

§ 413. Services provided to residents**(a) Services provided**

Except as provided in subsections (b), (c), and (d) of this section, a resident of the Retirement Home shall receive the services authorized by the Chief Operating Officer.

(b) Medical and dental care

The Retirement Home shall provide for the overall health care needs of residents in a high quality and cost-effective manner, including on site primary care, medical care, and a continuum of long-term care services. The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, which shall be provided at no cost to residents. Secondary and tertiary hospital care for residents that is not available at a facility of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense in a facility administered by such Secretary. Except as provided in subsection (d) of this section, the Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care. The Retirement Home may not construct an acute care facility.

(c) Availability of physicians and dentists

(1) In providing for the health care needs of residents at a facility of the Retirement Home under subsection (b) of this section, the Retirement Home shall have a physician and a dentist—

(A) available at the facility during the daily business hours of the facility; and

(B) available on an on-call basis at other times.

(2) The physicians and dentists required by this subsection shall have the skills and experience suited to residents of the facility served by the physicians and dentists.

(3) To ensure the availability of health care services for residents of a facility of the Retirement Home, the Chief Operating Officer, in consultation with the Medical Director, shall establish uniform standards, appropriate to the medical needs of the residents, for access to health care services during and after the daily business hours of the facility.

(d) Transportation to medical care outside Retirement Home facilities

(1) With respect to each facility of the Retirement Home, the Retirement Home shall provide daily scheduled transportation to nearby medical facilities used by residents of the facility. The Retirement Home may provide, based on a determination of medical need, unscheduled transportation for a resident of the facility to any medical facility located not more than 30 miles from the facility for the provision of necessary and urgent medical care for the resident.

(2) The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.

(Pub. L. 101-510, div. A, title XV, §1513, Nov. 5, 1990, 104 Stat. 1725; Pub. L. 103-160, div. A, title

III, §366(c), Nov. 30, 1993, 107 Stat. 1630; Pub. L. 107-107, div. A, title XIV, §§1404(b)(1)(B), 1410(a)(1), Dec. 28, 2001, 115 Stat. 1260, 1266; Pub. L. 109-163, div. A, title IX, §909(a), Jan. 6, 2006, 119 Stat. 3404; Pub. L. 110-181, div. A, title XIV, §1422(c), Jan. 28, 2008, 122 Stat. 420; Pub. L. 112-81, div. A, title V, §567(c)(2), Dec. 31, 2011, 125 Stat. 1426.)

AMENDMENTS

2011—Pub. L. 112-81 substituted “Services provided to residents” for “Services provided residents” in section catchline.

2008—Subsec. (b). Pub. L. 110-181 inserted after first sentence “The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, which shall be provided at no cost to residents.”

2006—Subsec. (a). Pub. L. 109-163, §909(a)(1), substituted “subsections (b), (c), and (d)” for “subsection (b)”.

Subsec. (b). Pub. L. 109-163, §909(a)(2), substituted “Except as provided in subsection (d) of this section, the” for “The”.

Subsecs. (c), (d). Pub. L. 109-163, §909(a)(3), added subsections (c) and (d).

2001—Subsec. (a). Pub. L. 107-107, §1404(b)(1)(B), substituted “Chief Operating Officer” for “Retirement Home Board”.

Subsec. (b). Pub. L. 107-107, §1410(a)(1), struck out “maintained as a separate establishment” after “available at a facility” in second sentence.

1993—Subsec. (b). Pub. L. 103-160 added second and third sentences and struck out former second sentence which read as follows: “Secondary and tertiary hospital care for residents that is not available at the Retirement Home shall be obtained through agreements with facilities administered by the Secretary of Veterans Affairs or the Secretary of Defense or at private facilities.”

EFFECTIVE DATE

Section effective one year after Nov. 5, 1990, see section 1541(a) of Pub. L. 101-510, formerly set out as a note under section 401 of this title.

§ 413a. Oversight of health care provided to residents**(a) Designation of Senior Medical Advisor**

(1) The Secretary of Defense shall designate the Deputy Director of the TRICARE Management Activity to serve as the Senior Medical Advisor for the Retirement Home.

(2) The Deputy Director of the TRICARE Management Activity shall serve as Senior Medical Advisor for the Retirement Home in addition to performing all other duties and responsibilities assigned to the Deputy Director of the TRICARE Management Activity at the time of the designation under paragraph (1) or afterward.

(b) Responsibilities

The Senior Medical Advisor shall provide advice to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Advisory Council regarding the direction and oversight of—

(1) medical administrative matters at each facility of the Retirement Home; and

(2) the provision of medical care, preventive mental health, and dental care services at each facility of the Retirement Home.