and

(B) inserting "podiatrists, optometrists," after "dentists,".

SEC. 111. (a) (1) Chapter 73 of title 38, United States Code is amended by inserting at the end thereof the following new subchapter:

"Subchapter III—Protection of Patient Rights

"§ 4131. Informed consent

38 USC 4131.

Regulations.

"The Administrator, upon the recommendation of the Chief Medical Director and pursuant to the provisions of section 4134 of this title, shall prescribe regulations establishing procedures to ensure that all medical and prosthetic research carried out and, to the maximum extent practicable, all patient care furnished under this title shall be carried out only with the full and informed consent of the patient or subject or, in appropriate cases, a representative thereof.

"§ 4132. Confidentiality of certain medical records

38 USC 4132.

"(a) Records of the identity, diagnosis, prognosis, or treatment of any patient or subject which are maintained in connection with the performance of any program or activity (including education, training, treatment, rehabilitation, or research) relating to drug abuse, alcoholism or alcohol abuse, or sickle cell anemia which is carried out by or for the Veterans' Administration under this title shall, except as provided in subsection (e) of this section, be confidential, and (section 3301 of this title to the contrary notwithstanding) such records may be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

"(b) (1) The content of any record referred to in subsection (a) of this section may be disclosed by the Administrator in accordance with the prior written consent of the patient or subject with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed in regulations prescribed by the Administrator pursuant to section 4134 of this title.

"(2) Whether or not any patient or subject, with respect to whom any given record referred to in subsection (a) of this section is main-

tained, gives written consent, the content of such record may be disclosed by the Administrator as follows:

“(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

“(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient or subject in any report of such research, audit, or evaluation, or otherwise disclose patient or subject identities in any manner.

“(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient or subject, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

“(3) In the event that the patient or subject who is the subject of any record referred to in subsection (a) of this section is deceased, the content of any such record may be disclosed by the Administrator only upon the prior written request of the next of kin, executor, administrator, or other personal representative of such patient or subject and only if the Administrator determines that such disclosure is necessary for such survivor to obtain benefits to which such survivor may be entitled, including the pursuit of legal action, but then only to the extent, under such circumstances, and for such purposes as may be allowed in regulations prescribed pursuant to section 4131 of this title.

“(c) Except as authorized by a court order granted under subsection (b) (2) (C) of this section, no record referred to in subsection (a) of this section may be used to initiate or substantiate any criminal charges against, or to conduct any investigation of, a patient or subject.

“(d) The prohibitions of this section shall continue to apply to records concerning any person who has been a patient or subject, irrespective of whether or when such person ceases to be a patient.

“(e) The prohibitions of this section shall not prevent any interchange of records—

“(1) within and among those components of the Veterans' Administration furnishing health care to veterans, or determining eligibility for benefits under this title; or

“(2) between such components furnishing health care to veterans and the Armed Forces.

“(f) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

38 USC 4133.

§ 4133. Nondiscrimination in the admission of alcohol and drug abusers to Veterans' Administration health care facilities

38 USC 601 *et seq.*

“Veterans eligible for treatment under chapter 17 of this title who are alcohol or drug abusers and who are suffering from medical disabilities shall not be discriminated against in admission or treatment, solely because of their alcohol or drug abuse or dependence, by any

Veterans' Administration health care facility. The Administrator, pursuant to the provisions of section 4134 of this title, shall prescribe regulations for the enforcement of this nondiscrimination policy with respect to the admission and treatment of such eligible veterans who are alcohol or drug abusers.

Regulations.

“§ 4134. Coordination; reports

38 USC 4134.

“(a) Regulations prescribed pursuant to section 4131 of this title, section 4132 of this title with respect to the confidentiality of alcohol and drug abuse medical records, and section 4133 of this title, shall, to the maximum extent feasible consistent with other provisions of this title, make applicable the regulations governing—

“(1) human experimentation and informed consent prescribed by the Secretary of Health, Education, and Welfare, based on the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, established by section 201 of the National Research Act, as amended (Public Law 93-348; 88 Stat. 348), and

42 USC 289f-1
note.

“(2) (A) the confidentiality of drug and alcohol abuse medical records, and (B) the admission of drug and alcohol abusers to private and public hospitals, prescribed pursuant to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended (42 U.S.C. 4551 et seq.), and the Drug Abuse Office and Treatment Act of 1972, as amended (21 U.S.C. 1101 et seq.),

to the conduct of research and to the provision of hospital care, nursing home care, domiciliary care, and medical services under this title. Such regulations may contain such definitions, and may provide for such safeguards and procedures (including procedures and criteria for the issuance and scope of court orders under section 4132(b)(2)(C) of this title) as are necessary to prevent circumvention or evasion thereof, or to facilitate compliance therewith. In prescribing and implementing regulations pursuant to this subsection, the Administrator shall, from time to time, consult with the Secretary of Health, Education, and Welfare, and, as appropriate, the Director of the Office of Drug Abuse Policy (or any successor authority), in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they and the Administrator prescribe.

Consultation.

“(b) Not later than sixty days after the effective date of this subsection, the Administrator shall submit to the appropriate committees of the House of Representatives and the Senate a full report with respect to the regulations (including guidelines, policies, and procedures thereunder) prescribed pursuant to subsection (a) of this section. Such report shall include (1) an explanation of any inconsistency between such regulations and the regulations of the Secretary referred to in such subsection (a); (2) an account of the extent, substance, and results of consultations with the Secretary (or Director, as appropriate) respecting the prescribing and implementation of the Administrator's regulations; and (3) such recommendations for legislation and administrative actions as the Administrator determines are necessary and desirable. The Administrator shall timely publish such report in the Federal Register.”

Report to
congressional
committees.

Contents.

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof:

Legislative
recommendations.
Publication in
Federal Register.

"SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS

"4131. Informed consent.

"4132. Confidentiality of certain medical records.

"4133. Nondiscrimination in the admission of alcohol and drug abusers to Veterans' Administration health care facilities.

"4134. Coordination; reports."

(b) Subsection (b) of section 653 of title 38, United States Code, is amended to read as follows:

"(b) Patient records prepared or obtained under this subchapter shall be held confidential in the same manner and under the same conditions prescribed in section 4132 of this title."

(c) The following provisions of law are superseded by the provisions of the amendments to chapter 73 of title 38, United States Code, made by subsection (a) of this section:

(1) Paragraph (2) of subsection (b) of section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4581(b)(2)), as added by section 121(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974 (Public Law 93-282; 88 Stat. 130).

(2) Paragraph (2) of subsection (b) of section 407 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1174(b)(2)), as amended by section 6(a) of the Act entitled "An Act to amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes", approved March 19, 1976 (Public Law 94-237; 90 Stat. 244-5).

(3) Subsection (h) of section 408 of such 1972 Act (21 U.S.C. 1175(h)), as amended by section 303(b)(2)(B) of such 1974 Act (88 Stat. 137).

(4) Subsection (h) of section 333 of such 1970 Act (42 U.S.C. 4582(h)), as amended by section 122(a) of such 1974 Act (88 Stat. 131).

(5) Subsection (b) of section 121 of such 1970 Act (88 Stat. 131).

(6) Subsection (b) of section 6 of the Act entitled "An Act to amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes", approved March 19, 1976 (90 Stat. 245).

(7) Subsection (c) of section 303 of such 1974 Act (88 Stat. 139).

(8) Subsection (c) of section 122 of such 1974 Act (88 Stat. 133).

Sec. 112. Section 6(a)(2) of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (Public Law 94-123; 89 Stat. 669) is amended by striking out "October 11, 1976" and inserting in lieu thereof "September 30, 1977".

Sec. 113. Section 4123 is amended by adding at the end thereof the following new sentence: "Any proceeds to the Government received therefrom shall be credited to the applicable Veterans' Administration medical appropriation."

Sec. 114. Subsection (a)(3) of section 5001 of title 38, United States Code, is amended by striking out "eight thousand beds in the fiscal year ending June 30, 1974," and inserting in lieu thereof "ten thousand beds in fiscal year 1980".

Sec. 115. (a) Subchapter IV of chapter 81 of title 38, United States Code, is amended by—

(1) inserting at the end of section 5053 the following new subsection:

"(d) When a Veterans' Administration health care facility provides hospital care or medical services, pursuant to a contract or agreement authorized by this section, to an individual who is not eligible for such

42 USC 4581
note.

21 USC 1174
note.

21 USC 1175
note.

42 USC 4582
note.

38 USC 4118
note.

care or services under chapter 17 of this title and who is entitled to hospital or medical insurance benefits under subchapter XVIII of chapter 7 of title 42, such benefits shall be paid, notwithstanding any condition, limitation, or other provision in that title which would otherwise preclude such payment, in accordance with—

38 USC 601 *et seq.*
42 USC
1395b-1.

“(1) rates prescribed by the Secretary of Health, Education, and Welfare, after consultation with the Administrator, and

“(2) procedures jointly prescribed by the Secretary and the Administrator to assure reasonable quality of care and services and efficient and economical utilization of resources, to such facility therefor or, if the contract or agreement so provides, to the community health care facility which is a party to the contract or agreement.”; and

(2) amending section 5056 by—

38 USC 5056.

(A) amending the catchline to read as follows:

“§ 5056. Coordination with health services development activities carried out under the National Health Planning and Resources Development Act of 1974”; and

(B) striking out “title IX” and inserting in lieu thereof “part F of title XVI”.

(b) The table of sections at the beginning of such chapter is amended by striking out

“5056. Coordination with programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965.”

and inserting in lieu thereof

“5056. Coordination with health services development activities carried out under the National Health Planning and Resources Development Act of 1974.”.

(c) At such time as the rates and procedures described in section 5053(d) of title 38, United States Code, are prescribed, the Secretary of Health, Education, and Welfare; in consultation with the Administrator of Veterans' Affairs, shall submit to the Committee on Ways and Means and the Committee on Veterans' Affairs of the House of Representatives and to the Committee on Finance and the Committee on Veterans' Affairs of the Senate a full report describing such rates and procedures (and any such additional matters relating to the formulation of such rates and procedures as the Secretary may consider pertinent).

Report to congressional committees.
38 USC 5053 note.

SEC. 116. Chapter 82 of title 38, United States Code, is amended by—

(1) redesignating subsections (e) and (f) of section 5070 as subsections (f) and (g), respectively, and inserting the following new subsection (e):

“(e) In carrying out the purposes of this chapter, the Administrator may lease to any eligible institution for such consideration and under such terms and conditions as the Administrator deems appropriate, such land, buildings, and structures including equipment therein) under the control and jurisdiction of the Veterans' Administration as may be necessary. The three-year limitation on the term of a lease prescribed in section 5012(a) of this title shall not apply with respect to any lease entered into pursuant to this chapter. Any lease entered into pursuant to this chapter may be entered into without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled ‘An Act making appropriations for the Legislative Branch of the Gov-

Limitation, exception.

ernment for the fiscal year ending June 30, 1933, and for other purposes, approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease entered into pursuant to this chapter may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration of the lease.”;

38 USC 5070.

(2) inserting at the end of section 5070 the following new subsection:

Report to Congress.

“(h) Not later than ninety days after the end of each fiscal year, the Administrator shall submit to the Congress a report on activities carried out under this chapter, including (1) an appraisal of the effectiveness of the programs authorized herein in carrying out their statutory purposes and the degree of cooperation from other sources, financial and otherwise, (2) an appraisal of the contributions of such programs in improving the quantity and quality of physicians and other health care personnel furnishing hospital care and medical services to veterans under this title, (3) a list of the approved but unfunded projects under this chapter and the funds needed for each such project, and (4) recommendations for the improvement or more effective administration of such programs, including any necessary legislation.”;

(3) striking out paragraph (1) of subsection (a) of section 5073 and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(4) striking out “subsections (a) (1) and” and inserting in lieu thereof “section 5070(e) of this title and subsection” in section 5073(b) (2).

Study.
38 USC 4103
note.

SEC. 117. (a) The Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration shall carry out or provide for a study to determine the short-range and long-range direction of the hospital and medical program carried out under title 38, United States Code, for eligible veterans and persons with reference to the increasing average age of the eligible veteran population. Not later than twelve months after the date of enactment of this Act, the Chief Medical Director, through the Administrator of Veterans' Affairs, shall submit to the appropriate Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the results of such study, including, but not limited to, specific plans for—

38 USC 101 et
seq.
Report to
congressional
committees.

(1) adjusting the number of Veterans' Administration hospital, nursing home, intermediate care, and domiciliary beds;

(2) adjusting the program for contracting for such nursing home care (including intermediate and personal care) in community facilities;

(3) expanding alternatives to institutional care, including provision of home health (including homemaker and special nutrition) services;

(4) emphasizing treatment programs particularly suited to meeting the health care needs of an aging population;

(5) emphasizing education and training of health care personnel specializing in the treatment of elderly persons and diseases and infirmities characteristic of an aging population;

(6) emphasizing biomedical and health services research designed to ameliorate geriatric care problems; and

(7) meeting the special architectural, transportation, and environmental needs of an aging population.

(b) Not later than ninety days after the effective date of this Act, the Administrator shall take all appropriate steps to ensure that, to the maximum extent feasible, each individual eligible for new or expanded care and services as a result of the amendments made by this Act is personally notified, in a clear and simple manner, about such new or expanded eligibility and the way to secure such care and services, and shall send copies of all such notification forms to the appropriate committees of the House of Representatives and the Senate, along with a description of how such forms were distributed.

Individual notification for new services, copies to congressional committees.
38 USC 612 note.

TITLE II—MEDICAL TECHNICAL AND CONFORMING AMENDMENTS

Veterans Medical Technical and Conforming Amendments of 1976.
38 USC 101 note.

SEC. 201. This title may be cited as the "Veterans Medical Technical and Conforming Amendments of 1976".

SEC. 202. Chapter 17 of title 38, United States Code, is amended as follows:

(a) The title of such chapter is amended by inserting "NURSING HOME," before "DOMICILIARY".

(b) Section 601 is amended by—

(1) striking out "and exclusive" in clause (A) of paragraph (4);

(2) (A) inserting after "contracts" in clause (C) of paragraph (4) "when facilities described in clause (A) or (B) of this paragraph are not capable of furnishing economical care because of geographical inaccessibility or of furnishing the care or services required";

(B) redesignating subclauses (ii) and (iii) of such clause (C) as subclauses (iv) and (v), respectively;

(C) striking out subclause (i) of such clause (C) and inserting in lieu thereof the following subclauses: "(i) hospital care or medical services to a veteran for the treatment of a service-connected disability or a disability for which a veteran was discharged or released from the active military, naval, or air service; (ii) medical services for the treatment of any disability of a veteran described in clause (1) (B) or (2) of section 612(f) of this title, (iii) hospital care or medical services for the treatment of medical emergencies which pose a serious threat to the life or health of a veteran receiving hospital care in a facility described in clause (A) or (B) of this paragraph;" and

(D) striking out "clause (iii)" where the term appears in subclause (v) (as so redesignated) of such clause (C) and inserting in lieu thereof "subclause (v)"; and

(3) striking out in subclause (ii) of clause (A) of paragraph (5) "for any veteran who is in need of treatment for a service-connected disability or is unable to defray the expense of transportation" and inserting in lieu thereof "pursuant to the provisions of section 111 of this title".

(c) The subchapter heading at the beginning of subchapter II of such chapter is amended by inserting a comma and "Nursing Home," after "Hospital".

(d) Section 610 is amended by—

(1) inserting a comma and "nursing home," after "hospital" in the catchline of such section;

(2) inserting "or nursing home" after "hospital" in subsection

(a) (1) (B);

38 USC 611.

- (3) striking out “of any war or of service after January 31, 1955,” and the comma after “domiciliary care” in subsection (b) (2); and
- (4) striking out “and exclusive” in subsection (d).
- (e) (1) The catchline of section 611 is amended by striking out “**Hospitalization**” and inserting in lieu thereof “**Care**”.
- (2) Subsection (b) of section 611 is amended by inserting “or medical services” after “hospital care”.
- (f) Section 612 is amended by—
- (1) striking out “Indian wars” and inserting in lieu thereof “Indian Wars” in subsection (e);
- (2) striking out “granted” and inserting in lieu thereof “furnished” in subsection (f) (1) (B); and
- (3) inserting after “Administrator” in subsection (g) a comma and “within the limits of Veterans’ Administration facilities,”.
- (g) Section 616 is amended by striking out “Bureau of the Budget” and inserting in lieu thereof “Office of Management and Budget”.
- (h) Subsection (a) of section 620 is amended by—
- (1) striking out “and exclusive” in clause (1) and in the last sentence of such subsection; and
- (2) striking out “from time to time” and inserting in lieu thereof “annually” in clause (ii).
- (i) The subchapter heading at the beginning of subchapter III of such chapter is amended by inserting “and Nursing Home” after “Hospital”.
- (j) Clauses (1) through (3) of section 621 are amended by inserting a comma and “nursing home,” after “hospital” each time it appears.
- (k) Subsection (a) of section 622 is amended by striking out “610 (a) (1)” and inserting in lieu thereof “610(a) (1) (B)”, and by striking out “632(b)” and inserting in lieu thereof “632(a) (2)”.
- (l) Subsection (c) of section 624 is amended by striking out “of any war” after “veteran”.
- (m) Section 627 is amended by striking out “1958” and inserting in lieu thereof “1957”.
- (n) Subsection (a) (1) of section 628 is amended by striking out “they” and inserting in lieu thereof “delay”.
- (o) Section 641 is amended by striking out “of any war or of service after January 31, 1955”.

SEC. 203. (a) The table of chapters and parts at the beginning of title 38, United States Code, and the table of chapters at the beginning of part II of such title are each amended by inserting in the title of chapter 17 “**NURSING HOME**,” after “**HOSPITAL**”.

(b) The table of sections at the beginning of chapter 17 of such title is amended by—

(1) inserting in the heading of subchapter II a comma and “**NURSING HOME**” after “**HOSPITAL**”;

(2) inserting in the item relating to section 610 a comma and “nursing home” after “hospital”;

(3) inserting in the heading of subchapter III “**AND NURSING HOME**” after “**HOSPITAL**”; and

(4) striking out “Hospitalization” and inserting in lieu thereof “Care” in the item relating to section 611.

SEC. 204. Chapter 23 of title 38, United States Code, is amended by inserting in subsection (a) of section 903 a comma and “nursing

home," after "hospital", and by striking out "611" and inserting in lieu thereof "611(a)" in such subsection.

SEC. 205. Subchapter I of chapter 73 of title 38, United States Code, is amended as follows:

(a) (1) The second sentence of subsection (a) of section 4101 is amended to read as follows: "The primary function of the Department of Medicine and Surgery shall be to provide a complete medical and hospital service, as provided in this title and in regulations prescribed by the Administrator pursuant thereto, for the medical care and treatment of veterans." 38 USC 4101.

(2) Subsection (b) of section 4101 is amended by striking out "to provide a complete medical and hospital service for the medical care and treatment of veterans".

(3) Section 4101 is further amended by redesignating subsection (c) as subsection (d) and inserting the following new subsection (c):

"(c) (1) In order to carry out more effectively the primary function of the Department of Medicine and Surgery and in order to contribute to the Nation's knowledge about disease and disability, the Administrator shall, in connection with the provision of medical care and treatment to veterans, carry out a program of medical research (including biomedical, prosthetic, and health care services research, and stressing research into spinal cord injuries and diseases and other disabilities that lead to paralysis of the lower extremities). In carrying out such research program, the Administrator shall act in cooperation with the entities described in subsection (b) of this section.

"(2) Prosthetic research shall include research and testing in the field of prosthetic, orthotic, and orthopedic appliances and sensory devices. In order that the unique investigative material and research data in the possession of the Government may result in the improvement of such appliances and devices for all disabled persons, the Administrator, through the Chief Medical Director, shall make the results of such research available to any person, and shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare, in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b) (2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities). 29 USC 702.

"(3) (A) With the approval of the Administrator, any contract or research authorized by this section, the performance of which involves a risk of an unusually hazardous nature, may provide that the United States will indemnify the contractor against either or both of the following, but only to the extent that they arise out of the direct performance of the contract and to the extent not covered by the financial protection required under subparagraph (E) of this paragraph. Hazardous research, indemnification of contractor.

"(i) Liability (including reasonable expenses of litigation or settlement) to third persons, except liability under State or Federal workers' injury compensation laws to employees of the

contractor employed at the site of and in connection with the contract for which indemnification is granted, for death, bodily injury, or loss of or damage to property, from a risk that the contract defines as unusually hazardous.

“(ii) Loss of or damage to property of the contractor from a risk that the contract defines as unusually hazardous.

“(B) A contract that provides for indemnification in accordance with subparagraph (A) of this paragraph must also provide for—

“(i) notice to the United States of any claim or suit against the contractor for death, bodily injury, or loss of or damage to property; and

“(ii) control of or assistance in the defense by the United States, at its election, of any such suit or claim for which indemnification is provided hereunder.

“(C) No payment may be made under subparagraph (A) of this paragraph unless the Administrator, or the Administrator's designee, certifies that the amount is just and reasonable.

“(D) Upon approval by the Administrator, payments under subparagraph (A) of this paragraph may be made from—

“(i) funds obligated for the performance of the contract concerned;

“(ii) funds available for research or development or both, and not otherwise obligated; or

“(iii) funds appropriated for those payments.

“(E) Each contractor which is a party to an indemnification agreement under subparagraph (A) of this paragraph shall have and maintain financial protection of such type and in such amounts as the Administrator shall require to cover liability to third persons and loss of or damage to the contractor's property. The amount of financial protection required shall be the maximum amount of insurance available from private sources, except that the Administrator may establish a lesser amount, taking into consideration the cost and terms of private insurance. Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures.

“(F) In administering the provisions of this paragraph, the Administrator may use the facilities and services of private insurance organizations, and may contract to pay a reasonable compensation therefor. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5), upon a showing by the Administrator that advertising is not reasonably practicable, and advance payments may be made under any such contract.

“(G) The authority to indemnify contractors under this paragraph does not create any rights in third persons which would not otherwise exist by law.

“Contractor.”

“(H) As used in this section, the term ‘contractor’ includes sub-contractors of any tier under a contract containing an indemnification provision pursuant to subparagraph (A) of this paragraph.

“(4) Funds appropriated to carry out this subsection shall remain available until expended.”

(b) Chapter 39 of title 38, United States Code, is amended by—
(1) striking out in the table of sections

“1904. Research and development; coordination with other Federal programs.”
and inserting in lieu thereof

“1904. Research and development.”;

(2) amending the catchline of section 1904 to read as follows: 38 USC 1904.

“§ 1904. Research and development”;

and

(3) amending subsection (a) of section 1904 by striking out “prosthetic and orthopedic appliance research under section 216 and medical research” and inserting in lieu thereof “medical and prosthetic research”.

(c) Chapter 3 of title 38, United States Code, is amended by—

(1) striking out section 216 in its entirety; and

(2) amending the table of sections at the beginning thereof by striking out

“216. Research by the Administrator; indemnification of contractors.”.

(d) Section 4103 of such title is amended by—

(1) inserting “upon the recommendation of the Chief Medical Director” after “Administrator” in paragraphs (2) and (3) of subsection (a);

(2) striking out “recommendations” and inserting in lieu thereof “recommendation” in subsection (a) (4);

(3) inserting “or whose appointment or reappointment, is extended” after “reappointed” in subsection (b) (3); and

(4) inserting “or for any period not exceeding two years” in subsection (c) before the period at the end of the second sentence.

(e) Subsection (a) (6) (as redesignated by section 110(4) of this Act) of section 4105 of title 38, United States Code, is amended by inserting “hold the degree of doctor of optometry, or its equivalent, from a school of optometry approved by the Administrator and” before “be”.

(f) Subsection (b) of section 4108 is amended by striking out “pursuant to” after “agreement” and inserting in lieu thereof “as referred to in”.

(g) Subsection (b) (2) of section 4114 is amended to read as follows:

“(2) For the purposes of this title, the term ‘internship’ shall include the equivalency of an internship as determined in accordance with regulations which the Administrator shall prescribe, and the term ‘intern’ shall mean a person serving an internship.”.

“Internship.”

“Intern.”

Sec. 206. Chapter 81 of title 38, United States Code, is amended as follows:

(a) Section 5001 is amended by—

(1) striking out “and exclusive” in the first sentence of subsection (a) (2), and striking out “tuberculosis” and inserting in lieu thereof “tuberculous” in such sentence; and

(2) striking out “and exclusive” in the first sentence of subsection (a) (3).

(b) Subchapter III of such chapter is amended by striking out “war” each time it appears in paragraph (a) of section 5031, section 5032, paragraph (1) of section 5034, paragraphs (4) of subsections (a) and (b) of section 5035, and section 5036.

(c) Section 5053 is amended by—

(1) striking out “paragraphs” and inserting in lieu thereof “clauses” in the first sentence of subsection (a); and

(2) inserting “health care” after “Veterans’ Administration” each place it appears in clauses (1) and (2) of subsection (a) and in subsection (c).

(d) Subsection (b) of section 5054 is amended by inserting “the” before “surrounding medical community” the second place it appears.

(e) The second sentence of subsection (a) of section 5055 is amended

by striking out "for Research and Education in Medicine" and inserting in lieu thereof "charged with administration of the Department of Medicine and Surgery medical research program".

38 USC 5083.

SEC. 207. Subchapter II of chapter 82 of title 38, United States Code, is amended by striking out "subchapter IV of chapter 81 of" in subsection (a) of section 5083.

SEC. 208. Chapter 85 of title 38, United States Code, is amended as follows:

(a) The first sentence of subsection (b) of section 5202 is amended by inserting "or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title," after "(admitted as a veteran)," in the first sentence.

(b) Subsection (a) of section 5220 is amended by inserting a comma and "or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title," after "(admitted as a veteran)".

(c) Section 5221 is amended by inserting a comma and "or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title," after "(admitted as such)".

SEC. 209. (a) Subchapter I of chapter 73 of title 38, United States Code, is amended as follows:

(1) Subsection (b) of section 4101, clause (1) of section 4104, subsection (b) of section 4105, subsection (f) of section 4106, subsection (f) of section 4107, the language preceding clause (1) in subsection (a) and clause (6) (B) in subsection (a) of section 4108, and section 4117, are each amended by striking out "physicians" and inserting in lieu thereof "physician".

(2) Clause (1) of section 4104, clause (8) of subsection (a) and subsection (b) of section 4105, subsection (f) of section 4107, and the language preceding clause (1) in subsection (a) and subclause (B) of clause (6) of subsection (a) of section 4108 are each amended by striking out "expanded-duty" each place it appears and inserting in lieu thereof "expanded-function".

(3) Subsection (b) of section 4101 is further amended by striking out "dentists' assistants" and inserting in lieu thereof "expanded-function dental auxiliaries".

(4) Clause (8) of subsection (a) of section 4105 is further amended by striking out "Physicians" and inserting in lieu thereof "Physician".

(5) Section 4113 is amended by striking out "and nurses" and inserting in lieu thereof "nurses, physician assistants, and expanded-function dental auxiliaries".

(6) Section 4114 is amended by—

(A) inserting "physician assistants, expanded-function dental auxiliaries," after "nurses," in clauses (A) and (B) of subsection (a) (1);

(B) striking out "and nurses" and inserting in lieu thereof "nurses, physician assistants, and expanded-function dental auxiliaries" in the first sentence of subsection (a) (3) (A);

(C) striking out "nurses and interns, and" and inserting in lieu thereof "nurses, physician assistants, expanded-function dental auxiliaries, and interns," in subsection (a) (3) (B); and

(D) striking out "dentist's assistant" and inserting in lieu thereof "expanded-function dental auxiliary" in the first sentence of subsection (e).

(7) Subsection (a) of section 4116 is amended by striking out “physicians’ assistant, dentists’ assistant” each time those terms appear and inserting in lieu thereof “physician assistant, expanded-function dental auxiliary”. 38 USC 4116.

(8) Section 4117 is amended by striking out “dentists’ assistants” and inserting in lieu thereof “expanded-function dental auxiliaries”.

(b) Subchapter I of chapter 73 of title 38, United States Code, is further amended as follows:

(1) Section 4106 is amended by—

(A) inserting “rate of basic” after “minimum” in the second sentence of subsection (c); and

(B) striking out “level and salary” and “and salary” and inserting in lieu thereof “and annual rate of basic pay” each place those words appear in subsection (e).

(2) Section 4107 is amended by—

(A) striking out “per annum full-pay scale or ranges” and inserting in lieu thereof “annual rates or ranges of rates of basic pay” in subsection (a);

(B) striking out “per annum full-pay ranges” and inserting in lieu thereof “annual ranges of rates of basic pay” in the first sentence of subsection (b) (1);

(C) inserting “facility” after “domiciliary” each place it appears in subsection (c); and

(D) amending subsection (e) by—

(i) striking out “basic compensation” and inserting in lieu thereof “rate of basic pay” in paragraph (1);

(ii) striking out “basic hourly rate” and “basic hourly rate of pay” and inserting in lieu thereof “hourly rate of basic pay” in paragraphs (2), (3), (5), (6), and (7);

(iii) striking out “compensation” each time it appears in paragraphs (1), (2), (3), (6), and (9) and inserting in lieu thereof “pay”;

(iv) amending the first sentence of paragraph (4) to read as follows: “A nurse performing service on a holiday designated by Federal statute or Executive order shall receive for each hour of such service the nurse’s hourly rate of basic pay, plus additional pay at a rate equal to such hourly rate of basic pay, for that holiday service, including overtime service.”; and

(v) striking out “compensated” and inserting in lieu thereof “paid” in paragraph (8).

(3) Subsection (a) of section 4112 is amended by striking out “compensation” and inserting in lieu thereof “pay” in the last sentence of such subsection.

(c) Chapter 73 of title 38, United States Code, is further amended as follows:

(1) Section 4103 is amended by—

(A) striking out “individuals” and inserting in lieu thereof “persons” in the second sentence of subsection (a) (4);

(B) striking out “and employees” in subsection (a) (8); and

(C) striking out “An individual” and inserting in lieu thereof “A person” in the third sentence of subsection (c).

(2) Subsection (a) of section 4105 is amended by striking out “employees” and inserting in lieu thereof “personnel” in clause (7).

(3) Section 4107 is amended by—

(A) striking out "individual" and inserting in lieu thereof "person" in the first sentence of subsection (c);

(B) striking out "employee's" and inserting in lieu thereof "nurse's", and striking out "work" and inserting in lieu thereof "service", in paragraph (2) of subsection (e); and

(C) striking out "duty" and inserting in lieu thereof "service" in paragraph (7) of subsection (e).

38 USC 4108.

(4) Clause (1) of subsection (a) of section 4108 is amended by striking out "individual" and inserting in lieu thereof "person".

(5) Section 4113 is amended by—

(A) striking out "of employees" and inserting in lieu thereof a comma and "of persons"; and

(B) striking out "paragraph (1) of section 4104" and inserting in lieu thereof "section 4104(1)".

(6) Subsection (d)(2) of section 4114 is amended by striking out "individual" and inserting in lieu thereof "person".

(7) Subsection (b) of section 4122 is amended by striking out "individuals" each time it appears and inserting in lieu thereof "persons".

SEC. 210. (a) Chapter 17 of title 38, United States Code, is amended as follows:

(1) Section 610 is amended by—

(A) striking out "he" and inserting in lieu thereof "the Administrator" in the first sentence of subsection (a);

(B) striking out "he" and inserting in lieu thereof "such veteran" in subsections (a)(1)(B), (b)(2), and (c); and

(C) striking out "he" and inserting in lieu thereof "such person" in subsection (b)(1).

(2) Section 611 is amended by—

(A) striking out "him" and inserting in lieu thereof "the Administrator" in subsection (a); and

(B) striking out "he" and "him" each place those words appear in subsection (b) and inserting in lieu thereof "the Administrator";

(3) Section 612 is amended by—

(A) striking out "he" and inserting in lieu thereof "the Administrator" in the first sentence of subsection (a);

(B) striking out "him" and "he" each place those words appear in subsection (d) and inserting in lieu thereof "the Administrator";

(C) striking out "he" and inserting in lieu thereof "the Administrator" in subsection (g); and

(D) striking out "his" each place it appears in the second sentence of subsection (h) and inserting in lieu thereof "such veteran's".

(4) Section 613 is amended by—

(A) striking out "he" and inserting in lieu thereof "the Secretary" in subsection (b)(1); and

(B) striking out "he" each place it appears and inserting in lieu thereof "the Administrator" in subsection (b)(2).

(5) Section 614 is amended by—

(A) striking out "his" and inserting in lieu thereof "such veteran's" in subsection (a); and

(B) striking out "he" in subsection (b).

(6) Section 619 is amended by striking out "him" and inserting in lieu thereof "such veteran".

(7) The first sentence of subsection (b) of section 620 is amended by striking out "he" and inserting in lieu thereof "the Administrator". 38 USC 620.

(8) Paragraphs (1) and (3) of section 621 are amended by striking out "he" each place it appears and inserting in lieu thereof "the Administrator".

(9) Subsection (b) of section 622 is amended by striking out "his" and inserting in lieu thereof "such veteran's".

(10) Section 623 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(11) The first sentence of subsection (c) of section 624 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(12) Section 626 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(13) Subsection (a) of section 628 is amended by—

(A) striking out "he" and inserting in lieu thereof "the Administrator" in the first sentence of such subsection; and

(B) striking out "his" and inserting in lieu thereof "such veteran's" in paragraph (2) (D) (ii) of such subsection.

(14) The second sentence of subsection (d) of section 632 is amended by striking out "him" and inserting in lieu thereof "the Administrator".

(15) Section 633 is amended by striking out "he" and inserting in lieu thereof "the President", and by striking out "his".

(16) Subsection (a) of section 642 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(b) Section 3301 of title 38, United States Code, is amended by—

(1) striking out "his" and inserting "of a claimant" after "representative" in subsection (b) (1), and striking out "himself" and inserting in lieu thereof "the claimant" in such subsection;

(2) striking out "in his" and inserting in lieu thereof "as a matter of" in subsection (d); and

(3) striking out "his" and inserting in lieu thereof "the Administrator's" in subsection (e).

(c) Chapter 73 of title 38, United States Code, is amended as follows:

(1) Section 4101 is amended by—

(A) striking out "servicemen" and inserting in lieu thereof "members of the armed forces" in subsection (b); and

(B) striking out "his" and "he" and inserting in lieu thereof "the Administrator's" and "the Administrator", respectively, in subsection (d) (2) (as redesignated by section 205(a) (3) of this Act).

(2) Section 4103 is amended by—

(A) striking out the period at the end of the first sentence and inserting in lieu thereof a comma, and striking out "He" in the second sentence and inserting in lieu thereof "and who", in paragraphs (1), (2), and (3) of subsection (a); and

(B) striking out "his" and "he" and inserting in lieu thereof "such person's" and "such person", respectively, in the third sentence of subsection (c).

(3) Section 4104 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(4) Section 4107 is amended by—

38 USC 4108.

- (A) striking out "he" each place it appears in subsection (b) (2) and inserting in lieu thereof "such person"; and
- (B) striking out "he" and "his" and inserting in lieu thereof "such person" and "such person's", respectively, in subsection (c).
- (5) Subsection (a) of section 4108 is amended by—
- (A) striking out "his" and inserting in lieu thereof "such person's" in clause (2);
- (B) striking out "him" and "his" and inserting in lieu thereof "such person" and "such person's", respectively, in clause (3);
- (C) striking out "him" and "his" and inserting in lieu thereof "such person" and "such person's", respectively, in clause (4);
- (D) striking out "his" each place it appears and "him" in clause (5) and inserting in lieu thereof "such person's" and "such person", respectively; and
- (E) striking out "his" each place it appears and inserting in lieu thereof "such person's" in clause (6).
- (6) The first sentence of subsection (b) of section 4112 is amended by striking out "he" and inserting in lieu thereof "the Administrator".
- (7) Section 4114 is amended by—
- (A) striking out "he" each place it appears in the third and fifth sentences in subsection (b) (3) and inserting in lieu thereof "such recipient";
- (B) striking out "he" and "his" each place those words appear in the last sentence of subsection (b) (3) and inserting in lieu thereof "such person" and "such person's", respectively;
- (C) striking out "he" and inserting in lieu thereof "the person" in subsection (d) (1); and
- (D) striking out "his" and "he" and inserting in lieu thereof "such person's" and "the person", respectively, in subsection (d) (2).
- (8) Section 4116 is amended by—
- (A) striking out "his" each place it appears in subsection (a) and inserting in lieu thereof "such person's";
- (B) striking out "his" and "him" and inserting in lieu thereof "such person's" and "such person", respectively, in subsection (b);
- (C) striking out "his" each place it appears in subsection (c) and inserting in lieu thereof "such person's"; and
- (D) striking out "he" and "his" each place those words appear in subsection (e) and inserting in lieu thereof "the Administrator" and "such person's".
- (9) Subsection (a) of section 4121 is amended by striking out "his" and "he" each place those words appear and inserting in lieu thereof "the Administrator's" and "the Administrator", respectively.
- (10) Section 4122 is amended by striking out "he" and inserting in lieu thereof "the Chief Medical Director" in subsections (b) and (c).
- (d) Chapter 75 of title 38, United States Code is amended by striking out "he" each place it appears in clauses (3), (9), (10), and (11) of section 4202 and inserting in lieu thereof "the Administrator".
- (e) Chapter 81 of title 38, United States Code, is amended as follows:
- (1) Subsection (b) of section 5001 is amended by striking out "him" and "his" and inserting in lieu thereof "the Administrator" and "the Chief Medical Director's", respectively.

(2) Section 5002 is amended by—

(A) striking out “he” each place it appears and inserting in lieu thereof “the President”; and

(B) striking out “his opinion” and inserting in lieu thereof “the opinion of the President such is”.

(3) Paragraphs (2) and (3) of subsection (b) of section 5004 are amended by striking out “he” and inserting in lieu thereof “the Administrator”.

(4) The second sentence of section 5005 is amended by striking out “He” and inserting in lieu thereof “The President”.

(5) The first sentence of section 5007 is amended by striking out “his” and inserting in lieu thereof “the Administrator’s”

(6) Subsection (c) of section 5011 is amended by striking out “him” and inserting in lieu thereof “the Administrator”.

(7) Section 5012 is amended by—

(A) striking out “his” in the first and fourth sentences of subsection (a) and inserting in lieu thereof “the Administrator’s”;

(B) striking out “he” and inserting in lieu thereof “the Administrator” in subsection (b); and

(C) striking out “him” and inserting in lieu thereof “the Administrator” in subsection (c).

(8) Section 5013 is amended by striking out “he” and inserting in lieu thereof “the Administrator”.

(9) Section 5014 is amended by—

(A) striking out “he” each place it appears in the first and fourth sentences and inserting in lieu thereof “the Administrator”; and

(B) striking out “his” in the first sentence and inserting in lieu thereof “the Administrator’s”.

(10) Subsection (b) of section 5035 is amended by striking out “he” and inserting in lieu thereof “the Administrator”.

(11) The first sentence of subsection (a) of section 5053 is amended by striking out “he” and inserting in lieu thereof “the Administrator”.

(12) The second sentence of subsection (b) of section 5054 is amended by striking out “he” and inserting in lieu thereof “the Administrator”.

(13) The first sentence of subsection (a) of section 5055 is amended by striking out “him” and inserting in lieu thereof “the Administrator”.

(f) Chapter 82 of title 38, United States Code, is amended as follows:

(1) The second sentence of subsection (f) (as redesignated by section 116(1) of this Act) of section 5070 is amended by striking out “he” and inserting in lieu thereof “the Administrator”.

(2) Section 5071 is amended by striking out “he” and inserting in lieu thereof “the Administrator”.

(3) Section 5073 is amended by—

(A) striking out “he” each place it appears in subsection (b) and inserting in lieu thereof “the Administrator”; and

(B) striking out “he” each place it appears in subsection (c) and inserting in lieu thereof “the Administrator”.

(4) Subsection (b) of section 5083 is amended by striking out “his” in the language preceding clause (1) and in clause (4) and inserting in lieu thereof “the Administrator’s”.

38 USC 5093.

(5) Subsection (b) of section 5093 is amended by striking out "his" in the language preceding clause (1) and in clause (4) and inserting in lieu thereof "the Administrator's".

(6) Section 5096 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

Effective date.
38 USC 111 note.

Sec. 211. Except as otherwise provided in this Act, the amendments made by this Act to title 38, United States Code, shall take effect on October 1, 1976, or on the date of enactment, whichever is later.

Approved October 21, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-703 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD:

Vol. 121 (1975): Dec. 15, considered and passed House.

Vol. 122 (1976): Sept. 16, considered and passed Senate, amended.

Sept. 29, House agreed to Senate amendments with amendments.

Oct. 1, Senate agreed to House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 12, No. 43: Oct. 22, Presidential statement.