

**§ 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 Defense Health Agency to serve as the Senior Medical Advisor for the Retirement Home.

(2) The Deputy Director of the Defense Health Agency 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 Defense Health Agency 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 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.

**(c) Duties**

In carrying out the responsibilities set forth in subsection (b), the Senior Medical Advisor shall perform the following duties:

- (1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.
- (2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable nationally recognized health care standards and requirements, or any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).
- (3) Periodically visit each facility of the Retirement Home to review—
  - (A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and
  - (B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.
- (4) Report on the findings and recommendations developed as a result of each review conducted under paragraph (3) to the Chief Operating Officer, the Advisory Council, and the Secretary of Defense.

**(d) Advisory bodies**

In carrying out the responsibilities set forth in subsection (b) and the duties set forth in subsection (c), the Senior Medical Advisor may establish and seek the advice of such advisory bodies as the Senior Medical Advisor considers appropriate.

(Pub. L. 101–510, div. A, title XV, §1513A, as added Pub. L. 110–181, div. A, title XIV, §1422(d)(1), Jan. 28, 2008, 122 Stat. 420; amended

Pub. L. 112–81, div. A, title V, §§562, 567(c)(3), Dec. 31, 2011, 125 Stat. 1420, 1426; Pub. L. 113–291, div. A, title VII, §721, Dec. 19, 2014, 128 Stat. 3417; Pub. L. 115–91, div. A, title XIV, §1413(a)(1), Dec. 12, 2017, 131 Stat. 1707.)

AMENDMENTS

2017—Subsec. (b). Pub. L. 115–91, §1413(a)(1)(A), struck out “the Under Secretary of Defense for Personnel and Readiness,” after “Secretary of Defense,” in introductory provisions.

Subsec. (c)(4). Pub. L. 115–91, §1413(a)(1)(B), substituted “the Secretary of Defense” for “the Under Secretary of Defense for Personnel and Readiness”.

2014—Subsec. (a). Pub. L. 113–291, §721(a), substituted “Deputy Director of the Defense Health Agency” for “Deputy Director of the TRICARE Management Activity” wherever appearing.

Subsec. (c)(2). Pub. L. 113–291, §721(b), substituted “nationally recognized health care standards and requirements” for “health care standards of the Department of Veterans Affairs”.

2011—Pub. L. 112–81, §567(c)(3), substituted “Oversight of health care provided to residents” for “Improved health care oversight of Retirement Home” in section catchline.

Subsec. (b). Pub. L. 112–81, §562(a), substituted “The” for “(1) The” and “the Chief Operating Officer, and the Advisory Council regarding the direction and oversight of—” for “the Chief Operating Officer regarding the direction and oversight of the provision of medical, preventive mental health, and dental care services at each facility of the Retirement Home.”, added pars. (1) and (2), and struck out former par. (2) which read as follows: “The Senior Medical Advisor shall also provide advice to the Local Board for a facility of the Retirement Home regarding all medical and medical administrative matters of the facility.”

Subsec. (c)(3) to (5). Pub. L. 112–81, §562(b), added pars. (3) and (4) and struck out former pars. (3) to (5) which read as follows:

“(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

“(4) Periodically examine and audit the medical records and administration of the Retirement Home.

“(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.”

**§ 414. Fees paid by residents**

**(a) Monthly fees**

The Administrator of each facility of the Retirement Home shall collect a monthly fee from each resident of that facility.

**(b) Deposit of fees**

The Administrators shall deposit fees collected under subsection (a) in the Armed Forces Retirement Home Trust Fund.

**(c) Fixing fees**

(1) The Chief Operating Officer, with the approval of the Secretary of Defense, shall from time to time prescribe the fees required by subsection (a). Changes to such fees shall be based on the financial needs of the Retirement Home and the ability of the residents to pay. A change of a fee may not take effect until 120 days after the Secretary of Defense transmits a notification of the change to the Committees on Armed Services of the Senate and the House of Representatives.

(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident.

The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage that the Secretary determines appropriate.

(3) The fee shall be subject to a limitation on maximum monthly amount. The amount of the limitation shall be increased, effective on January 1 of each year, by the percentage of the increase in retired pay and retainer pay that takes effect on the preceding December 1 under subsection (b) of section 1401a of title 10 without regard to paragraph (3) of such subsection.

(Pub. L. 101-510, div. A, title XV, § 1514, Nov. 5, 1990, 104 Stat. 1725; Pub. L. 103-337, div. A, title III, § 371(b), Oct. 5, 1994, 108 Stat. 2735; Pub. L. 107-107, div. A, title XIV, § 1405(b), Dec. 28, 2001, 115 Stat. 1261; Pub. L. 112-81, div. A, title V, §§ 564(b), 565, Dec. 31, 2011, 125 Stat. 1424.)

#### AMENDMENTS

2011—Subsec. (a). Pub. L. 112-81, § 564(b)(1), substituted “Administrator” for “Director”.

Subsec. (b). Pub. L. 112-81, § 564(b)(2), substituted “Administrators” for “Directors”.

Subsec. (c)(3). Pub. L. 112-81, § 565(a), struck out at end “The first increase in a limitation on maximum monthly amount shall take effect on January 1, 2003.”

Subsec. (d). Pub. L. 112-81, § 565(b), struck out subsec. (d) which related to transitional fee structures.

2001—Pub. L. 107-107 reenacted section catchline without change and amended text generally, substituting present provisions for provisions relating to collection of monthly fees in subsec. (a), deposit of fees in subsec. (b), fixing fees in subsec. (c), and application of fees in subsec. (d).

1994—Subsec. (c)(2). Pub. L. 103-337, § 371(b)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The fee shall be fixed as a percentage of Federal payments made to a resident, including monthly retired or retainer pay, monthly civil service annuity, monthly compensation or pension paid to the resident by the Secretary of Veterans Affairs, and Social Security payments. Residents who do not receive such Federal payments shall be required to pay a monthly fee that is equivalent to the average monthly fee paid by residents who receive Federal payments, subject to such adjustments in the fee as the Retirement Home Board may make. The percentage shall be the same for each establishment of the Retirement Home.”

Subsec. (d). Pub. L. 103-337, § 371(b)(2), added subsec. (d) and struck out former subsec. (d) which specified fees to be paid by residents of the Naval Home and residents of the United States Soldiers’ and Airmen’s Home who became residents of the Retirement Home on the effective date specified in section 1541(a) of Pub. L. 101-510.

Subsec. (e). Pub. L. 103-337, § 371(b)(2)(A), struck out subsec. (e) which read as follows: “A person who becomes a resident of the Retirement Home after the effective date specified in section 1541(a) shall be required to pay a monthly fee that is equal to 25 percent of Federal payments made to the resident, subject to such adjustments in the fee as may be made under subsection (c) of this section.”

#### EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title III, § 371(d)(2), Oct. 5, 1994, 108 Stat. 2735, provided that: “The amendments made by subsection (b) [amending this section] shall take effect on October 1, 1997.”

#### 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.

## § 415. Chief Operating Officer

### (a) Appointment

(1) The Secretary of Defense shall appoint the Chief Operating Officer of the Retirement Home.

(2) The Chief Operating Officer shall serve at the pleasure of the Secretary of Defense.

(3) The Secretary of Defense shall evaluate the performance of the Chief Operating Officer at least once each year.

### (b) Qualifications

To qualify for appointment as the Chief Operating Officer, a person shall—

(1) be a continuing care retirement community professional;

(2) have appropriate leadership and management skills; and

(3) have experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

### (c) Responsibilities

(1) The Chief Operating Officer shall be responsible to the Secretary of Defense for the overall direction, operation, and management of the Retirement Home and shall report to the Secretary on those matters.

(2) The Chief Operating Officer shall supervise the operation and administration of the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfpport.

(3) The Chief Operating Officer shall perform the following duties:

(A) Issue, and ensure compliance with, appropriate rules for the operation of the Retirement Home.

(B) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

(C) Periodically examine and audit the accounts of the Retirement Home.

(D) Establish any advisory body or bodies that the Chief Operating Officer considers to be necessary.

### (d) Compensation

(1) The Secretary of Defense may prescribe the pay of the Chief Operating Officer, except that the annual rate of basic pay, including locality pay, of the Chief Operating Officer may not exceed the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5.

(2) In addition to basic pay and any locality pay prescribed for the Chief Operating Officer, the Secretary may award the Chief Operating Officer, not more than once each year, a bonus based on the performance of the Chief Operating Officer for the year. The Secretary shall prescribe the amount of any such bonus.

(3) The total amount of the basic pay and bonus paid the Chief Operating Officer for a year under this section may not exceed the annual rate of basic pay payable for level I of the Executive Schedule under section 5312 of title 5.

### (e) Administrative staff

(1) The Chief Operating Officer may, subject to the approval of the Secretary of Defense, appoint a staff to assist in the performance of the