

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1236, § 3302; renumbered § 5702 and amended Pub. L. 102-40, title IV, § 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-83, § 4(a)(2)(A)(xii), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405; Pub. L. 103-446, title XII, § 1201(e)(16), Nov. 2, 1994, 108 Stat. 4686.)

AMENDMENTS

1994—Pub. L. 103-446, § 1201(e)(16)(A), (B), inserted “(a)” before “Any person desiring” and substituted “custody of the Secretary that may be disclosed under section 5701 of this title must submit to the Secretary an application in writing for such copy. The application shall state” for “custody of the Secretary, which may be disclosed under section 5701 of this title, must make written application therefor to the Secretary, stating”.

Subsec. (b). Pub. L. 103-446, § 1201(e)(16)(C), which directed amendment of subsec. (c) by substituting “may establish” for “is authorized to fix”, was executed to subsec. (b) to reflect the probable intent of Congress, because the language sought to be amended appears in subsec. (b) and this section does not contain a subsec. (c).

1991—Pub. L. 102-40, § 402(b)(1), renumbered section 3302 of this title as this section.

Pub. L. 102-83, § 4(a)(2)(A)(xii), which directed amendment of subsec. (a) of this section by substituting “Secretary” for “Veterans’ Administration” in two places, was executed to the undesignated first par., to reflect the probable intent of Congress.

Pub. L. 102-40, § 402(d)(1), substituted “5701” for “3301” in undesignated first par.

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

§ 5703. Certification of records of District of Columbia

When a copy of any public record of the District of Columbia is required by the Secretary to be used in determining the eligibility of any person for benefits under laws administered by the Secretary, the official custodian of such public record shall without charge provide the applicant for such benefits or any person (including any veterans’ organization) acting on the veteran’s behalf or the authorized representative of the Secretary with a certified copy of such record.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1237, § 3303; Pub. L. 99-576, title VII, § 701(78), Oct. 28, 1986, 100 Stat. 3298; renumbered § 5703, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, § 4(a)(1), (2)(A)(xiii), Aug. 6, 1991, 105 Stat. 403.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3303 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Veterans’ Administration” in two places and “administered by the Secretary” for “administered by the Veterans’ Administration”.

1986—Pub. L. 99-576 substituted “the veteran’s” for “his”.

§ 5704. Transcript of trial records

The Secretary may purchase transcripts of the record, including all evidence, of trial of litigated cases.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1237, § 3304; renumbered § 5704, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L.

102-83, § 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3304 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Administrator”.

§ 5705. Confidentiality of medical quality-assurance records

(a) Records and documents created by the Department as part of a medical quality-assurance program (other than reports submitted pursuant to section 7311(g)¹ of this title) are confidential and privileged and may not be disclosed to any person or entity except as provided in subsection (b) of this section.

(b)(1) Subject to paragraph (2) of this subsection, a record or document described in subsection (a) of this section shall, upon request, be disclosed as follows:

(A) To a Federal agency or private organization, if such record or document is needed by such agency or organization to perform licensing or accreditation functions related to Department health-care facilities or to perform monitoring, required by statute, of Department health-care facilities.

(B) To a Federal executive agency or provider of health-care services, if such record or document is required by such agency or provider for participation by the Department in a health-care program with such agency or provider.

(C) To a criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or document be provided for a purpose authorized by law.

(D) To health-care personnel, to the extent necessary to meet a medical emergency affecting the health or safety of any individual.

(2) The name of and other identifying information regarding any individual patient or employee of the Department, or any other individual associated with the Department for purposes of a medical quality-assurance program, contained in a record or document described in subsection (a) of this section shall be deleted from any record or document before any disclosure made under this subsection if disclosure of such name and identifying information would constitute a clearly unwarranted invasion of personal privacy.

(3) No person or entity to whom a record or document has been disclosed under this subsection shall make further disclosure of such record or document except for a purpose provided in this subsection.

(4) Nothing in this section shall be construed as authority to withhold any record or document from a committee of either House of Congress or any joint committee of Congress, if such record or document pertains to any matter within the jurisdiction of such committee or joint committee.

¹ See References in Text note below.