

ing to such inquiry or investigation, including the otherwise applicable provisions of subparagraphs (A), (B), and (C) of such subsection. Any such inquiry or investigation carried out on such an expedited basis shall be carried out under regulations prescribed for purposes of this section.

(2) Paragraph (1) applies with respect to a proposed fiduciary who is—

(A) the parent (natural, adopted, or step-parent) of a beneficiary who is a minor;

(B) the spouse or parent of an incompetent beneficiary;

(C) a person who has been appointed a fiduciary of the beneficiary by a court of competent jurisdiction; or

(D) being appointed to manage an estate where the annual amount of veterans benefits to be managed by the proposed fiduciary does not exceed \$3,600, as adjusted pursuant to section 5312 of this title.

(d) TEMPORARY FIDUCIARIES.—When in the opinion of the Secretary, a temporary fiduciary is needed in order to protect the assets of the beneficiary while a determination of incompetency is being made or appealed or a fiduciary is appealing a determination of misuse, the Secretary may appoint one or more temporary fiduciaries for a period not to exceed 120 days. If a final decision has not been made within 120 days, the Secretary may not continue the appointment of the fiduciary without obtaining a court order for appointment of a guardian, conservator, or other fiduciary under the authority provided in section 5502(b) of this title.

(Added Pub. L. 108-454, title V, § 502(a), Dec. 10, 2004, 118 Stat. 3618.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 5508. Periodic onsite reviews of institutional fiduciaries

In addition to such other reviews of fiduciaries as the Secretary may otherwise conduct, the Secretary shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under laws administered by the Secretary to another individual pursuant to the appointment of such person or agency as a fiduciary under section 5502(a)(1) of this title in any case in which the fiduciary is serving in that capacity with respect to more than 20 beneficiaries and the total annual amount of such benefits exceeds \$50,000, as adjusted pursuant to section 5312 of this title.

(Added Pub. L. 108-454, title V, § 504(a)(1), Dec. 10, 2004, 118 Stat. 3620.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 5509. Authority to require fiduciary to receive payments at regional offices of the Department when failing to provide required accounting

(a) REQUIRED REPORTS AND ACCOUNTINGS.—The Secretary may require a fiduciary to file a report or accounting pursuant to regulations prescribed by the Secretary.

(b) ACTIONS UPON FAILURE TO FILE.—In any case in which a fiduciary fails to submit a report or accounting required by the Secretary under subsection (a), the Secretary may, after furnishing notice to such fiduciary and the beneficiary entitled to such payment of benefits, require that such fiduciary appear in person at a regional office of the Department serving the area in which the beneficiary resides in order to receive such payments.

(Added Pub. L. 108-454, title V, § 504(a)(1), Dec. 10, 2004, 118 Stat. 3621.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 5510. Annual report

The Secretary shall include in the Annual Benefits Report of the Veterans Benefits Administration or the Secretary's Annual Performance and Accountability Report information concerning fiduciaries who have been appointed to receive payments for beneficiaries of the Department. As part of such information, the Secretary shall separately set forth the following:

(1) The number of beneficiaries in each category (veteran, surviving spouse, child, adult disabled child, or parent).

(2) The types of benefit being paid (compensation, pension, dependency and indemnity compensation, death pension or benefits payable to a disabled child under chapter 18 of this title).

(3) The total annual amounts and average annual amounts of benefits paid to fiduciaries for each category and type of benefit.

(4) The number of fiduciaries who are the spouse, parent, legal custodian, court-appointed fiduciary, institutional fiduciary, custodian in fact, and supervised direct payees.

(5) The number of cases in which the fiduciary was changed by the Secretary because of a finding that benefits had been misused.

(6) How such cases of misuse of benefits were addressed by the Secretary.

(7) The final disposition of such cases of misuse of benefits, including the number and dollar amount of any benefits reissued to beneficiaries.

(8) The number of fiduciary cases referred to the Office of the Inspector General and the nature of the actions taken by the Inspector General.

(9) The total amount of money recovered by the Government in cases arising from the misuse of benefits by a fiduciary.

(10) Such other information as the Secretary considers appropriate.

(Added Pub. L. 108-454, title V, § 505(a), Dec. 10, 2004, 118 Stat. 3621; amended Pub. L. 111-275, title X, § 1001(l), Oct. 13, 2010, 124 Stat. 2897.)

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-275, § 1001(l)(1), substituted “following:” for “following: —” in introductory provisions.

Par. (9). Pub. L. 111-275, § 1001(l)(2), substituted “Government” for “government”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 10, 2004, see section 507(b)(1) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

CHAPTER 57—RECORDS AND INVESTIGATIONS

SUBCHAPTER I—RECORDS

Sec.	
5701.	Confidential nature of claims.
5702.	Furnishing of records.
5703.	Certification of records of District of Columbia.
5704.	Transcript of trial records.
5705.	Confidentiality of medical quality-assurance records.
5706.	Veterans identification card.

SUBCHAPTER II—INVESTIGATIONS

5711.	Authority to issue subpoenas.
5712.	Validity of affidavits.
5713.	Disobedience to subpoena.

SUBCHAPTER III—INFORMATION SECURITY

5721.	Purpose.
5722.	Policy.
5723.	Responsibilities.
5724.	Provision of credit protection and other services.
5725.	Contracts for data processing or maintenance.
5726.	Reports and notice to Congress on data breaches.
5727.	Definitions.
5728.	Authorization of appropriations.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-31, § 2(c), July 20, 2015, 129 Stat. 430, added item 5706.

2006—Pub. L. 109-461, title IX, § 902(b), Dec. 22, 2006, 120 Stat. 3460, added item for subchapter III and items 5721 to 5728.

1991—Pub. L. 102-54, § 14(d)(5)(B), (6)(C), June 13, 1991, 105 Stat. 286, amended table of sections at beginning of chapter as in effect immediately before the enactment of Pub. L. 102-40 by substituting “subpoenas” for “subpenas” in item 3311 and “subpoena” for “subpena” in item 3313.

Pub. L. 102-40, title IV, § 402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3301 to 3313 as 5701 to 5713, respectively.

1980—Pub. L. 96-385, title V, § 505(b), Oct. 7, 1980, 94 Stat. 1537, added item 3305.

Statutory Notes and Related Subsidiaries

PLAN ON ADOPTION OF CERTAIN HEALTH INFORMATION STANDARDS FOR DEPARTMENT OF VETERANS AFFAIRS AND CERTAIN HEALTH CARE PROVIDERS

Pub. L. 118-210, title I, § 108, Jan. 2, 2025, 138 Stat. 2720, provided that:

“(a) PLAN FOR CERTAIN HEALTH INFORMATION STANDARDS.—

“(1) IN GENERAL.—The Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, the Administrator of the Centers for Medicare & Medicaid Services, and the National Coordinator for Health Information Technology of the Department of Health and Human Services, shall create and implement a plan to adopt, as rapidly and to the most comprehensive extent feasible, national health information interoperability standards for the Department of Veterans Affairs and community care providers with respect to—

“(A) coordination of—

“(i) care; and

“(ii) benefits;

“(B) patient identity matching;

“(C) measurement and reporting of quality;

“(D) population health; and

“(E) public health.

“(2) CONSIDERATION.—In developing the plan under paragraph (1), the Secretary of Veterans Affairs shall consider challenges faced by—

“(A) small community care providers; and

“(B) community care providers located in rural areas.

“(b) PLAN ON ELECTRONIC HEALTH RECORD EXCHANGE.—

“(1) IN GENERAL.—Not later than one year after the date of enactment of this Act [Jan. 2, 2025], the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a plan to provide, at no cost, to community care providers of the Department, through Third Party Administrators, a capability to facilitate the electronic direct exchange, between such providers and the Department, of—

“(A) the health records of veterans; and

“(B) documents relating to health care of veterans, clinical notes, and any other information the Secretary determines necessary.

“(2) PRIORITIZATION.—In developing the plan required under paragraph (1), the Secretary shall prioritize providing the capability described in such paragraph to community care providers that—

“(A) provide care under the laws administered by the Secretary to—

“(i) a lower volume of veterans; and

“(ii) veterans who are located in rural areas; and

“(B) are unable or unwilling to exchange the records and documents described in subparagraphs (A) and (B) of such paragraph with the Department through standards-based or direct exchange mechanisms in effect as of the date of the enactment of this Act.

“(c) REPORTS ON PLAN FOR INTEROPERABILITY STANDARDS.—

“(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act [Jan. 2, 2025], the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives—

“(A) the plan required by subsection (a); and

“(B) a report that includes—

“(i) an analysis of gaps, if any, between the use, by the Department and other agencies, health information exchanges, and technology companies, of national health information interoperability standards and the potential, or optimal, use of such national health information interoperability standards;

“(ii) an analysis and description of the participation by the Department, community care providers, and other relevant entities in the Trusted Exchange Framework and Common Agreement program of the Department of Health and Human Services as of the date of the enactment of this Act;

“(iii) recommendations of the Secretary with respect to development of health information interoperability standards;