

(g) VOLUNTARY DISENROLLMENT.—(1) With respect to enrollment in the dental insurance plan under this section, the Secretary shall—

(A) permit the voluntary disenrollment of an individual in the dental insurance plan if the disenrollment occurs during the 30-day period beginning on the date of the enrollment of the individual in the dental insurance plan; and

(B) permit the voluntary disenrollment of an individual in the dental insurance plan for such circumstances as the Secretary shall prescribe for purposes of this subsection, but only to the extent such disenrollment does not jeopardize the fiscal integrity of the dental insurance plan.

(2) The circumstances prescribed under paragraph (1)(B) shall include the following:

(A) If an individual enrolled in the dental insurance plan relocates to a location outside the jurisdiction of the dental insurance plan that prevents use of the benefits under the dental insurance plan.

(B) If an individual enrolled in the dental insurance plan is prevented by a serious medical condition from being able to obtain benefits under the dental insurance plan.

(C) Such other circumstances as the Secretary shall prescribe for purposes of this subsection.

(3) The Secretary shall establish procedures for determinations on the permissibility of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments.

(h) RELATIONSHIP TO DENTAL CARE PROVIDED BY SECRETARY.—Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1712 of this title, and the participation of an individual in the dental insurance plan under this section shall not affect the entitlement of the individual to outpatient dental services and treatment, and related dental appliances, under such section 1712.

(i) REGULATIONS.—The dental insurance plan under this section shall be administered under such regulations as the Secretary shall prescribe.

(Added Pub. L. 114-218, §2(a)(1), July 29, 2016, 130 Stat. 842; amended Pub. L. 117-42, §2, Sept. 30, 2021, 135 Stat. 342.)

#### Editorial Notes

##### AMENDMENTS

2021—Subsec. (j). Pub. L. 117-42 struck out subsec. (j). Text read as follows: “This section terminates on December 31, 2021.”

#### [§ 1713. Renumbered § 1781]

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1713 was renumbered section 3513 of this title.

#### § 1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs

(a)(1) Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting

and training, including institutional training, in the use of such appliance as may be necessary, whether in a Department facility or other training institution, or by outpatient treatment, including such service under contract, and including travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from such veteran's home to such hospital or training institution.

(2) In furnishing prosthetic appliances under paragraph (1), the Secretary shall ensure women veterans are able to access clinically appropriate prosthetic appliances through each medical facility of the Department.

(b) The Secretary may provide guide dogs trained for the aid of the blind to veterans who are enrolled under section 1705 of this title. The Secretary may also provide such veterans with mechanical or electronic equipment for aiding them in overcoming the disability of blindness.

(c) The Secretary may, in accordance with the priority specified in section 1705 of this title, provide—

(1) service dogs trained for the aid of the hearing impaired to veterans who are hearing impaired and are enrolled under section 1705 of this title;

(2) service dogs trained for the aid of persons with spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility to veterans with such injury, dysfunction, or impairment who are enrolled under section 1705 of this title; and

(3) service dogs trained for the aid of persons with mental illnesses, including post-traumatic stress disorder, to veterans with such illnesses who are enrolled under section 1705 of this title.

(d) In the case of a veteran provided a dog under subsection (b) or (c), the Secretary may pay travel and incidental expenses for that veteran under the terms and conditions set forth in section 111 of this title to and from the veteran's home for expenses incurred in becoming adjusted to the dog.

(e) The Secretary may provide a service dog to a veteran under subsection (c)(3) regardless of whether the veteran has a mobility impairment.

(f)(1) The Secretary shall provide to any veteran described in paragraph (2) a commercially available veterinary insurance policy for each dog provided to such veteran under subsection (b) or (c).

(2) A veteran described in this paragraph is a veteran who—

(A) is diagnosed with post-traumatic stress disorder or a visual, hearing, or substantial mobility impairment;

(B) has received a dog under subsection (b) or (c) in connection with such disorder or impairment; and

(C) meets such other requirements as the Secretary may prescribe.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, §614; Pub. L. 93-82, title I, §103(b), Aug. 2, 1973, 87 Stat. 181; Pub. L. 94-581, title II, §210(a)(5), Oct. 21, 1976, 90 Stat. 2862; Pub. L. 96-151, title II, §201(c), Dec. 20, 1979, 93 Stat. 1093; renumbered §1714 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406;

Pub. L. 107-135, title II, §201(a), (b)(1), Jan. 23, 2002, 115 Stat. 2456, 2457; Pub. L. 111-117, div. E, title II, §229, Dec. 16, 2009, 123 Stat. 3307; Pub. L. 116-315, title V, §5108(a), Jan. 5, 2021, 134 Stat. 5032; Pub. L. 117-37, §3(a), Aug. 25, 2021, 135 Stat. 331.)

### Editorial Notes

#### PRIOR PROVISIONS

Prior section 1714 was renumbered section 3514 of this title.

Provisions similar to those comprising subsec. (a) of this section were classified to section 613 of this title prior to repeal by section 103(b) of Pub. L. 93-82.

#### AMENDMENTS

2021—Subsec. (a). Pub. L. 116-315 designated existing provisions as par. (1) and added par. (2).

Subsecs. (e), (f). Pub. L. 117-37 added subsecs. (e) and (f).

2009—Subsec. (c)(3). Pub. L. 111-117 added par. (3).

2002—Pub. L. 107-135, §201(b)(1), substituted “guide dogs; service dogs” for “seeing-eye dogs” in section catchline.

Subsec. (b). Pub. L. 107-135, §201(a)(1), struck out “seeing-eye or” after “may provide”, substituted “who are enrolled under section 1705 of this title” for “who are entitled to disability compensation, and may pay travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs”, and substituted “disability” for “handicap”.

Subsecs. (c), (d). Pub. L. 107-135, §201(a)(2), added subsecs. (c) and (d).

1991—Pub. L. 102-83, §5(a), renumbered section 614 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

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

1979—Subsec. (a). Pub. L. 96-151, §201(c)(1), substituted provisions respecting travel and incidental expenses for provisions respecting necessary travel expenses.

Subsec. (b). Pub. L. 96-151, §201(c)(2), substituted provisions respecting travel and incidental expenses for provisions respecting all necessary travel expenses.

1976—Subsec. (a). Pub. L. 94-581, §210(a)(5)(A), substituted “such veteran’s home” for “his home”.

Subsec. (b). Pub. L. 94-581, §210(a)(5)(B), substituted “and may pay” for “and he may pay”.

1973—Pub. L. 93-82 designated existing provisions as subsec. (b) and added subsec. (a).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-37, §3(b), Aug. 25, 2021, 135 Stat. 332, provided that: “Section 1714(f) of title 38, United States Code, as added by subsection (a), shall apply with respect to a veteran provided a dog by the Secretary of Veterans Affairs on or after the date of the enactment of this Act [Aug. 25, 2021].”

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

#### DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON DOG TRAINING THERAPY

Pub. L. 117-37, §2, Aug. 25, 2021, 135 Stat. 329, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Act [probably means “this Act”, approved Aug. 25, 2021], the Secretary of Veterans Affairs shall commence the conduct of a pilot program to provide canine training to eligible veterans diagnosed with post-traumatic stress disorder (in this section referred to as ‘PTSD’) as an element of a complementary and integrative health program for such veterans.

“(b) DURATION; MEDICAL CENTERS.—

“(1) DURATION.—The Secretary shall carry out the pilot program under subsection (a) for a 5-year period beginning on the date of the commencement of the pilot program.

“(2) MEDICAL CENTERS.—The Secretary shall ensure that such pilot program is carried out by not fewer than five medical centers of the Department of Veterans Affairs located in geographically diverse areas.

“(c) AGREEMENTS WITH ENTITIES.—In carrying out the pilot program under subsection (a), the Secretary shall seek to enter into agreements with nongovernmental entities that the Secretary determines have the demonstrated ability to provide the canine training specified in subsection (a).

“(d) REQUIRED CONDITIONS.—The Secretary shall include in any agreement under subsection (c) conditions requiring that the nongovernmental entity seeking to enter into the agreement—

“(1) submits to the Secretary certification that the entity is an accredited service dog training organization;

“(2) agrees to ensure that veterans participating in the pilot program under subsection (a) receive training from certified service dog training instructors for a period of time determined appropriate by the entity;

“(3) agrees to ensure that veterans participating in such pilot program are prohibited from having access to a dog under such pilot program at any time during such participation without the supervision of a certified service dog training instructor;

“(4) agrees to ensure that veterans participating in such pilot program receive training in skills unique to the needs of the veteran to address or alleviate PTSD symptoms of the veteran;

“(5) agrees not to use shock collars or prong collars as training tools and to use positive reinforcement training; and

“(6) agrees to provide any follow-up training support specified in subsection (e)(2), as applicable.

“(e) ADOPTION OF DOG.—

“(1) IN GENERAL.—A veteran who has participated in the pilot program under subsection (a) may adopt a dog that the veteran assisted in training during such pilot program if the veteran and the veteran’s health provider (in consultation with the entity that provided the canine training with respect to the dog under such pilot program) determine that it is in the best interest of the veteran.

“(2) FOLLOW-UP TRAINING SUPPORT.—If a veteran adopts a dog under paragraph (1), the entity that provided the canine training with respect to the dog under the pilot program shall provide follow-up training support for the life of the dog. Such support shall include the provision of a contact plan between the veteran and the entity that enables the veteran to seek and receive assistance from the entity to ensure the dog is being properly cared for.

“(f) ELIGIBILITY FOR OTHER CARE AND TREATMENT.—Participation in the pilot program under subsection (a) may not preclude a veteran from receiving any other medical care or treatment for PTSD furnished by the Department, including therapy, for which the veteran is otherwise eligible.

“(g) COLLECTION OF DATA.—In carrying out this section, the Secretary shall—

“(1) develop metrics and other appropriate means to measure, with respect to veterans participating in the pilot program under subsection (a)—

“(A) the number of such veterans participating;

“(B) the satisfaction of such veterans with the pilot program;

“(C) whether participation in the pilot program resulted in any clinically relevant improvements for such veterans, as determined by the health care provider or clinical team that referred the veteran to participate in the pilot program; and

“(D) such other factors as the Secretary may determine appropriate; and

“(2) establish processes to document and track the progress of such veterans under the pilot program with respect to health benefits and improvements.

“(h) REPORT BY SECRETARY.—Not later than 1 year before the date on which the pilot program under subsection (a) terminates, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the recommendations of the Secretary regarding—

“(1) whether to extend or make permanent the pilot program; and

“(2) the feasibility and advisability of expanding the pilot program to address mental health conditions other than PTSD.

“(i) GAO BRIEFING AND STUDY.—

“(1) BRIEFING.—Not later than 1 year after the date of the commencement of the pilot program under subsection (a), the Comptroller General of the United States shall provide to the Committees on Veterans' Affairs of the House of Representatives and the Senate a briefing on the methodology established for the pilot program.

“(2) REPORT.—Not later than 270 days after the date on which the pilot program terminates, the Comptroller General shall submit to the committees specified in paragraph (1) a report on the pilot program. Such report shall include an evaluation of the approach and methodology used for the pilot program with respect to—

“(A) assisting veterans with PTSD; and

“(B) measuring relevant metrics, such as reduction in scores under the Clinician Administered PTSD Scale (CAPS), improvement in psychosocial function, and therapeutic compliance.

“(j) DEFINITIONS.—In this section:

“(1) The term ‘accredited service dog training organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] that—

“(A) provides service dogs to veterans with PTSD; and

“(B) is accredited by an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs (as determined by the Secretary).

“(2) The term ‘eligible veteran’ means a veteran who—

“(A) is enrolled in the patient enrollment system in the Department of Veterans Affairs under section 1705 of title 38, United States Code; and

“(B) has been recommended for participation in the pilot program under subsection (a) by a qualified mental health care provider or clinical team based on medical judgment that the veteran may benefit from such participation with respect to the diagnosed PTSD of the veteran.

“(3) The term ‘service dog training instructor’ means an instructor who provides the direct training of veterans with PTSD in the art and science of service dog training and handling.”

PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF PROSTHETIC APPLIANCES THROUGH NON-DEPARTMENT PROVIDERS DURING PUBLIC HEALTH EMERGENCY

Pub. L. 116-136, div. B, title X, §20007, Mar. 27, 2020, 134 Stat. 587, provided that: “The Secretary of Veterans

Affairs shall ensure that, to the extent practicable, veterans who are receiving or are eligible to receive a prosthetic appliance under section 1714 or 1719 of title 38, United States Code, are able to receive such an appliance that the Secretary determines is needed from a non-Department of Veterans Affairs provider under a contract with the Department during a public health emergency.”

[For definition of “public health emergency” as used in section 20007 of Pub. L. 116-136, set out above, see section 20003 of Pub. L. 116-136, set out as a note under section 303 of this title.]

§ 1715. Tobacco for hospitalized veterans

The Secretary may furnish tobacco to veterans receiving hospital or domiciliary care.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, §615; renumbered §1715 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 615 of this title as this section.

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

Statutory Notes and Related Subsidiaries

USE OF TOBACCO PRODUCTS IN DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Pub. L. 102-585, title V, §526, Nov. 4, 1992, 106 Stat. 4961, provided that:

“(a) IN GENERAL.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that, consistent with medical requirements and limitations, each facility of the Department described in subsection (b)—

“(1) establishes and maintains—

“(A) a suitable indoor area in which patients or residents may smoke and which is ventilated in a manner that, to the maximum extent feasible, prevents smoke from entering other areas of the facility; or

“(B) an area in a building that—

“(i) is detached from the facility;

“(ii) is accessible to patients or residents of the facility; and

“(iii) has appropriate heating and air conditioning; and

“(2) provides access to an area established and maintained under paragraph (1), consistent with medical requirements and limitations, for patients or residents of the facility who are receiving care or services and who desire to smoke tobacco products.

“(b) COVERED FACILITIES.—A Department facility referred to in subsection (a) is any Department of Veterans Affairs medical center, nursing home, or domiciliary care facility.

“(c) REPORTS.—(1) Not later than 180 days after the date of the enactment of this Act [Nov. 4, 1992], the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility of the establishment and maintenance of areas for smoking in Department facilities under this section. The report shall include information on—

“(A) the cost of, and a proposed schedule for, the establishment of such an area at each Department facility covered by this section;

“(B) the extent to which the ventilating system of each facility is adequate to ensure that use of the area for smoking does not result in health problems for other patients or residents of the facility; and

“(C) the effect of the establishment and maintenance of an area for smoking in each facility on the