

(ii) The requirements of section 1725(c)(3) of this title shall apply with respect to payments made under subparagraph (A) of this paragraph.

(3) In the case of an eligible individual who receives emergent suicide care under this section and who is entitled to emergent suicide care (or payment for emergent suicide care) under a health-plan contract, the Secretary may recover the costs of such emergent suicide care provided under this section, other than for such care for a service-connected disability.

(4) In carrying out subsection (d), the Secretary may not charge an eligible individual for any cost of emergent suicide care provided under subsection (a) solely by reason of the Secretary not having been notified of such care pursuant to such subsection.

(g) ANNUAL REPORT.—Not less than once each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on emergent suicide care provided under subsection (a). Each such report shall include, for the year covered by the report—

(1) the number of eligible individuals who received emergent suicide care under subsection (a);

(2) demographic information regarding eligible individuals described in paragraph (1);

(3) the types of care furnished or paid for this section;¹ and

(4) the total cost of providing care under subsection (a).

(h) DEFINITIONS.—In this section:

(1) The term “acute suicidal crisis” means that an individual was determined to be at imminent risk of self-harm by a trained crisis responder or health care provider.

(2) The term “crisis residential care” means crisis stabilization care provided—

(A) in a residential setting; and

(B) in a facility other than a hospital.

(3) The term “crisis stabilization care” includes, with respect to an individual in acute suicidal crisis, care that ensures, to the extent practicable, immediate safety and reduces—

(A) the severity of distress;

(B) the need for urgent care; or

(C) the likelihood that the distress under subparagraph (A) or need under subparagraph (B) will increase during the transfer of that individual from a facility at which the individual has received care for that acute suicidal crisis.

(4) The term “emergent suicide care” means crisis stabilization care provided to an eligible individual—

(A) pursuant to a recommendation of the eligible individual from the Veterans Crisis Line; or

(B) who presents at a medical facility in an acute suicidal crisis.

(5) The term “health-plan contract” has the meaning given such term in section 1725 of this title.

(6) The term “Veterans Crisis Line” means the hotline under section 1720F(h) of this title.

(Added Pub. L. 116-214, title II, §201(a), Dec. 5, 2020, 134 Stat. 1030.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 116-214, title II, §201(c), Dec. 5, 2020, 134 Stat. 1033, provided that: “The Secretary shall furnish or pay for emergent suicide care under section 1720J of title 38, United States Code, as added by subsection (a), beginning on the date that is 270 days after the date of the enactment of this Act [Dec. 5, 2020].”

SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

Editorial Notes

AMENDMENTS

1976—Pub. L. 94-581, title II, §202(i), Oct. 21, 1976, 90 Stat. 2856, inserted “AND NURSING HOME” in subchapter heading.

§ 1721. Power to make rules and regulations

Rules and regulations prescribed under section 501(a) of this title shall include rules and regulations to promote good conduct on the part of persons who are receiving hospital, nursing home, and domiciliary care and medical services in Department facilities. The Secretary may prescribe in rules and regulations under such section limitations in connection with the furnishing of such care and services during a period of national emergency (other than a period of war or an emergency described in section 8111A of this title).

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, §621; Pub. L. 94-581, title II, §§202(j), 210(a)(8), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 100-322, title I, §133, May 20, 1988, 102 Stat. 507; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1721 and amended Pub. L. 102-83, §§2(c)(1), 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 402, 404-406.)

Editorial Notes

PRIOR PROVISIONS

Prior section 1721 was renumbered section 3521 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 621 of this title as this section.

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

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

Pub. L. 102-83, §2(c)(1), substituted “501(a)” for “210(c)(1)”.

Pub. L. 102-40 substituted “8111A” for “5011A”.

1988—Pub. L. 100-322 amended section generally. Prior to amendment, section read as follows: “The Administrator shall prescribe—

“(1) such rules and procedure governing the furnishing of hospital, nursing home, and domiciliary care as the Administrator may deem proper and necessary;

“(2) limitations in connection with the furnishing of hospital, nursing home, and domiciliary care; and

“(3) such rules and regulations as the Administrator deems necessary in order to promote good con-

¹ So in original. Probably should be “under this section;”.

duct on the part of persons who are receiving hospital, nursing home, or domiciliary care in Veterans' Administration facilities."

1976—Cl. (1). Pub. L. 94-581, §§202(j), 210(a)(8), substituted "hospital, nursing home, and domiciliary care as the Administrator may deem" for "hospital and domiciliary care as he may deem".

Cl. (2). Pub. L. 94-581, §202(j), substituted "hospital, nursing home, and domiciliary care" for "hospital and domiciliary care".

Cl. (3). Pub. L. 94-581, §§202(j), 210(a)(8), substituted "as the Administrator deems" for "as he deems" and "hospital, nursing home, or domiciliary care" for "hospital or domiciliary care".

Statutory Notes and Related Subsidiaries

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.

§ 1722. Determination of inability to defray necessary expenses; income thresholds

(a) For the purposes of section 1710(a)(2)(G) of this title, a veteran shall be considered to be unable to defray the expenses of necessary care if—

(1) the veteran is eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) the veteran is in receipt of pension under section 1521 of this title; or

(3) the veteran's attributable income is not greater than the amount set forth in subsection (b).

(b)(1) For purposes of subsection (a)(3), the income threshold for the calendar year beginning on January 1, 1990, is—

(A) \$17,240 in the case of a veteran with no dependents; and

(B) \$20,688 in the case of a veteran with one dependent, plus \$1,150 for each additional dependent.

(2) For a calendar year beginning after December 31, 1990, the amounts in effect for purposes of this subsection shall be the amounts in effect for the preceding calendar year as adjusted under subsection (c) of this section.

(c) Effective on January 1 of each year, the amounts in effect under subsection (b) of this section shall be increased by the percentage by which the maximum rates of pension were increased under section 5312(a) of this title during the preceding calendar year.

(d)(1) Notwithstanding the attributable income of a veteran, the Secretary may refuse to make a determination described in paragraph (2) of this subsection if the corpus of the estate of the veteran is such that under all the circumstances it is reasonable that some part of the corpus of the estate of the veteran be consumed for the veteran's maintenance.

(2) A determination described in this paragraph is a determination that for purposes of subsection (a)(3) of this section a veteran's attributable income is not greater than the amount determined under subsection (b) of this section.

(3) For the purposes of paragraph (1) of this subsection, the corpus of the estate of a veteran shall be determined in the same manner as the

manner in which determinations are made of the corpus of the estates of persons under section 1522 of this title.

(e)(1) In order to avoid a hardship to a veteran described in paragraph (2) of this subsection, the Secretary may deem the veteran to have an attributable income during the previous year not greater than the amount determined under subsection (b) of this section.

(2) A veteran is described in this paragraph for the purposes of subsection (a) of this section if—

(A) the veteran has an attributable income greater than the amount determined under subsection (b) of this section; and

(B) the current projections of such veteran's income for the current year are that the veteran's income for such year will be substantially below the amount determined under subsection (b).

(f) For purposes of this section:

(1) The term "attributable income" means the income of a veteran for the most recent year for which information is available determined in the same manner as the manner in which a determination is made of the total amount of income by which the rate of pension for such veteran under section 1521 of this title would be reduced if such veteran were eligible for pension under that section.

(2) The term "corpus of the estate of the veteran" includes the corpus of the estates of the veteran's spouse and dependent children, if any.

(3) The term "previous year" means the calendar year preceding the year in which the veteran applies for care or services under section 1710(a) of this title.

(g) For the purposes of section 1724(c) of this title, the fact that a veteran is—

(1) eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) a veteran with a service-connected disability; or

(3) in receipt of pension under any law administered by the Secretary,

shall be accepted as sufficient evidence of such veteran's inability to defray necessary expenses.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1144, §622; Pub. L. 89-612, §1, Sept. 30, 1966, 80 Stat. 859; Pub. L. 91-500, §1, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 94-581, title II, §§202(k), 210(a)(9), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 96-330, title IV, §401(a), Aug. 26, 1980, 94 Stat. 1051; Pub. L. 99-272, title XIX, §19011(c)(1), Apr. 7, 1986, 100 Stat. 376; Pub. L. 100-322, title I, §102(b), May 20, 1988, 102 Stat. 493; Pub. L. 101-508, title VIII, §8013(c), Nov. 5, 1990, 104 Stat. 1388-346; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1722 and amended Pub. L. 102-83, §§4(a)(1), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 104-262, title I, §101(d)(9), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 112-154, title VII, §705, Aug. 6, 2012, 126 Stat. 1206.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a)(1) and (g)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title