

[SUBCHAPTER VII—TRANSFERRED]

[§§ 1771 to 1774. Renumbered §§ 2031 to 2034]

Editorial Notes

CODIFICATION

Former subchapter VII of chapter 17, which consisted of sections 1771 to 1774, was renumbered subchapter IV of chapter 20 of this title and transferred to follow section 2023 of this title, and sections 1771 to 1774 were renumbered sections 2031 to 2034 of this title, respectively.

A prior subchapter VII of this chapter, consisting of sections 1761 to 1764 of this title, related to preventive health care services pilot program, prior to repeal by Pub. L. 102-585, title V, §514(a), Nov. 4, 1992, 106 Stat. 4958.

Other prior sections 1771 to 1774 were renumbered sections 3671 to 3674 of this title, respectively.

Prior sections 1775 to 1777 were renumbered sections 3675 to 3677 of this title, respectively.

Another prior section 1777 was renumbered section 1778 of this title.

Prior section 1778 was renumbered section 3678 of this title.

Another prior section 1778 was renumbered section 1779 of this title.

Prior sections 1779 and 1780 were renumbered sections 3679 and 3680 of this title, respectively.

SUBCHAPTER VIII—HEALTH CARE OF
PERSONS OTHER THAN VETERANS**§ 1781. Medical care for survivors and dependents of certain veterans**

(a) The Secretary is authorized to provide medical care, in accordance with the provisions of subsection (b) of this section, for—

(1) the spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability,

(2) the surviving spouse or child of a veteran who (A) died as a result of a service-connected disability, or (B) at the time of death had a total disability permanent in nature, resulting from a service-connected disability,

(3) the surviving spouse or child of a person who died in the active military, naval, air, or space service in the line of duty and not due to such person's own misconduct, and

(4) an individual designated as a primary provider of personal care services under section 1720G(a)(7)(A) of this title who is not entitled to care or services under a health-plan contract (as defined in section 1725(h) of this title),

who are not otherwise eligible for medical care under chapter 55 of title 10 (CHAMPUS).

(b) In order to accomplish the purposes of subsection (a) of this section, the Secretary shall provide for medical care in the same or similar manner and subject to the same or similar limitations as medical care is furnished to certain dependents and survivors of active duty and retired members of the Armed Forces under chapter 55 of title 10 (CHAMPUS), by—

(1) entering into an agreement with the Secretary of Defense under which that Secretary shall include coverage for such medical care under the contract, or contracts, that Secretary enters into to carry out such chapter 55, and under which the Secretary of Veterans

Affairs shall fully reimburse the Secretary of Defense for all costs and expenditures made for the purposes of affording the medical care authorized pursuant to this section; or

(2) contracting in accordance with such regulations as the Secretary shall prescribe for such insurance, medical service, or health plans as the Secretary deems appropriate.

In cases in which Department medical facilities are equipped to provide the care and treatment, the Secretary is also authorized to carry out such purposes through the use of such facilities not being utilized for the care of eligible veterans. A dependent or survivor receiving care under the preceding sentence shall be eligible for the same medical services as a veteran, including services under sections 1782 and 1783 of this title.

(c) For the purposes of this section, a child between the ages of eighteen and twenty-three (1) who is eligible for benefits under subsection (a) of this section, (2) who is pursuing a full-time course of instruction at an educational institution approved under chapter 36 of this title, and (3) who, while pursuing such course of instruction, incurs a disabling illness or injury (including a disabling illness or injury incurred between terms, semesters, or quarters or during a vacation or holiday period) which is not the result of such child's own willful misconduct and which results in such child's inability to continue or resume such child's chosen program of education at an approved educational institution shall remain eligible for benefits under this section until the end of the six-month period beginning on the date the disability is removed, the end of the two-year period beginning on the date of the onset of the disability, or the twenty-third birthday of the child, whichever occurs first.

(d)(1)(A) An individual otherwise eligible for medical care under this section who is also entitled to hospital insurance benefits under part A of the medicare program is eligible for medical care under this section only if the individual is also enrolled in the supplementary medical insurance program under part B of the medicare program.

(B) The limitation in subparagraph (A) does not apply to an individual who—

(i) has attained 65 years of age as of June 5, 2001; and

(ii) is not enrolled in the supplementary medical insurance program under part B of the medicare program as of that date.

(2) Subject to paragraph (3), if an individual described in paragraph (1) receives medical care for which payment may be made under both this section and the medicare program, the amount payable for such medical care under this section shall be the amount by which (A) the costs for such medical care exceed (B) the sum of—

(i) the amount payable for such medical care under the medicare program; and

(ii) the total amount paid or payable for such medical care by third party payers other than the medicare program.

(3) The amount payable under this subsection for medical care may not exceed the total amount that would be paid under subsection (b)

if payment for such medical care were made solely under subsection (b).

(4) In this subsection:

(A) The term “medicare program” means the program of health insurance administered by the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) The term “third party” has the meaning given that term in section 1729(i)(3) of this title.

(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care.

(Added Pub. L. 93-82, title I, §103(b), Aug. 2, 1973, 87 Stat. 181, §613; amended Pub. L. 94-581, title I, §104, title II, §210(a)(4), Oct. 21, 1976, 90 Stat. 2845, 2862; Pub. L. 96-151, title II, §205(a), Dec. 20, 1979, 93 Stat. 1094; Pub. L. 97-72, title I, §105, Nov. 3, 1981, 95 Stat. 1050; Pub. L. 97-251, §5(a), Sept. 8, 1982, 96 Stat. 716; renumbered §1713 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(B), (E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-190, div. A, title VII, §704(b)(2), Dec. 5, 1991, 105 Stat. 1402; Pub. L. 107-14, §3, June 5, 2001, 115 Stat. 25; renumbered §1781 and amended Pub. L. 107-135, title II, §208(c), Jan. 23, 2002, 115 Stat. 2463; Pub. L. 107-330, title III, §308(g)(8), Dec. 6, 2002, 116 Stat. 2829; Pub. L. 111-163, title I, §102, title V, §503, May 5, 2010, 124 Stat. 1139, 1157; Pub. L. 114-58, title VI, §601(7), Sept. 30, 2015, 129 Stat. 538; Pub. L. 116-283, div. A, title IX, §926(a)(30), Jan. 1, 2021, 134 Stat. 3830; Pub. L. 117-328, div. U, title I, §142(c)(4), Dec. 29, 2022, 136 Stat. 5424.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (d)(4)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XVIII of the Act is classified generally to subchapter XVIII (§ 1395 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 1781 was renumbered section 3681 of this title.

AMENDMENTS

2022—Subsec. (a)(4). Pub. L. 117-328 substituted “section 1725(h)” for “section 1725(f)”.

2021—Subsec. (a)(3). Pub. L. 116-283 substituted “air, or space service” for “or air service”.

2015—Subsec. (a)(4). Pub. L. 114-58 substituted “title,” for “title);”.

2010—Subsec. (a)(4). Pub. L. 111-163, §102, added par. (4).

Subsec. (e). Pub. L. 111-163, §503, added subsec. (e).

2002—Pub. L. 107-135, §208(c)(1), (2), renumbered section 1713 of this title as this section.

Subsec. (b). Pub. L. 107-135, §208(c)(3), inserted at end “A dependent or survivor receiving care under the preceding sentence shall be eligible for the same medical services as a veteran, including services under sections 1782 and 1783 of this title.”

Subsec. (d)(1)(B)(i). Pub. L. 107-330, §308(g)(8)(A), substituted “as of June 5, 2001” for “as of the date of the enactment of the Veterans’ Survivor Benefits Improvements Act of 2001”.

Subsec. (d)(4). Pub. L. 107-330, §308(g)(8)(B), substituted “subsection” for “paragraph” in introductory provisions.

2001—Subsec. (d). Pub. L. 107-14 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “Notwithstanding section 1086(d)(1) of title 10 or any other provision of law, any spouse, surviving spouse, or child who, after losing eligibility for medical care under this section by virtue of becoming entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), has exhausted any such benefits shall become eligible for medical care under this section and shall not thereafter lose such eligibility under this section by virtue of becoming again eligible for such hospital insurance benefits.”

1991—Pub. L. 102-83, §5(a), renumbered section 613 of this title as this section.

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

Subsec. (b). Pub. L. 102-83, §4(b)(2)(B), substituted “that Secretary” for second and third references to “the Secretary” and “the Secretary of Defense” for last reference to “the Secretary” in par. (1).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing in introductory and concluding provisions and in par. (2).

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

Subsec. (d). Pub. L. 102-190 substituted “section 1086(d)(1)” for “the second sentence of section 1086(c)”.

1982—Subsec. (d). Pub. L. 97-251 added subsec. (d).

1981—Subsec. (b). Pub. L. 97-72 substituted “equipped to provide the care and treatment” for “particularly equipped to provide the most effective care and treatment” in provisions following par. (2).

1979—Subsec. (a). Pub. L. 96-151, §205(a)(1), in cl. (1) substituted reference to spouse for reference to wife, in cl. (2) substituted reference to surviving spouse for reference to widow, and added cl. (3).

Subsec. (c). Pub. L. 96-151, §205(a)(2), added subsec. (c).

1976—Subsec. (a)(2). Pub. L. 94-581, §104, designated existing provisions as cl. (A) and added cl. (B).

Subsec. (b)(1). Pub. L. 94-581, §210(a)(4)(A), substituted “the Secretary enters” for “he enters”.

Subsec. (b)(2). Pub. L. 94-581, §210(a)(4)(B), substituted “the Administrator” for “he” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-251, §5(b), Sept. 8, 1982, 96 Stat. 716, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1982.”

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-151, title II, §205(b), Dec. 20, 1979, 93 Stat. 1095, provided that: “The amendments made by subsection (a) [amending this section] shall take effect with respect to fiscal year 1980 only to such extent and for such amounts as may be specifically provided for such purpose in appropriation Acts.”

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.

§ 1782. Counseling, training, and mental health services for immediate family members and caregivers

(a) COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING SERVICE-CONNECTED TREATMENT.—In the case of a veteran who is receiving treatment for a service-connected disability pursuant to paragraph (1) or (2) of section 1710(a) of this title, the Secretary shall provide to individuals described in subsection (c) such consultation, professional counseling, marriage and family counseling, training, and mental health services as are necessary in connection with that treatment.

(b) COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING NON-SERVICE-CONNECTED TREATMENT.—In the case of a veteran who is eligible to receive treatment for a non-service-connected disability under the conditions described in paragraph (1), (2), or (3) of section 1710(a) of this title, the Secretary may, in the discretion of the Secretary, provide to individuals described in subsection (c) such consultation, professional counseling, marriage and family counseling, training, and mental health services as are necessary in connection with that treatment.

(c) ELIGIBLE INDIVIDUALS.—Individuals who may be provided services under this subsection are—

(1) the members of the immediate family or the legal guardian of a veteran;

(2) a family caregiver of an eligible veteran or a caregiver of a covered veteran (as those terms are defined in section 1720G of this title); or

(3) the individual in whose household such veteran certifies an intention to live.

(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—Services provided under subsections (a) and (b) may include, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of individuals described in subsection (c) in the case of any of the following:

(1) A veteran who is receiving care for a service-connected disability.

(2) A dependent or survivor receiving care under the last sentence of section 1783(b) of this title.

(Added Pub. L. 107–135, title II, §208(b), Jan. 23, 2002, 115 Stat. 2462; amended Pub. L. 110–387, title III, §301(a)(2), Oct. 10, 2008, 122 Stat. 4120; Pub. L. 111–163, title I, §103(a), (b), May 5, 2010, 124 Stat. 1139, 1140.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1782 was renumbered section 3682 of this title.

AMENDMENTS

2010—Pub. L. 111–163, §103(b), inserted “and caregivers” after “members” in section catchline.

Subsec. (c)(2), (3). Pub. L. 111–163, §103(a), added par. (2) and redesignated former par. (2) as (3).

2008—Subsec. (a). Pub. L. 110–387, §301(a)(2)(A), inserted “marriage and family counseling,” after “professional counseling,”.

Subsec. (b). Pub. L. 110–387, §301(a)(2)(B), inserted “marriage and family counseling,” after “professional counseling,” and substituted period at end for “if—

“(1) those services were initiated during the veteran’s hospitalization; and

“(2) the continued provision of those services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.”

§ 1783. Bereavement counseling

(a) DEATHS OF VETERANS.—In the case of an individual who was a recipient of services under section 1782 of this title at the time of the death of the veteran, the Secretary may provide bereavement counseling to that individual in the case of a death—

(1) that was unexpected; or

(2) that occurred while the veteran was participating in a hospice program (or a similar program) conducted by the Secretary.

(b) DEATHS IN ACTIVE SERVICE.—(1) The Secretary may provide bereavement counseling to an individual who is a member of the immediate family of a member of the Armed Forces who dies in the active military, naval, air, or space service in the line of duty and under circumstances not due to the person’s own misconduct.

(2) For purposes of this subsection, the members of the immediate family of a member of the Armed Forces described in paragraph (1) include the parents of such member.

(c) PROVISION OF COUNSELING THROUGH VET CENTERS.—Bereavement counseling may be provided under this section through the facilities and personnel of centers for the provision of readjustment counseling and related mental health services under section 1712A of this title.

(d) BEREAVEMENT COUNSELING DEFINED.—For purposes of this section, the term “bereavement counseling” means such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist an individual with the emotional and psychological stress accompanying the death of another individual.

(Added Pub. L. 107–135, title II, §208(b), Jan. 23, 2002, 115 Stat. 2463; amended Pub. L. 109–461, title II, §216, Dec. 22, 2006, 120 Stat. 3424; Pub. L. 116–283, div. A, title IX, §926(a)(31), Jan. 1, 2021, 134 Stat. 3830.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1783 was renumbered section 3683 of this title.

AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 116–283 substituted “air, or space service” for “or air service”.

2006—Subsec. (b). Pub. L. 109–461, §216(a), designated existing provisions as par. (1) and added par. (2).

Subsecs. (c), (d). Pub. L. 109–461, §216(b), added subsec. (c) and redesignated former subsec. (c) as (d).

§ 1784. Humanitarian care

The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care and services at rates prescribed by the Secretary.

(Added Pub. L. 107–135, title II, §208(b), Jan. 23, 2002, 115 Stat. 2463.)