

ment Home in subsec. (b), its operation in subsec. (c), its property and facilities in subsec. (d), the requirement that the Secretary of Defense make available certain support services for the Home in subsec. (e), and its accreditation in subsec. (f).

1993—Subsecs. (e), (f). Pub. L. 103-160 added subsec. (e) and redesignated former subsec. (e) as (f).

#### Statutory Notes and Related Subsidiaries

##### 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.

##### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (h) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of Title 10, Armed Forces.

### § 412. Residents of Retirement Home

#### (a) Persons eligible to be residents

Except as provided in subsection (b), the following persons who served as members of the Armed Forces, at least one-half of whose service was not commissioned service (other than as a warrant officer or limited-duty officer), are eligible to become residents of the Retirement Home:

(1) Persons who were discharged or released from service in the Armed Forces after 20 or more years of active service.

(2) Persons who are determined under rules prescribed by the Chief Operating Officer to be suffering from a service-connected disability incurred in the line of duty in the Armed Forces.

(3) Persons who served in a war theater during a time of war declared by Congress or were eligible for hostile fire special pay under section 310 or 351 of title 37 and who are determined under rules prescribed by the Chief Operating Officer to be suffering from injuries, disease, or disability.

(4) Persons who served in a women's component of the Armed Forces before June 12, 1948, and are determined under rules prescribed by the Chief Operating Officer to be eligible for admission because of compelling personal circumstances.

(5) Persons who are eligible for retired pay under chapter 1223 of title 10 and are—

(A) eligible for care under section 1710 of title 38;

(B) enrolled in coverage under chapter 55 of title 10; or

(C) enrolled in a qualified health plan (as defined in section 18021(a) of title 42) that is acceptable to the Chief Operating Officer.

#### (b) Persons ineligible to be residents

The following persons are ineligible to become a resident of the Retirement Home:

(1) A person who—

(A) has been convicted of a felony; or

(B) was discharged or released from service in the Armed Forces under other than honorable conditions.

(2) A person with substance abuse or mental health problems, except upon a judgment and

satisfactory determination by the Chief Operating Officer that—

(A) the person has been evaluated by a qualified health professional selected by the Retirement Home;

(B) the Retirement Home can accommodate the person's condition; and

(C) the person agrees to such conditions of residency as the Retirement Home may require.

#### (c) Acceptance

To apply for acceptance as a resident of a facility of the Retirement Home, a person eligible to be a resident shall submit to the Administrator of that facility an application in such form and containing such information as the Chief Operating Officer may require.

#### (d) Priorities for acceptance

The Chief Operating Officer shall establish a system of priorities for the acceptance of residents so that the most deserving applicants will be accepted whenever the number of eligible applicants is greater than the Retirement Home can accommodate.

#### (e) Spouses of residents

##### (1) Authority to admit

Except as otherwise established pursuant to subsection (d), the spouse of a person accepted as a resident of a facility of the Retirement Home may be admitted to that facility if the spouse—

(A) is a covered beneficiary within the meaning of section 1072(5) of title 10;

(B) is not ineligible to become a resident as provided in subsection (b); and

(C) submits an application for admittance in accordance with subsection (c).

##### (2) Treatment as resident

A spouse admitted in accordance with paragraph (1) shall be a resident of the Retirement Home consistent with this chapter, except as the Chief Operating Officer may otherwise provide.

(Pub. L. 101-510, div. A, title XV, §1512, Nov. 5, 1990, 104 Stat. 1724; Pub. L. 107-107, div. A, title XIV, §§1404(b)(1)(A), 1405(a), 1410(b)(1), Dec. 28, 2001, 115 Stat. 1260, 1261, 1266; Pub. L. 112-81, div. A, title V, §§564(b)(1), 567(c)(6), Dec. 31, 2011, 125 Stat. 1424, 1426; Pub. L. 114-328, div. A, title VI, §618(f), Dec. 23, 2016, 130 Stat. 2160; Pub. L. 115-232, div. A, title XIV, §1412, Aug. 13, 2018, 132 Stat. 2090; Pub. L. 116-283, div. A, title XIV, §1412(a), Jan. 1, 2021, 134 Stat. 4030.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(2), was in the original "this Act", and was translated as meaning title XV of Pub. L. 101-510, div. A, Nov. 5, 1990, 104 Stat. 1722, known as the Armed Forces Retirement Home Act of 1991, which is classified principally to this chapter, to reflect the probable intent of Congress. For complete classification of title XV to the Code, see Short Title note set out under section 401 of this title and Tables.

##### AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §1412(a)(1), struck out "active" before "commissioned service" in introductory provisions.

Subsec. (a)(1). Pub. L. 116-283, §1412(a)(2), struck out “are 60 years of age or over and” before “were discharged”.

Subsec. (a)(5). Pub. L. 116-283, §1412(a)(3), added par. (5).

2018—Pub. L. 115-232 amended section generally. Prior to amendment, section consisted of subssecs. (a) to (d) relating to persons eligible to be residents, persons ineligible to be residents, acceptance, and priorities for acceptance, respectively.

2016—Subsec. (a)(3)(A). Pub. L. 114-328 inserted “or 351” after “section 310”.

2011—Pub. L. 112-81, §567(c)(6), made technical amendment to section catchline.

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

2001—Subsecs. (a), (c), (d). Pub. L. 107-107, §1404(b)(1)(A), substituted “Chief Operating Officer” for “Retirement Home Board” wherever appearing.

Subsec. (e). Pub. L. 107-107, §1405(a), struck out heading and text of subsec. (e). Text read as follows: “A resident of the Retirement Home who leaves the Retirement Home for more than 45 consecutive days (other than for inpatient medical care) shall be required to reapply for acceptance as a resident.”

Subsec. (f). Pub. L. 107-107, §1410(b)(1), struck out heading and text of subsec. (f). Text read as follows: “Residents of the Naval Home and the United States Soldiers’ and Airmen’s Home as of the effective date specified in section 1541(a)—

“(1) shall not be required to apply for acceptance as residents of the Retirement Home; and

“(2) shall become residents of the Retirement Home on that date.”

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 413. Services provided to residents

##### (a) Services provided

Except as provided in subsections (b), (c), and (d), a resident of the Retirement Home shall receive the services authorized by the Chief Operating Officer.

##### (b) Medical and dental care

The Retirement Home shall provide for the overall health care needs of residents in a high quality and cost-effective manner, including on site primary care, medical care, and a continuum of long-term care services. The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, which shall be provided at no cost to residents. Secondary and tertiary hospital care for residents that is not available at a facility of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense in a facility administered by such Secretary. Except as provided in subsection (d), the Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care. The Retirement Home may not construct an acute care facility.

##### (c) Availability of physicians and dentists

(1) In providing for the health care needs of residents at a facility of the Retirement Home

under subsection (b), the Retirement Home shall have a physician and a dentist—

(A) available at the facility during the daily business hours of the facility; and

(B) available on an on-call basis at other times.

(2) The physicians and dentists required by this subsection shall have the skills and experience suited to residents of the facility served by the physicians and dentists.

(3) To ensure the availability of health care services for residents of a facility of the Retirement Home, the Chief Operating Officer, in consultation with the Medical Director, shall establish uniform standards, appropriate to the medical needs of the residents, for access to health care services during and after the daily business hours of the facility.

##### (d) Transportation to medical care outside Retirement Home facilities

(1) With respect to each facility of the Retirement Home, the Retirement Home shall provide daily scheduled transportation to nearby medical facilities used by residents of the facility. The Retirement Home may provide, based on a determination of medical need, unscheduled transportation for a resident of the facility to any medical facility located not more than 30 miles from the facility for the provision of necessary and urgent medical care for the resident.

(2) The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.

(Pub. L. 101-510, div. A, title XV, §1513, Nov. 5, 1990, 104 Stat. 1725; Pub. L. 103-160, div. A, title III, §366(c), Nov. 30, 1993, 107 Stat. 1630; Pub. L. 107-107, div. A, title XIV, §§1404(b)(1)(B), 1410(a)(1), Dec. 28, 2001, 115 Stat. 1260, 1266; Pub. L. 109-163, div. A, title IX, §909(a), Jan. 6, 2006, 119 Stat. 3404; Pub. L. 110-181, div. A, title XIV, §1422(c), Jan. 28, 2008, 122 Stat. 420; Pub. L. 112-81, div. A, title V, §567(c)(2), Dec. 31, 2011, 125 Stat. 1426.)

#### Editorial Notes

##### AMENDMENTS

2011—Pub. L. 112-81 substituted “Services provided to residents” for “Services provided residents” in section catchline.

2008—Subsec. (b). Pub. L. 110-181 inserted after first sentence “The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, which shall be provided at no cost to residents.”

2006—Subsec. (a). Pub. L. 109-163, §909(a)(1), substituted “subsections (b), (c), and (d)” for “subsection (b)”.

Subsec. (b). Pub. L. 109-163, §909(a)(2), substituted “Except as provided in subsection (d), the” for “The”.

Subsecs. (c), (d). Pub. L. 109-163, §909(a)(3), added subssecs. (c) and (d).

2001—Subsec. (a). Pub. L. 107-107, §1404(b)(1)(B), substituted “Chief Operating Officer” for “Retirement Home Board”.

Subsec. (b). Pub. L. 107-107, §1410(a)(1), struck out “maintained as a separate establishment” after “available at a facility” in second sentence.

1993—Subsec. (b). Pub. L. 103-160 added second and third sentences and struck out former second sentence which read as follows: “Secondary and tertiary hospital