

ments made by Pub. L. 109-444 were deemed for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, §1004(a)(1), inserted "of 1938" after "Act".

Pub. L. 109-444, which inserted "of 1938" after "Act", was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

2003—Subsec. (c)(1). Pub. L. 108-170, §104(b)(2)(A), substituted "subsection (b) or (d)" for "subsection (b) of this section".

Subsec. (c)(2). Pub. L. 108-170, §104(b)(2)(B), substituted "subsection (b) or (d)" for "subsection (b) of this section" and "subsection (b)(2)" for "paragraph (2) of such subsection".

Subsecs. (d) to (g). Pub. L. 108-170, §104(b)(1), added subsec. (d) and redesignated former subsecs. (d) to (f) as (e) to (g), respectively.

1996—Subsec. (e). Pub. L. 104-262 substituted "section 1705" for "section 1712(i)".

1994—Subsec. (c)(1). Pub. L. 103-446 substituted "Department of Veterans Affairs" for "Department".

1992—Subsecs. (a), (b)(1), (c)(3). Pub. L. 102-405 substituted "Under Secretary for Health" for "Chief Medical Director".

Subsec. (f). Pub. L. 102-585 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

"(1) Neither a veteran's participation in an activity carried out under this section nor a veteran's receipt of a distribution as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) A distribution of funds made under this section shall be considered for purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization."

1991—Pub. L. 102-83, §5(a), renumbered section 618 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Subsec. (b)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Pub. L. 102-54, §10(a), substituted "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)" for "contractual arrangements with private industry or other sources outside the Veterans' Administration".

Subsec. (b)(2). Pub. L. 102-86 amended subsec. (b)(2) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by substituting "arrangements" for "arangements" in first sentence.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Subsec. (c)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Pub. L. 102-54, §10(b), substituted "furnishing rehabilitative services authorized in" for "carrying out the provisions of".

Subsec. (c)(2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Subsec. (c)(3). Pub. L. 102-83, §2(c)(3), substituted "section 529" for "section 214".

Pub. L. 102-54, §14(b)(12), inserted "and" after "productivity".

Subsec. (d). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (e). Pub. L. 102-83, §5(c)(1), substituted "1712(i)" for "612(i)".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1986—Subsec. (a). Pub. L. 99-576, §205(1), substituted "may use" for "may utilize", "purposes. Such" for "purposes, at nominal remuneration, and such", and "use" for "utilization".

Subsec. (b)(1). Pub. L. 99-576, §205(2), struck out "for remuneration" after "therapeutic work".

Subsec. (c)(2), (3). Pub. L. 99-576, §205(3), substituted "distribute" for "pay" in par. (2), and substituted "rates of distribution" for "and wage rates" in par. (3).

Subsec. (f). Pub. L. 99-576, §205(4), designated existing provisions as par. (1), substituted "a distribution" for "remuneration", and added par. (2).

1984—Subsec. (f). Pub. L. 98-543 added subsec. (f).

1976—Subsec. (a). Pub. L. 94-581, §105(a)(1), (2), designated existing provisions as subsec. (a) and substituted "In providing rehabilitative services under this chapter, the" for "The" and "health care facilities" for "hospitals and domiciliaries".

Subsecs. (b) to (e). Pub. L. 94-581, §105(a)(3), added subsecs. (b) to (e).

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.

DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING

Pub. L. 102-54, §7, June 13, 1991, 105 Stat. 269, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-86, title V, §501, Aug. 14, 1991, 105 Stat. 424; Pub. L. 103-452, title I, §103(f), Nov. 2, 1994, 108 Stat. 4787; Pub. L. 104-110, title I, §102(b), Feb. 13, 1996, 110 Stat. 769, authorized Secretary of Veterans' Affairs, between Oct. 1, 1991, and Dec. 31, 1997, to carry out compensated work therapy and therapeutic transitional housing demonstration program, prior to repeal by Pub. L. 105-114, title II, §202(c)(1), Nov. 21, 1997, 111 Stat. 2287.

SETTLEMENT OF CLAIMS

Pub. L. 94-581, title I, §105(b), Oct. 21, 1976, 90 Stat. 2846, as amended by Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067; Pub. L. 102-83, §6(a), Aug. 6, 1991, 105 Stat. 407, provided that:

"(1) The Secretary of Veterans Affairs may settle claims made by the Department of Veterans Affairs against any private nonprofit corporation organized under the laws of any State, for the use of facilities and personnel of the Department in work projects as a part of a therapeutic or rehabilitation program for patients and members in health care facilities of the Department, and to execute a binding release of all claims by the United States against any such corporation, in such amounts, and upon such terms and conditions as the Secretary considers appropriate.

"(2) For the purposes of this subsection, notwithstanding section 3302 of title 31, or any other provision of law, the Secretary may utilize any funds received under any settlement made pursuant to paragraph (1) of this subsection for any purpose agreed upon by the Secretary and such corporation."

§ 1719. Repair or replacement of certain prosthetic and other appliances

The Secretary may repair or replace any artificial limb, truss, brace, hearing aid, spectacles, or similar appliance (not including dental appliances) reasonably necessary to a veteran and belonging to such veteran which was damaged or destroyed by a fall or other accident caused by a service-connected disability for which such

veteran is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation.

(Added Pub. L. 87-850, §1(a), Oct. 23, 1962, 76 Stat. 1126, §619; amended Pub. L. 94-581, title II, §210(a)(6), Oct. 21, 1976, 90 Stat. 2862; renumbered §1719 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 619 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1976—Pub. L. 94-581 substituted "belonging to such veteran" for "belonging to him".

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

Pub. L. 87-850, §2, Oct. 23, 1962, 76 Stat. 1126, provided that: "The amendment made by this Act [enacting this section] shall apply only with respect to the repair or replacement of artificial limbs, trusses, braces, hearing aids, spectacles, and similar devices damaged or destroyed after the date of enactment of this Act [Oct. 23, 1962]."

§ 1720. Transfers for nursing home care; adult day health care

(a)(1) Subject to subsection (b) of this section, the Secretary may transfer to a non-Department nursing home, for care at the expense of the United States—

(A) a veteran—

(i) who has been furnished care by the Secretary in a facility under the direct jurisdiction of the Secretary; and

(ii) who the Secretary determines—

(I) requires a protracted period of nursing home care which can be furnished in the non-Department nursing home; and

(II) in the case of a veteran who has been furnished hospital care in a facility under the direct jurisdiction of the Secretary, has received maximum benefits from such care; and

(B) a member of the Armed Forces—

(i) who has been furnished care in a hospital of the Armed Forces;

(ii) who the Secretary concerned determines has received maximum benefits from such care but requires a protracted period of nursing home care; and

(iii) who upon discharge from the Armed Forces will become a veteran.

(2) The Secretary may transfer a person to a nursing home under this subsection only if the Secretary determines that the cost to the United States of the care of such person in the nursing home will not exceed—

(A) the amount equal to 45 percent of the cost of care furnished by the Department in a general hospital under the direct jurisdiction of the Secretary (as such cost may be determined annually by the Secretary); or

(B) the amount equal to 50 percent of such cost, if such higher amount is determined to

be necessary by the Secretary (upon the recommendation of the Under Secretary for Health) to provide adequate care.

(3) Nursing home care may not be furnished under this subsection at the expense of the United States for more than six months in the aggregate in connection with any one transfer except—

(A) in the case of a veteran—

(i) who is transferred to a non-Department nursing home from a hospital under the direct jurisdiction of the Secretary; and

(ii) whose hospitalization was primarily for a service-connected disability;

(B) in a case in which the nursing home care is required for a service-connected disability; or

(C) in a case in which, in the judgment of the Secretary, a longer period of nursing home care is warranted.

(4) A veteran who is furnished care by the Secretary in a hospital or domiciliary facility in Alaska or Hawaii may be furnished nursing home care at the expense of the United States under this subsection even if such hospital or domiciliary facility is not under the direct jurisdiction of the Secretary.

(b) No veteran may be transferred or admitted to any institution for nursing home care under this section, unless such institution is determined by the Secretary to meet such standards as the Secretary may prescribe. The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Secretary shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

(c)(1)(A) In furnishing nursing home care, adult day health care, or other extended care services under this section, the Secretary may enter into agreements for furnishing such care or services with—

(i) in the case of the medicare program, a provider of services that has entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a));

(ii) in the case of the medicaid program, a provider participating under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.); and

(iii) a provider of services eligible to enter into a contract pursuant to section 1745(a) of this title that is not otherwise described in clause (i) or (ii).

(B) In entering into an agreement under subparagraph (A) with a provider of services described in clause (i) of that subparagraph or a provider described in clause (ii) of that subparagraph, the Secretary may use the procedures available for entering into provider agreements under section 1866(a) of the Social Security Act.

(2) In applying the provisions of section 6704(a) of title 41 with respect to any contract entered into under this section to provide nursing home care of veterans, the payment of wages not less than those specified in section 6(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(b))