

1976—Pub. L. 94-581 substituted “1957” for “1958”.

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.

§ 1728. Reimbursement of certain medical expenses

(a) The Secretary shall, under such regulations as the Secretary prescribes, reimburse veterans eligible for hospital care or medical services under this chapter for the customary and usual charges of emergency treatment (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title) for which such veterans have made payment, from sources other than the Department, where such emergency treatment was rendered to such veterans in need thereof for any of the following:

(1) An adjudicated service-connected disability.

(2) A non-service-connected disability associated with and held to be aggravating a service-connected disability.

(3) Any disability of a veteran if the veteran has a total disability permanent in nature from a service-connected disability.

(4) Any illness, injury, or dental condition of a veteran who—

(A) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title); and

(B) is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition.

(b) In any case where reimbursement would be in order under subsection (a) of this section, the Secretary may, in lieu of reimbursing such veteran, make payment of the reasonable value of emergency treatment directly—

(1) to the hospital or other health facility furnishing the emergency treatment; or

(2) to the person or organization making such expenditure on behalf of such veteran.

(c) In this section, the term “emergency treatment” has the meaning given such term in section 1725(f)(1) of this title.

(Added Pub. L. 93-82, title I, § 106(a), Aug. 2, 1973, 87 Stat. 183, § 628; amended Pub. L. 94-581, title II, §§ 202(n), 210(a)(13), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 96-151, title II, § 201(d), Dec. 20, 1979, 93 Stat. 1093; Pub. L. 101-237, title II, § 202(a), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102-54, § 14(b)(14), June 13, 1991, 105 Stat. 284; renumbered § 1728 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 110-387, title IV, § 402(b), Oct. 10, 2008, 122 Stat. 4123.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-387, § 402(b)(1), added subsec. (a) and struck out former subsec. (a) which authorized the Secretary to reimburse veterans entitled to hospital care or medical services for the reasonable

value of such care or services for which such veterans made payment from sources other than the Department under certain conditions.

Subsec. (b). Pub. L. 110-387, § 402(b)(2), substituted “emergency treatment” for “care or services” in introductory provisions and in par. (1).

Subsec. (c). Pub. L. 110-387, § 402(b)(3), added subsec. (c).

1991—Pub. L. 102-83, § 5(a), renumbered section 628 of this title as this section.

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

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans Administration” in introductory provisions and in par. (3).

Subsec. (a)(2)(D). Pub. L. 102-83, § 5(c)(1), substituted “3101(9)” for “1501(9)”.

Pub. L. 102-54 substituted “(i) is” for “is (i)”.

Subsec. (b). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions.

1989—Subsec. (a)(2)(D). Pub. L. 101-237 substituted “(i) a participant in a vocational rehabilitation program (as defined in section 1501(9) of this title), and (ii)” for “found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and”.

1979—Subsec. (a). Pub. L. 96-151 substituted provisions relating to travel and incidental expenses for provisions relating to necessary travel.

1976—Subsec. (a). Pub. L. 94-581 substituted “as the Administrator shall prescribe” for “as he shall prescribe” in provisions preceding par. (1), substituted “delay” for “they” in par. (1), and substituted “make possible such veteran's entrance” for “make possible his entrance” in par. (2)(D)(ii).

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-237, title II, § 202(b), Dec. 18, 1989, 103 Stat. 2067, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to hospital care and medical services received on or after the date of the enactment of this Act [Dec. 18, 1989].”

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-151 effective Jan. 1, 1980, see section 206 of Pub. L. 96-151, set out as a note under section 111 of this title.

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

Section effective Jan. 1, 1971, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1729. Recovery by the United States of the cost of certain care and services

(a)(1) Subject to the provisions of this section, in any case in which a veteran is furnished care or services under this chapter for a non-service-connected disability described in paragraph (2) of this subsection, the United States has the right to recover or collect reasonable charges for such care or services (as determined by the Secretary) from a third party to the extent that the veteran (or the provider of the care or services) would be eligible to receive payment for such care or services from such third party if the care or services had not been furnished by a department or agency of the United States.