general. Prior to amendment, subsec. (b) read as fol-
(veteran (1) is a citizen of the United States sojourning
ble veteran for any service-connected disability if the
hospital care and medical services to any otherwise eligi-
ippines.''

3689 of this title.
''1720(a)'' for ''620(a)''.

''Hospital care and medical services abroad''. See 1973
Pub. L. 93–82, which had substituted ''Hospital care,
medical services and nursing home care abroad'' for ''Hos-

effective amendments below.

(d) The Secretary may furnish nursing home care, on the same terms and conditions set forth in section 1720(a) of this title, to any veteran who has been furnished hospital care in the Philippines pursuant to this section, but who re-
quires a protracted period of nursing home care.

(e) Within the limits of an outpatient clinic in the Republic of the Philippines that is under the direct jurisdiction of the Secretary, the Sec-
retary may furnish a veteran who has a service-
connected disability with such medical services as the Secretary determines to be needed.

86–624, § 25(a), July 12, 1960, 74 Stat. 418; Pub. L.
Stat. 2656, 2685; Pub. L. 95–520, § 3(a), Oct. 26, 1978,
92 Stat. 1820; Pub. L. 97–92, title I, § 107(a), Nov.
12, 1986, 92 Stat. 1306; Pub. L. 100–322, title I, §
105, May 20, 1988, 102 Stat. 493; renumbered
§ 1725. Reimbursement for emergency treatment
furnished the veteran in a non-Department facility.

(2) In any case in which reimbursement is au-
thorized under subsection (a)(1), the Secretary, in the Secretary's discretion, may, in lieu of re-
imburbing the veteran, make payment of the reason-
able value of the furnished emergency treatment
directly—

(A) to a hospital or other health care pro-

(B) to the person or organization that paid
for such treatment on behalf of the veteran.

(2) Eligibility.—(1) A veteran referred to in
subsection (c)(2), the Secretary shall reim-
burse a veteran described in subsection (b) for
the reasonable value of emergency treatment
furnished the veteran in a non-Department facility.

(2) A veteran is an active Department health-
care participant if—

(A) the veteran is enrolled in the health care
system established under section 1705(a) of
this title; and

(B) the veteran received care under this
chapter within the 24-month period preceding
the furnishing of such emergency treatment.

(3) A veteran is personally liable for emer-
gency treatment furnished the veteran in a non-
Department facility if the veteran—

(A) is financially liable to the provider of
emergency treatment for that treatment;

(B) has no entitlement to care or services
under a health-plan contract (determined, in the
case of a health-plan contract as defined in
subsection (f)(2)(B) or (f)(2)(C), without regard to
any requirement or limitation relating to
eligibility for care or services from any de-
partment or agency of the United States); and

(C) has no other contractual or legal re-
course against a third party that would, in
whole, extinguish such liability to the pro-

(D) is not eligible for reimbursement for
medical care or services under section 1728 of
this title.

For “Hospital care and medical services abroad” in section
catchline.

Subsec. (d), Pub. L. 93–82, § 108(a), added subsec. (d).
1962—Subsec. (b). Pub. L. 87–315 struck out “tempo-
arily” before “sojourning”.

any State” for “outside the continental limits of the
United States, or a Territory, Commonwealth, or pos-
session of the United States”.

1959—Subsec. (b). Pub. L. 85–152 extended authority to
provide hospital and medical care for veterans who are
United States citizens temporarily residing abroad to
include those with peacetime service-incurred disabil-

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.

§1725. Reimbursement for emergency treatment
(a) General Authority.—(1) Subject to sub-
sections (c) and (d), the Secretary shall reim-
burse a veteran in the amount of the reason-
able value of emergency treatment furnished
in the Secretary's discretion, in lieu of reim-
bursements the veteran, make payment of the
reasonable value of the furnished emergency
treatment directly—

(A) to a hospital or other health care pro-

(B) to the person or organization that paid
for such treatment on behalf of the veteran.

(2) Eligibility.—(1) A veteran referred to in
subsection (a)(1) is an individual who is an ac-
tive Department health-care participant who is
personally liable for emergency treatment fur-
ished the veteran in a non-Department facility.

(2) A veteran is an active Department health-
care participant if—

(A) the veteran is enrolled in the health care
system established under section 1705(a) of
this title; and

(B) the veteran received care under this
chapter within the 24-month period preceding
the furnishing of such emergency treatment.

(3) A veteran is personally liable for emer-
gency treatment furnished the veteran in a non-
Department facility if the veteran—

(A) is financially liable to the provider of
emergency treatment for that treatment;

(B) has no entitlement to care or services
under a health-plan contract (determined, in the
case of a health-plan contract as defined in
subsection (f)(2)(B) or (f)(2)(C), without regard to
any requirement or limitation relating to
eligibility for care or services from any de-
partment or agency of the United States); and

(C) has no other contractual or legal re-
course against a third party that would, in
whole, extinguish such liability to the pro-

(D) is not eligible for reimbursement for
medical care or services under section 1728 of
this title.

Prior Provisions
Prior section 1724 was renumbered section 3624 of this
title.

721, a relating to reimbursement for emergency treatment
3689 of this title.

AMENDMENTS
1997—Pub. L. 102–83, § 5(a), renumbered section 624 of
this title as this section.

Pub. L. 102–83, §§ 4(b)(1), (2)(B), substituted “Sec-
retary” for “Administrator” wherever appearing.

Pub. L. 102–83, § 4(c)(1), substituted "1725(a)" for "620(a)".

1988—Subsec. (b). Pub. L. 100–322 amended subsec. (b)
generally. Prior to amendment, subsec. (b) read as fol-

owed: The Administrator may furnish necessary hos-
pital care and medical services to any otherwise eligi-
ble veteran for any service-connected disability if the
veteran (1) is a citizen of the United States sojourning
or residing abroad, or (2) is in the Republic of the Phi-
ippines.

1982—Pub. L. 97–295 substituted “Hospital care, med-
cal services, and nursing home care abroad” for “Hos-
pital care and medical services abroad” in section
catchline, without regard to a prior amendment by
Pub. L. 93–82, which had substituted “Hospital care,
medical services and nursing home care abroad” for
"Hospital care and medical services abroad". See 1973 Amendment note below.

1981—Subsec. (d). Pub. L. 97–72 struck out “and at the
same rate as specified in section 632(a)(4) of this title
after “on the same terms and conditions set forth in
section 620(a) of this title”.

Medical Memorial Center” for “Veterans Memorial Hos-

tory below.

1976—Subsec. (c). Pub. L. 94–581 substituted “the Ad-
ministrator may furnish” for “he may furnish” and
"hospital care to a veteran for any" for "hospital care
to a veteran of any war for any".

1973—Pub. L. 93–82, § 108(b), substituted “Hospital care,
medical services and nursing home care abroad” for
"Hospital care and medical services abroad" in sec-
catchline.

Subsec. (d), Pub. L. 93–82, § 108(a), added subsec. (d).
(c) LIMITATIONS ON REIMBURSEMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary, shall—
(A) establish the maximum amount payable under subsection (a);
(B) delineate the circumstances under which such payments may be made, to include such requirements on requesting reimbursement as the Secretary shall establish; and
(C) provide that in no event may a payment under that subsection include any amount for which the veteran is not personally liable.

(2) Subject to paragraph (1), the Secretary may provide reimbursement under this section only after the veteran or the provider of emergency treatment has exhausted without success all claims and remedies reasonably available to the veteran or provider against a third party for payment of such treatment.

(3) Payment by the Secretary under this section on behalf of a veteran to a provider of emergency treatment shall, unless rejected and re-funded by the provider within 30 days of receipt, extinguish any liability on the part of the veteran for that treatment. Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the preceding sentence.

(4)(A) If the veteran has contractual or legal recourse against a third party that would only, in part, extinguish the veteran’s liability to the provider of the emergency treatment, and payment for the treatment may be made both under subsection (a) and by the third party, the amount payable for such treatment under such subsection shall be the amount by which the costs for the emergency treatment exceed the amount paid or paid by the third party, except that the amount payable may not exceed the maximum amount payable established under paragraph (1)(A).

(B) In any case in which a third party is financially responsible for part of the veteran’s emergency treatment expenses, the Secretary shall be the secondary payer.

(C) A payment in the amount payable under subparagraph (A) shall be considered payment in full and shall extinguish the veteran’s liability to the provider.

(D) The Secretary may not reimburse a veteran under this section for any copayment or similar payment that the veteran owes the third party or for which the veteran is responsible under a health-plan contract.

(d) INDEPENDENT RIGHT OF RECOVERY.—(1) In accordance with regulations prescribed by the Secretary, the United States shall have the independent right to recover any amount paid under this section when, and to the extent that, a third party subsequently makes a payment for the same emergency treatment.

(2) Any amount paid by the United States to the veteran (or the veteran’s personal representative, successor, dependents, or survivors) shall extinguish any liability on the part of the veteran for that treatment. Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the preceding sentence.

(4)(A) If the veteran has contractual or legal recourse against a third party that would only, in part, extinguish the veteran’s liability to the provider of the emergency treatment, and payment for the treatment may be made both under subsection (a) and by the third party, the amount payable for such treatment under such subsection shall be the amount by which the costs for the emergency treatment exceed the amount paid or paid by the third party, except that the amount payable may not exceed the maximum amount payable established under paragraph (1)(A).

(B) In any case in which a third party is financially responsible for part of the veteran’s emergency treatment expenses, the Secretary shall be the secondary payer.

(C) A payment in the amount payable under subparagraph (A) shall be considered payment in full and shall extinguish the veteran’s liability to the provider.

(D) The Secretary may not reimburse a veteran under this section for any copayment or similar payment that the veteran owes the third party or for which the veteran is responsible under a health-plan contract.

(e) WAIVER.—The Secretary, in the Secretary’s discretion, may waive recovery of a payment made to a veteran under this section that is otherwise required by subsection (d)(1) when the Secretary determines that such waiver would be in the best interest of the United States, as defined by regulations prescribed by the Secretary.

(f) DEFINITIONS.—For purposes of this section:
(1) The term “emergency treatment” means medical care or services furnished, in the judgment of the Secretary—
(A) when Department or other Federal facilities are not feasibly available and an attempt to use them beforehand would not be reasonable;
(B) when such care or services are rendered in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health; and
(C) until—
(i) such time as the veteran can be transferred safely to a Department facility or other Federal facility and such facility is capable of accepting such transfer; or
(ii) such time as a Department facility or other Federal facility accepts such transfer if—
(I) at the time the veteran could have been transferred safely to a Department facility or other Federal facility, no Department facility or other Federal facility agreed to accept such transfer; and
(II) the non-Department facility in which such medical care or services was furnished made and documented reasonable attempts to transfer the veteran to a Department facility or other Federal facility.

(2) The term “health-plan contract” includes any of the following:
(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.
(B) An insurance program described in section 1811 of the Social Security Act (42
§ 1726. Reimbursement for loss of personal effects by natural disaster

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


Prior Provisions

AMENDMENTS
1991—Pub. L. 102–83, § 5(a), renumbered section 626 of this title as this section.
Pub. L. 94–581 substituted “the Administrator shall prescribe” for “he shall prescribe”.
Pub. L. 93–82 substituted “natural disaster” for “fire” in section catchline and extended reimbursement provisions to earthquake and other natural disasters also.

Effective Date of 1976 Amendment

Effective Date of 1973 Amendment

§ 1727. Persons eligible under prior law

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


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