

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.

Another prior section 1791 was renumbered section 3695 of this title.

Prior sections 1792 and 1793 were renumbered sections 3692 and 3693 of this title, respectively.

Another prior section 1793, added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23, §1789; amended Pub. L. 91-24, §15, June 11, 1969, 83 Stat. 35; renumbered and amended Pub. L. 92-540, title III, §316(2), title IV, §403(12), Oct. 24, 1972, 86 Stat. 1086, 1090, required that the Administrator not to approve of enrollment in any course in an institution listed by the Attorney General under section 12 of Executive Order 10450, prior to repeal by section 511(1) of Pub. L. 94-502.

Prior sections 1794 to 1799 were renumbered sections 3694 to 3699 of this title, respectively, and sections 3698 and 3699 were subsequently repealed.

AMENDMENTS

2022—Subsec. (b)(3). Pub. L. 117-328 substituted “section 1725(h)” for “section 1725(f)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Aug. 6, 2012, and applicable with respect to hospital care and medical services provided on

or after Aug. 6, 2012, see section 102(d) of Pub. L. 112-154, set out as an Effective Date of 2012 Amendment note under section 1710 of this title.

§ 1788. Transplant procedures with live donors and related services

(a) IN GENERAL.—Subject to subsections (b) and (c), in a case in which a veteran is eligible for a transplant procedure from the Department, the Secretary may provide for an operation on a live donor to carry out such procedure for such veteran, notwithstanding that the live donor may not be eligible for health care from the Department.

(b) OTHER SERVICES.—Subject to the availability of appropriations for such purpose, the Secretary shall furnish to a live donor any care or services before and after conducting the transplant procedure under subsection (a) that may be required in connection with such procedure.

(c) USE OF NON-DEPARTMENT FACILITIES.—In carrying out this section, the Secretary may provide for the operation described in subsection (a) on a live donor and furnish to the live donor the care and services described in subsection (b) at a non-Department facility pursuant to an agreement entered into by the Secretary under this title. The live donor shall be deemed to be an individual eligible for hospital care and medical services at a non-Department facility pursuant to such an agreement solely for the purposes of receiving such operation, care, and services at the non-Department facility.

(Added Pub. L. 115-182, title I, §153(a), June 6, 2018, 132 Stat. 1437; amended Pub. L. 115-251, title II, §211(a)(10), Sept. 29, 2018, 132 Stat. 3175.)

Editorial Notes

AMENDMENTS

2018—Subsec. (c). Pub. L. 115-251 substituted “this title” for “this chapter”.

§ 1789. Mental health services for members of the reserve components of the Armed Forces

The Secretary, in consultation with the Secretary of Defense, may furnish mental health services to members of the reserve components of the Armed Forces.

(Added Pub. L. 116-283, div. A, title VII, §763(a), Jan. 1, 2021, 134 Stat. 3725.)

CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS

Sec.
[1801. Repealed.]

SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA

1802. Spina bifida conditions covered.
1803. Health care.
1804. Vocational training and rehabilitation.
1805. Monetary allowance.
[1806. Repealed.]

SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

1811. Definitions.
1812. Covered birth defects.