

birth defect spina bifida, possibly as the result of the exposure of one or both parents to herbicides during active service in the Republic of Vietnam during the Vietnam era, through the provision of health care and monetary benefits.”

SUBCHAPTER I—CHILDREN OF VIETNAM
VETERANS BORN WITH SPINA BIFIDA

§ 1802. Spina bifida conditions covered

This subchapter applies with respect to all forms and manifestations of spina bifida except spina bifida occulta.

(Added Pub. L. 104-204, title IV, §421(b)(1), Sept. 26, 1996, 110 Stat. 2923; amended Pub. L. 106-419, title IV, §401(e)(1), Nov. 1, 2000, 114 Stat. 1860; Pub. L. 107-14, §8(b)(3), June 5, 2001, 115 Stat. 36.)

PRIOR PROVISIONS

A prior section 1802 was renumbered section 3702 of this title.

AMENDMENTS

2001—Pub. L. 107-14 made technical amendment to directory language of Pub. L. 106-419. See 2000 Amendment note below.

2000—Pub. L. 106-419, as amended by Pub. L. 107-14, substituted “This subchapter” for “This chapter”.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-14, §8(b), June 5, 2001, 115 Stat. 36, provided that the amendment made by section 8(b) is effective Nov. 1, 2000, and as if included in the Veterans Benefits and Health Care Improvement Act of 2000, Pub. L. 106-419, as enacted.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-419 effective on the first day of the first month beginning more than one year after Nov. 1, 2000, see section 401(g) of Pub. L. 106-419, set out as an Effective Date note under section 1811 of this title.

§ 1803. Health care

(a) In accordance with regulations which the Secretary shall prescribe, the Secretary shall provide a child of a Vietnam veteran who is suffering from spina bifida with health care under this section.

(b) The Secretary may provide health care under this section directly or by contract or other arrangement with any health care provider.

(c) For the purposes of this section—

(1) The term “health care”—

(A) means home care, hospital care, nursing home care, outpatient care, preventive care, habilitative and rehabilitative care, case management, and respite care; and

(B) includes—

(i) the training of appropriate members of a child’s family or household in the care of the child; and

(ii) the provision of such pharmaceuticals, supplies, equipment, devices, appliances, assistive technology, direct transportation costs to and from approved sources of health care, and other materials as the Secretary determines necessary.

(2) The term “health care provider” includes specialized spina bifida clinics, health care plans, insurers, organizations, institutions,

and any other entity or individual furnishing health care services that the Secretary determines are authorized under this section.

(3) The term “home care” means outpatient care, habilitative and rehabilitative care, preventive health services, and health-related services furnished to an individual in the individual’s home or other place of residence.

(4) The term “hospital care” means care and treatment for a disability furnished to an individual who has been admitted to a hospital as a patient.

(5) The term “nursing home care” means care and treatment for a disability furnished to an individual who has been admitted to a nursing home as a resident.

(6) The term “outpatient care” means care and treatment of a disability, and preventive health services, furnished to an individual other than hospital care or nursing home care.

(7) The term “preventive care” means care and treatment furnished to prevent disability or illness, including periodic examinations, immunizations, patient health education, and such other services as the Secretary determines necessary to provide effective and economical preventive health care.

(8) The term “habilitative and rehabilitative care” means such professional, counseling, and guidance services and treatment programs (other than vocational training under section 1804 of this title) as are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person.

(9) The term “respite care” means care furnished on an intermittent basis for a limited period to an individual who resides primarily in a private residence when such care will help the individual to continue residing in such private residence.

(Added Pub. L. 104-204, title IV, §421(b)(1), Sept. 26, 1996, 110 Stat. 2923; amended Pub. L. 105-368, title X, §1005(b)(4), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 110-387, title IV, §408(a), Oct. 10, 2008, 122 Stat. 4130.)

PRIOR PROVISIONS

A prior section 1803 was renumbered section 3703 of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-387 substituted “health care under this section” for “such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition”.

1998—Subsec. (c)(2). Pub. L. 105-368 substituted “furnishing health care services that the Secretary determines are authorized” for “who furnishes health care that the Secretary determines authorized”.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-387, title IV, §408(b), Oct. 10, 2008, 122 Stat. 4130, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to care furnished after the date of the enactment of this Act [Oct. 10, 2008].”

§ 1804. Vocational training and rehabilitation

(a) Pursuant to such regulations as the Secretary may prescribe, the Secretary may pro-