

staff of the hospital and, unless found to be in need of hospitalization by reason of mental illness, shall be discharged. Any person found upon such examination to be in need of such hospitalization shall thereafter, as frequently as practicable but not less often than every six months, be reexamined and shall, whenever it is determined that the conditions justifying such hospitalization no longer obtain, be discharged or, if found to be in the best interests of the patient, be conditionally released.

(b) Notice to legal guardian, etc.

Whenever any person is admitted to a hospital pursuant to this chapter, his legal guardian, spouse, or next of kin shall, if known, be immediately notified.

(Pub. L. 86-571, §5, July 5, 1960, 74 Stat. 309.)

§ 326. Release of patient

(a) Request; determination of right to retain; retention after request

If a person who is a patient hospitalized under section 322 or 324 of this title, or his legal guardian, spouse, or adult next of kin, requests the release of such patient, the right of the Secretary, or the head of the hospital, to detain him for care and treatment shall be determined in accordance with such laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than forty-eight hours (excluding any period of time falling on a Sunday or legal holiday) after the receipt of such request unless within such time (1) judicial proceedings for such hospitalization are commenced or (2) a judicial extension of such time is obtained, for a period of not more than five days, for the commencement of such proceedings.

(b) Transfer to another hospital

The Secretary is authorized at any time, when he deems it to be in the interest of the person or of the institution affected, to transfer any person hospitalized under section 324 of this title from one hospital to another, and to that end any judicial commitment of any person so hospitalized may be to the Secretary.

(Pub. L. 86-571, §6, July 5, 1960, 74 Stat. 309.)

§ 327. Notification to committing court of discharge or conditional release

In the case of any person hospitalized under section 324 of this title who has been judicially committed to the Secretary's custody, the Secretary shall, upon the discharge or conditional release of such person, or upon such person's transfer and release under section 323 of this title, notify the committing court of such discharge or conditional release or such transfer and release.

(Pub. L. 86-571, §7, July 5, 1960, 74 Stat. 310.)

§ 328. Payment for care and treatment

(a) Persons liable; scope of liability; compromise or waiver; investigations; judicial proceedings

Any person hospitalized under section 324 of this title or his estate, shall be liable to pay or

contribute toward the payment of the costs or charges for his care and treatment to the same extent as such person would, if resident in the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction. The Secretary may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise or waive the whole or any portion of any claim under this section. In carrying out this section, the Secretary may make or cause to be made such investigations as may be necessary to determine the ability of any person hospitalized under section 324 of this title to pay or contribute toward the cost of his hospitalization. All collections or reimbursement on account of the costs and charges for the care of the eligible person shall be deposited in the Treasury as miscellaneous receipts. Any judicial proceedings to recover such costs or charges shall be brought in the name of the United States in any court of competent jurisdiction.

(b) "Costs or charges" defined

As used in this section, the term "costs or charges" means, in the case of hospitalization at a hospital under the jurisdiction of the Department of Health and Human Services, a per diem rate prescribed by the Secretary on a basis comparable to that charged for any other paying patients and, in the case of persons hospitalized elsewhere, the contract rate or a per diem rate fixed by the Secretary on the basis of the contract rate.

(Pub. L. 86-571, §8, July 5, 1960, 74 Stat. 310; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Department of Health and Human Services" substituted in text for "Department of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

§ 329. Availability of appropriations for transportation

Appropriations for carrying out this chapter shall also be available for the transportation of any eligible person and necessary attendants to or from a hospital (including any hospital of a State or political subdivision to which an eligible person is released under section 323 of this title), to the place where a relative to whom any person is released under section 323 of this title resides, or to a person's home upon his discharge from hospitalization under this chapter.

(Pub. L. 86-571, §9, July 5, 1960, 74 Stat. 310.)

CHAPTER 10—ARMED FORCES RETIREMENT HOME

Sec.

401. Definitions.

SUBCHAPTER I—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME

411. Establishment of the Armed Forces Retirement Home.

412. Residents of Retirement Home.

- Sec.
413. Services provided to residents.
413a. Oversight of health care provided to residents.
414. Fees paid by residents.
415. Chief Operating Officer.
416. Advisory Council.
416a. Resident Advisory Committees.
417. Administrators, Ombudsmen, and staff of facilities.
418. Periodic inspection of retirement home facilities by Department of Defense Inspector General and outside inspectors.
419. Armed Forces Retirement Home Trust Fund.
420. Disposition of effects of deceased persons; unclaimed property.
421. Payment of residents for services.
422. Authority to accept certain uncompensated services.
423. Preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington.
424. Repealed.

SUBCHAPTER II—TRANSITIONAL PROVISIONS

431 to 433. Repealed.

SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

441. Repealed.

§ 401. Definitions

For purposes of this chapter:

(1) The term “Retirement Home” includes the institutions established under section 411 of this title, as follows:

(A) The Armed Forces Retirement Home—Washington.

(B) The Armed Forces Retirement Home—Gulfport.

(2) The terms “Armed Forces Retirement Home Trust Fund” and “Fund” mean the Armed Forces Retirement Home Trust Fund established under section 419(a) of this title.

(3) The term “Advisory Council” means the Armed Forces Retirement Home Advisory Council established under section 416 of this title.

(4) The term “Resident Advisory Committee” means an elected body of residents at a facility of the Retirement Home established under section 416a of this title.

(5) The term “chief personnel officers” means—

(A) the Deputy Chief of Staff for Personnel of the Army;

(B) the Chief of Naval Personnel;

(C) the Deputy Chief of Staff for Personnel of the Air Force;

(D) the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs; and

(E) the Assistant Commandant of the Coast Guard for Human Resources.

(6) The term “senior noncommissioned officers” means the following:

(A) The Sergeant Major of the Army.

(B) The Master Chief Petty Officer of the Navy.

(C) The Chief Master Sergeant of the Air Force.

(D) The Sergeant Major of the Marine Corps.

(E) The Master Chief Petty Officer of the Coast Guard.

(Pub. L. 101-510, div. A, title XV, §1502, Nov. 5, 1990, 104 Stat. 1722; Pub. L. 106-398, §1 [[div. A], title IX, §902(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-224; Pub. L. 107-107, div. A, title XIV, §1402, Dec. 28, 2001, 115 Stat. 1257; Pub. L. 111-281, title II, §205(a), Oct. 15, 2010, 124 Stat. 2911; Pub. L. 112-81, div. A, title V, §563(b)(1), Dec. 31, 2011, 125 Stat. 1423.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title XV of Pub. L. 101-510, div. A, Nov. 5, 1990, 104 Stat. 1722, as amended, which is classified principally to this chapter. For complete classification of title XV to the Code, see Short Title note below and Tables.

AMENDMENTS

2011—Pars. (2) to (4). Pub. L. 112-81 added pars. (3) and (4), redesignated former par. (3) as (2), and struck out former par. (2) which read as follows: “The term ‘Local Board’ means a Local Board of Trustees established under section 416 of this title.”

2010—Par. (4). Pub. L. 111-281, §205(a)(1), struck out par. (4) which read as follows: “The term ‘Armed Forces’ does not include the Coast Guard when it is not operating as a service in the Navy.”

Par. (5)(E). Pub. L. 111-281, §205(a)(2), added subpar. (E).

Par. (6)(E). Pub. L. 111-281, §205(a)(3), added subpar. (E).

2001—Pars. (1) to (3). Pub. L. 107-107, §1402(1), added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) The term ‘Retirement Home’ means the Armed Forces Retirement Home established under section 411(a) of this title.

“(2) The term ‘Retirement Home Board’ means the Armed Forces Retirement Home Board.

“(3) The term ‘Local Board’ means a Board of Trustees established for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes.”

Par. (4). Pub. L. 107-107, §1402(1), (2), redesignated par. (6) as (4) and struck out former par. (4) which read as follows: “The term ‘Director’ means a Director of the Armed Forces Retirement Home appointed under section 417(a) of this title.”

Par. (5). Pub. L. 107-107, §1402(1), (2), redesignated par. (7) as (5) and struck out former par. (5) which read as follows: “The term ‘Fund’ means the Armed Forces Retirement Home Trust Fund established under section 419(a) of this title.”

Par. (5)(C). Pub. L. 107-107, §1402(3)(A), substituted “for Personnel” for “, Manpower and Personnel”.

Par. (5)(D). Pub. L. 107-107, §1402(3)(B), substituted “for Manpower and Reserve Affairs” for “with responsibility for personnel matters”.

Pars. (6) to (8). Pub. L. 107-107, §1402(2), redesignated pars. (6) to (8) as (4) to (6), respectively.

2000—Par. (7)(D). Pub. L. 106-398 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “the Deputy Chief of Staff for Manpower of the Marine Corps.”

EFFECTIVE DATE

Pub. L. 101-510, div. A, title XV, §1541, Nov. 5, 1990, 104 Stat. 1736, as amended by Pub. L. 103-160, div. A, title III, §366(f), Nov. 30, 1993, 107 Stat. 1632, which provided that title XV of Pub. L. 101-510 (see Short Title note below) and the amendments made by such title were effective one year after Nov. 5, 1990, except that sections 1519, 1531, and 1533(c)(1) of the Act (enacting sections 419 and 431 of this title and amending section 1321 of Title 31, Money and Finance) were effective Nov. 5, 1990, provisions of section 1515 of the Act (enacting section 415 of this title) relating to the appointment and designation of members of the Retirement Home Board