

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-315 substituted “certain” for “catastrophically disabled” in section catchline, designated existing provisions as subsec. (a) and inserted heading, substituted “a covered veteran” for “a veteran who is catastrophically disabled, as defined by the Secretary,” and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-315, title III, § 3002(c), Jan. 5, 2021, 134 Stat. 4991, provided that: “The amendments made by this section [amending this section] shall take effect on the day that is one year after the date of the enactment of this Act [Jan. 5, 2021].”

§ 1730B. Access to State prescription drug monitoring programs

(a) ACCESS TO PROGRAMS.—(1) Any licensed health care provider or delegate of such a provider shall be considered an authorized recipient or user for the purpose of querying and receiving data from the national network of State-based prescription drug monitoring programs, or any individual State or regional prescription drug monitoring program, to support the safe and effective prescribing of controlled substances to covered patients.

(2) Under the authority granted by paragraph (1)—

(A) licensed health care providers or delegates of such providers shall query the national network of State-based prescription monitoring programs, or, if providing care in a State that does not participate in such national network, an individual State or regional prescription drug monitoring program, in accordance with applicable regulations and policies of the Veterans Health Administration; and

(B) notwithstanding any general or specific provision of law, rule, or regulation of a State, no State may restrict the access of licensed health care providers or delegates of such providers from accessing that State's prescription drug monitoring programs.

(3) No State shall deny or revoke the license, registration, or certification of a licensed health care provider or delegate who otherwise meets that State's qualifications for holding the license, registration, or certification on the basis that the licensed health care provider or delegate queried or received data, or attempted to query or receive data, from the national network of State-based prescription drug monitoring programs, or any individual State or regional prescription drug monitoring program, under this section.

(b) COVERED PATIENTS.—For purposes of this section, a covered patient is a patient who—

(1) receives a prescription for a controlled substance; and

(2) is not receiving palliative care or enrolled in hospice care.

(c) DEFINITIONS.—In this section:

(1) The term “controlled substance” has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) The term “delegate” means a person or automated system accessing the national network of State-based prescription monitoring programs, or any individual State or regional prescription drug monitoring program, at the direction or under the supervision of a licensed health care provider.

(3) The term “licensed health care provider” means a health care provider employed by the Department who is licensed, certified, or registered within any State to fill or prescribe medications within the scope of his or her practice as a Department employee.

(4) The term “national network of State-based prescription monitoring programs” means an interconnected nation-wide system that facilitates the transfer to State prescription drug monitoring program data across State lines.

(5) The term “State” means a State, as defined in section 101(20) of this title, or a political subdivision of a State.

(Added Pub. L. 115-182, title I, § 134(a), June 6, 2018, 132 Stat. 1428; amended Pub. L. 115-251, title II, § 206, Sept. 29, 2018, 132 Stat. 3173.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-251, § 206(1)(A), inserted “, or any individual State or regional prescription drug monitoring program,” after “programs”.

Subsec. (a)(2)(A). Pub. L. 115-251, § 206(1)(B), substituted “the national network of State-based prescription monitoring programs, or, if providing care in a State that does not participate in such national network, an individual State or regional prescription drug monitoring program,” for “such network”.

Subsec. (a)(3). Pub. L. 115-251, § 206(1)(C), which directed “inserting ‘, or any individual State or regional prescription drug monitoring program,’ after programs”, was executed by inserting the quoted text after “programs” as if that word had been enclosed in quotation marks in the directory language, to reflect the probable intent of Congress.

Subsec. (c)(2). Pub. L. 115-251, § 206(2), inserted “, or any individual State or regional prescription drug monitoring program,” after “programs”.

§ 1730C. Licensure of health care professionals providing treatment via telemedicine

(a) IN GENERAL.—Notwithstanding any provision of law regarding the licensure of health care professionals, a covered health care professional may practice the health care profession of the health care professional at any location in any State, regardless of where the covered health care professional or the patient is located, if the covered health care professional is using telemedicine to provide treatment to an individual under this chapter.

(b) COVERED HEALTH CARE PROFESSIONALS.—For purposes of this section, a covered health care professional is any of the following individuals:

(1) A health care professional who—

(A) is an employee of the Department appointed under section 7306, 7401, 7405, 7406, or 7408 of this title or under title 5;

(B) is authorized by the Secretary to provide health care under this chapter;

(C) is required to adhere to all standards for quality relating to the provision of

health care in accordance with applicable policies of the Department; and

(D)(i) has an active, current, full, and unrestricted license, registration, or certification in a State to practice the health care profession of the health care professional; or

(ii) with respect to a health care profession listed under section 7402(b) of this title, has the qualifications for such profession as set forth by the Secretary.

(2) A postgraduate health care employee who—

(A) is appointed under section 7401(1), 7401(3), or 7405 of this title or title 5 for any category of personnel described in paragraph (1) or (3) of section 7401 of this title;

(B) must obtain an active, current, full, and unrestricted license, registration, or certification or meet qualification standards set forth by the Secretary within a specified time frame; and

(C) is under the clinical supervision of a health care professional described in paragraph (1); or

(3) A health professions trainee who—

(A) is appointed under section 7405 or 7406 of this title; and

(B) is under the clinical supervision of a health care professional described in paragraph (1).

(c) PROPERTY OF FEDERAL GOVERNMENT.—Subsection (a) shall apply to a covered health care professional providing treatment to a patient regardless of whether the covered health care professional or patient is located in a facility owned by the Federal Government during such treatment.

(d) RELATION TO STATE LAW.—(1) The provisions of this section shall supersede any provisions of the law of any State to the extent that such provision of State law are inconsistent with this section.

(2) No State shall deny or revoke the license, registration, or certification of a covered health care professional who otherwise meets the qualifications of the State for holding the license, registration, or certification on the basis that the covered health care professional has engaged or intends to engage in activity covered by subsection (a).

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to remove, limit, or otherwise affect any obligation of a covered health care professional under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(f) STATE DEFINED.—In this section, the term “State” means a State, as defined in section 101(20) of this title, or a political subdivision of a State.

(Added Pub. L. 115-182, title I, § 151(a), June 6, 2018, 132 Stat. 1430; amended Pub. L. 116-283, div. H, title XCI, § 9101, Jan. 1, 2021, 134 Stat. 4780.)

Editorial Notes

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (e), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs.

For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 amended subsec. (b) generally. Prior to amendment, subsec. (b) related to who were considered covered health care professionals.

SUBCHAPTER IV—HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES

Editorial Notes

AMENDMENTS

1981—Pub. L. 97-72, title I, § 107(d)(1), Nov. 3, 1981, 95 Stat. 1053, substituted “HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES” for “HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS” in subchapter heading.

§ 1731. Assistance to the Republic of the Philippines

The President is authorized to assist the Republic of the Philippines in fulfilling its responsibility in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions.

(Added Pub. L. 93-82, title I, § 107(a), Aug. 2, 1973, 87 Stat. 184, § 631; amended Pub. L. 97-72, title I, § 107(b), Nov. 3, 1981, 95 Stat. 1052; renumbered § 1731, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes

PRIOR PROVISIONS

Prior section 1731 was renumbered section 3531 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 631 of this title as this section.

1981—Pub. L. 97-72 inserted “in fulfilling its responsibility” after “The President is authorized to assist the Republic of the Philippines”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective July 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.

§ 1732. Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center

(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Secretary to enter into contracts with the Veterans Memorial Medical Center, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on October 1, 1981, and ending on September 30, 1994, under which the United States—

(1) will provide for payments for hospital care and medical services (including nursing