

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

Section 2812 of the Public Health Service Act, referred to in subsec. (b)(2), is classified to section 300hh-11 of Title 42, The Public Health and Welfare.

PRIOR PROVISIONS

A prior section 1785 was renumbered section 3685 of this title.

AMENDMENTS

2010—Subsec. (b)(2). Pub. L. 111-275 substituted “section 2812 of the Public Health Service Act (42 U.S.C. 300hh)” for “section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))” and struck out “paragraph (3)(A) of” before “that section”.

2006—Subsec. (b)(1). Pub. L. 109-461, §1006(b), provided that as of the enactment of Pub. L. 109-461, the amendments made by Pub. L. 109-444 were deemed for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, §1004(a)(2), substituted “Robert T.” for “Robert B.”.

Pub. L. 109-444, which substituted “Robert T.” for “Robert B.”, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the National Disaster Medical System, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto, to the Secretary of Health and Human Services, see title III of Pub. L. 109-295, set out in part as a note under section 300hh-11 of Title 42, The Public Health and Welfare, and section 301(b) of Pub. L. 109-417, set out as a note under section 300hh-11 of Title 42.

For transfer of functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services and the Assistant Secretary for Public Health Emergency Preparedness [now Assistant Secretary for Preparedness and Response] relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(5) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1786. Care for newborn children of women veterans receiving maternity care

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may furnish health care services described in subsection (b) and transportation necessary to receive such services to a newborn child of a woman veteran who is receiving maternity care furnished by the Department for not more than seven days after the birth of the child if the veteran delivered the child in—

(1) a facility of the Department;

(2) another facility pursuant to a Department contract for services relating to such delivery; or

(3) another location, including a health care facility, if the veteran delivers the child before arriving at a facility described in paragraph (1) or (2).

(b) COVERED HEALTH CARE SERVICES.—Health care services described in this subsection are all post-delivery care services, including routine care services, that a newborn child requires, including necessary health care services provided by a facility other than the facility where the newborn child was delivered (including a specialty pediatric hospital) that accepts transfer of the newborn child and responsibility for treatment of the newborn child.

(c) EXCEPTION BASED ON MEDICAL NECESSITY.—Pursuant to such regulations as the Secretary shall prescribe to carry out this section, the Secretary may furnish more than seven days of health care services described in subsection (b), and may furnish transportation necessary to receive such services, to a newborn child based on medical necessity if the child is in need of additional care, including if the child has been discharged or released from a hospital and requires readmittance to ensure the health and welfare of the child.

(d) TRANSPORTATION.—(1) Transportation furnished under subsection (a) to, from, or between care settings to meet the needs of a newborn child includes costs for either or both the newborn child and parents.

(2) Transportation furnished under subsection (a) includes transportation by ambulance, including air ambulance, or other appropriate medically staffed modes of transportation—

(A) to another health care facility (including a specialty pediatric hospital) that accepts transfer of the newborn child or otherwise provides post-delivery care services when the treating facility is not capable of furnishing the care or services required; or

(B) to a health care facility in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health.

(3) Amounts paid by the Department for transportation under this section shall be derived from the Medical Services appropriations account of the Department.

(e) REIMBURSEMENT OR PAYMENT FOR HEALTH CARE SERVICES OR TRANSPORTATION.—(1) Pursuant to regulations the Secretary shall prescribe to establish rates of reimbursement and any limitations thereto under this section, the Secretary shall directly reimburse a covered entity for health care services or transportation services provided under this section, unless the cost of the services or transportation is covered by an established agreement or contract. If such an agreement or contract exists, its negotiated payment terms shall apply.

(2)(A) Reimbursement or payment by the Secretary under this section on behalf of an individual to a covered entity shall, unless rejected and refunded by the covered entity within 30 days of receipt, extinguish any liability on the

part of the individual for the health care services or transportation covered by such payment.

(B) Neither the absence of a contract or agreement between the Secretary and a covered entity nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirements of subparagraph (A).

(3) In this subsection, the term “covered entity” means any individual, transportation carrier, organization, or other entity that furnished or paid for health care services or transportation under this section.

(Added Pub. L. 111-163, title II, §206(a), May 5, 2010, 124 Stat. 1145; amended Pub. L. 116-283, div. H, title XCI, §9102, Jan. 1, 2021, 134 Stat. 4781; Pub. L. 116-315, title III, §3006(a), Jan. 5, 2021, 134 Stat. 4994.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1786 was renumbered section 3686 of this title.

Another prior section 1786, added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23, related to the examination of records, prior to repeal by section 316(1) of Pub. L. 92-540. See section 3690 of this title.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-315, §3006(a)(1)(A), inserted “and transportation necessary to receive such services” after “described in subsection (b)” in introductory provisions.

Pub. L. 116-283, §9102(1), substituted “Except as provided in subsection (c), the Secretary” for “The Secretary” in introductory provisions.

Subsec. (a)(3). Pub. L. 116-315, §3006(a)(1)(B)-(D), added par. (3).

Subsec. (b). Pub. L. 116-315, §3006(a)(2), inserted before period at end “, including necessary health care services provided by a facility other than the facility where the newborn child was delivered (including a specialty pediatric hospital) that accepts transfer of the newborn child and responsibility for treatment of the newborn child”.

Subsec. (c). Pub. L. 116-283, §9102(2), added subsec. (c).

Subsecs. (d), (e). Pub. L. 116-315, §3006(a)(3), added subsecs. (d) and (e).

Statutory Notes and Related Subsidiaries

TREATMENT OF CERTAIN EXPENSES ALREADY INCURRED

Pub. L. 116-315, title III, §3006(b), Jan. 5, 2021, 134 Stat. 4995, provided that:

“(1) IN GENERAL.—Pursuant to such regulations as the Secretary of Veterans Affairs shall prescribe, with respect to transportation furnished in order for a newborn child of a veteran to receive health care services under section 1786 of title 38, United States Code, during the period specified in paragraph (2), the Secretary may—

“(A) waive a debt owed by the veteran to the Department of Veterans Affairs or reimburse expenses already paid by the veteran to the Department for such transportation;

“(B) reimburse the veteran for expenses already paid by the veteran to a covered entity for such transportation; or

“(C) reimburse a covered entity for the costs of such transportation.

“(2) PERIOD SPECIFIED.—The period specified in this paragraph is the period beginning on May 5, 2010, and ending on the date of the enactment of this Act [Jan. 5, 2021].

“(3) COVERED ENTITY DEFINED.—In this subsection, the term ‘covered entity’ has the meaning given that term

in section 1786(e)(3) of title 38, United States Code, as added by subsection (a).”

§ 1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina

(a) IN GENERAL.—Subject to subsection (b), a family member of a veteran described in subparagraph (F) of section 1710(e)(1) of this title who resided at Camp Lejeune, North Carolina, for not fewer than 30 days during the period described in such subparagraph or who was in utero during such period while the mother of such family member resided at such location shall be eligible for hospital care and medical services furnished by the Secretary for any of the illnesses or conditions described in such subparagraph, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such residence.

(b) LIMITATIONS.—(1) The Secretary may only furnish hospital care and medical services under subsection (a) to the extent and in the amount provided in advance in appropriations Acts for such purpose.

(2) Hospital care and medical services may not be furnished under subsection (a) for an illness or condition of a family member that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than the residence of the family member described in that subsection.

(3) The Secretary may provide reimbursement for hospital care or medical services provided to a family member under this section only after the family member or the provider of such care or services has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party (as defined in section 1725(h) of this title) for payment of such care or services, including with respect to health-plan contracts (as defined in such section).

(Added Pub. L. 112-154, title I, §102(b)(1), Aug. 6, 2012, 126 Stat. 1168; amended Pub. L. 117-328, div. U, title I, §142(c)(5), Dec. 29, 2022, 136 Stat. 5424.)

Editorial Notes

PRIOR PROVISIONS

Prior section 1787 was renumbered section 3687 of this title.

Another prior section 1787, added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23, related to the submission of false or misleading statements by educational institutions, persons or veterans, prior to repeal by section 316(1) of Pub. L. 92-540. See section 3690 of this title.

Prior section 1788 was renumbered section 3688 of this title.

Another prior section 1788 was renumbered section 3692 of this title.

Prior section 1789 was renumbered section 3689 of this title.

Another prior section 1789, which required the Administrator not to approve of enrollments in courses in institutions listed by the Attorney General under section 12 of Ex. Ord. No. 10450, was renumbered section 1793 of this title.

Prior section 1790 was renumbered section 3690 of this title.

Another prior section 1790 was renumbered section 3694 of this title.

Prior section 1791 was renumbered section 3691 of this title.