

relates to the mental health needs of veterans who served in the Armed Forces after September 11, 2001, and best practices for mental health treatment for such veterans.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs an additional \$10,000,000 to be used by the Center of Excellence for Suicide Prevention of the Department and the Rocky Mountain Mental Illness Research Education and Clinical Center for purposes of conducting research on the factors impacting veteran suicide and best practices for early intervention and support.”

USE BY DEPARTMENT OF VETERANS AFFAIRS OF COMMERCIAL INSTITUTIONAL REVIEW BOARDS IN SPONSORED RESEARCH TRIALS

Pub. L. 116-171, title VII, §704, Oct. 17, 2020, 134 Stat. 829, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Oct. 17, 2020], the Secretary of Veterans Affairs shall complete all necessary policy revisions within the directive of the Veterans Health Administration numbered 1200.05 and titled ‘Requirements for the Protection of Human Subjects in Research’, to allow sponsored clinical research of the Department of Veterans Affairs to use accredited commercial institutional review boards to review research proposal protocols of the Department.

“(b) IDENTIFICATION OF REVIEW BOARDS.—Not later than 90 days after the completion of the policy revisions under subsection (a), the Secretary shall—

“(1) identify accredited commercial institutional review boards for use in connection with sponsored clinical research of the Department; and

“(2) establish a process to modify existing approvals in the event that a commercial institutional review board loses its accreditation during an ongoing clinical trial.

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 90 days after the completion of the policy revisions under subsection (a), and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on all approvals of institutional review boards used by the Department, including central institutional review boards and commercial institutional review boards.

“(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

“(A) The name of each clinical trial with respect to which the use of an institutional review board has been approved.

“(B) The institutional review board or institutional review boards used in the approval process for each clinical trial.

“(C) The amount of time between submission and approval.”

APPLICABILITY TO FISCAL YEAR 2002

Pub. L. 107-135, title II, §205(b), Jan. 23, 2002, 115 Stat. 2460, related to transfer of appropriations for fiscal year 2002 to carry out subsec. (e) of this section for that fiscal year.

POST-TRAUMATIC STRESS DISORDER RESEARCH

Pub. L. 102-405, title I, §122(a), Oct. 9, 1992, 106 Stat. 1981, provided that: “In carrying out research and awarding grants under chapter 73 of title 38, United States Code, the Secretary shall assign a high priority to the conduct of research on mental illness, including research regarding (1) post-traumatic stress disorder, (2) post-traumatic stress disorder in association with substance abuse, and (3) the treatment of those disorders.”

RESEARCH RELATING TO WOMEN VETERANS' HEALTH

Pub. L. 102-585, title I, §109, Nov. 4, 1992, 106 Stat. 4948, provided for initiation and expansion of research

relating to health of women veterans and authorization of appropriations for fiscal years 1993 through 1995 to carry out such studies, prior to repeal by Pub. L. 103-452, title I, §102(b)(2), Nov. 2, 1994, 108 Stat. 4786.

§ 7304. Regulations

(a) Unless specifically otherwise provided, the Under Secretary for Health shall prescribe all regulations necessary to the administration of the Veterans Health Administration, including regulations relating to—

(1) travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and

(2) the custody, use, and preservation of the records, papers, and property of the Administration.

(b) Regulations prescribed by the Under Secretary for Health are subject to the approval of the Secretary.

(Added Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 212; amended Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984.)

Editorial Notes

AMENDMENTS

1992—Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director” in subsecs. (a) and (b).

§ 7305. Divisions of Veterans Health Administration

The Veterans Health Administration shall include the following:

(1) The Office of the Under Secretary for Health.

(2) A Medical Service.

(3) A Dental Service.

(4) A Podiatric Service.

(5) An Optometric Service.

(6) A Nursing Service.

(7) A Readjustment Counseling Service.

(8) Such other professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration.

(Added Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 212; amended Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 112-239, div. A, title VII, §728(c), Jan. 2, 2013, 126 Stat. 1813.)

Editorial Notes

AMENDMENTS

2013—Pars. (7), (8). Pub. L. 112-239 added par. (7) and redesignated former par. (7) as (8).

1992—Par. (1). Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director”.

§ 7306. Office of the Under Secretary for Health

(a) The Office of the Under Secretary for Health shall consist of the following:

(1) The Deputy Under Secretary for Health, who shall be the principal assistant of the Under Secretary for Health and who shall be a qualified doctor of medicine.

(2) The Associate Deputy Under Secretary for Health, who shall be an assistant to the

Under Secretary for Health and the Deputy Under Secretary for Health and who shall be a qualified doctor of medicine.

(3) Not to exceed eight Assistant Under Secretaries for Health.

(4) Such Medical Directors as may be appointed to suit the needs of the Department, who shall be either a qualified doctor of medicine or a qualified doctor of dental surgery or dental medicine.

(5) A Director of Nursing Service, who shall be a qualified registered nurse and who shall be responsible to, and report directly to, the Under Secretary for Health for the operation of the Nursing Service.

(6) A Director of Pharmacy Service, a Director of Dietetic Service, and a Director of Optometric Service, who shall be responsible to the Under Secretary for Health for the operation of their respective Services.

(7) Such directors of such other professional or auxiliary services as may be appointed to suit the needs of the Department, who shall be responsible to the Under Secretary for Health for the operation of their respective services.

(8) The Director of the National Center for Preventive Health, who shall be responsible to the Under Secretary for Health for the operation of the Center.

(9) The Director of Physician Assistant Services, who shall—

(A) serve in a full-time capacity at the Central Office of the Department;

(B) be a qualified physician assistant; and

(C) be responsible and report directly to the Chief Patient Care Services Officer of the Veterans Health Administration on all matters relating to the education and training, employment, appropriate use, and optimal participation of physician assistants within the programs and initiatives of the Administration.

(10) A Podiatric Medical Director, who shall be a qualified doctor of podiatric medicine and who shall be responsible to the Under Secretary for Health for the operation of the Podiatric Service.

(11) The Chief Officer of Women's Health.

(12) Such other personnel as may be authorized by this chapter.

(b) Of the Assistant Under Secretaries for Health appointed under subsection (a)(3)—

(1) not more than two may be persons qualified in the administration of health services who are not doctors of medicine, podiatric medicine, dental surgery, or dental medicines;

(2) one shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Under Secretary for Health for the operation of the Dental Service; and

(3) one shall be a qualified physician trained in, or having suitable extensive experience in, geriatrics who shall be responsible to the Under Secretary for Health for evaluating all research, educational, and clinical health-care programs carried out in the Administration in the field of geriatrics and who shall serve as the principal advisor to the Under Secretary for Health with respect to such programs.

(c) Appointments under subsection (a) shall be made by the Secretary. In the case of appointments under paragraphs (1), (2), (3), (4), (8), and (10) of that subsection, such appointments shall be made upon the recommendation of the Under Secretary for Health.

(d) Except as provided in subsection (e)—

(1) any appointment under this section shall be for a period of four years, with reappointment permissible for successive like periods,

(2) any such appointment or reappointment may be extended by the Secretary for a period not in excess of three years, and

(3) any person so appointed or reappointed or whose appointment or reappointment is extended shall be subject to removal by the Secretary for cause.

(e)(1) The Secretary may designate a member of the Chaplain Service of the Department as Director, Chaplain Service, for a period of two years, subject to removal by the Secretary for cause. Redesignation under this subsection may be made for successive like periods or for any period not exceeding two years.

(2) A person designated as Director, Chaplain Service, shall at the end of such person's period of service as Director revert to the position, grade, and status which such person held immediately before being designated Director, Chaplain Service, and all service as Director, Chaplain Service, shall be creditable as service in the former position.

(f) In organizing the Office and appointing persons to positions in the Office, the Under Secretary shall ensure that—

(1) the Office is staffed so as to provide the Under Secretary, through a designated clinician in the appropriate discipline in each instance, with expertise and direct policy guidance on—

(A) unique programs operated by the Administration to provide for the specialized treatment and rehabilitation of disabled veterans (including blind rehabilitation, care of spinal cord dysfunction, mental illness, and long-term care); and

(B) the programs established under section 1712A of this title; and

(2) with respect to the programs established under section 1712A of this title, a clinician with appropriate expertise in those programs is responsible to the Under Secretary for the management of those programs.

(g) For purposes of applying any provision of chapter 74 of this title, including sections 7404, 7410, and 7421, or any other provision of law, the Secretary may treat any appointment for a position under this chapter to be an appointment under this section.

(Added Pub. L. 102-40, title IV, § 401(a)(3), May 7, 1991, 105 Stat. 212; amended Pub. L. 102-405, title II, § 205, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1983, 1984; Pub. L. 102-585, title V, § 511(b), Nov. 4, 1992, 106 Stat. 4956; Pub. L. 103-446, title XII, § 1201(c)(3), Nov. 2, 1994, 108 Stat. 4683; Pub. L. 104-262, title III, § 344, Oct. 9, 1996, 110 Stat. 3207; Pub. L. 106-419, title II, § 206, Nov. 1, 2000, 114 Stat. 1842; Pub. L. 107-135, title I, § 131, Jan. 23, 2002, 115 Stat. 2454; Pub. L. 111-163, title V,

§ 514(a), May 5, 2010, 124 Stat. 1165; Pub. L. 116-315, title V, § 5101(a), Jan. 5, 2021, 134 Stat. 5022; Pub. L. 117-96, § 1(a), Mar. 14, 2022, 136 Stat. 34; Pub. L. 117-168, title IX, § 906(d), Aug. 10, 2022, 136 Stat. 1813.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(6). Pub. L. 117-96, § 1(a)(1)(A), struck out “a Director of Podiatric Service,” after “a Director of Dietetic Service.”

Subsec. (a)(10), (11). Pub. L. 117-96, § 1(a)(1)(B), (C), added par. (10) and redesignated former par. (10), relating to Chief Officer of Women’s Health, as (11). Another par. (11), relating to such other personnel as may be authorized by this chapter, subsequently redesignated (12).

Subsec. (a)(12). Pub. L. 117-168, § 906(d)(1), redesignated par. (11) relating to such other personnel as may be authorized by this chapter as (12).

Subsec. (b)(1). Pub. L. 117-96, § 1(a)(2), inserted “podiatric medicine,” after “doctors of medicine.”

Subsec. (c). Pub. L. 117-96, § 1(a)(3), substituted “(8), and (10)” for “and (8)”.

Subsec. (g). Pub. L. 117-168, § 906(d)(2), added subsec. (g).

2021—Subsec. (a)(10), (11). Pub. L. 116-315 added par. (10) and redesignated former par. (10) as (11).

2010—Subsec. (a)(9). Pub. L. 111-163 added par. (9) and struck out former par. (9) which read as follows: “The Advisor on Physician Assistants, who shall be a physician assistant with appropriate experience and who shall advise the Under Secretary for Health on all matters relating to the utilization and employment of physician assistants in the Administration.”

2002—Subsec. (a)(5). Pub. L. 107-135 inserted “, and report directly to,” after “responsible to”.

2000—Subsec. (a)(9), (10). Pub. L. 106-419 added par. (9) and redesignated former par. (9) as (10).

1996—Subsec. (f). Pub. L. 104-262 added subsec. (f).

1994—Subsec. (a)(3). Pub. L. 103-446, § 1201(c)(3)(A)(i), substituted “Assistant Under Secretaries for Health” for “Assistant Chief Medical Directors”.

Pars. (7) to (9). Pub. L. 103-446, § 1201(c)(3)(A)(ii)–(iv), redesignated par. (8), relating to such directors, as (7), par. (7) as (8), and par. (8), relating to such other personnel, as (9), and in par. (8), as so redesignated, substituted “Under Secretary for Health” for “Chief Medical Director”.

Subsec. (b). Pub. L. 103-446, § 1201(c)(3)(B), substituted “Assistant Under Secretaries for Health” for “Assistant Chief Medical Directors”.

Subsec. (c). Pub. L. 103-446, § 1201(c)(3)(C), substituted “and (8)” for “and (7)”.

1992—Pub. L. 102-405, § 302(c)(1), substituted “Under Secretary for Health” for “Chief Medical Director” in section catchline.

Subsec. (a). Pub. L. 102-405, § 302(c)(1), substituted “Under Secretary for Health” for “Chief Medical Director” wherever appearing.

Subsec. (a)(7). Pub. L. 102-585, § 511(b)(1)(B), added par. (7). Former par. (7), relating to such directors, redesignated (8).

Pub. L. 102-405, § 205(2), added par. (7). Former par. (7), relating to such other personnel, redesignated (8).

Subsec. (a)(8). Pub. L. 102-585, § 511(b)(1)(A), redesignated par. (7), relating to such directors, as (8).

Pub. L. 102-405, § 205(1), redesignated par. (7), relating to such other personnel, as (8).

Subsec. (b)(2), (3). Pub. L. 102-405, § 302(c)(1), substituted “Under Secretary for Health” for “Chief Medical Director” wherever appearing.

Subsec. (c). Pub. L. 102-585, § 511(b)(2), substituted “(4), and (7)” for “and (4)”.

Pub. L. 102-405, § 302(c)(1), substituted “Under Secretary for Health” for “Chief Medical Director”.

Statutory Notes and Related Subsidiaries

DEADLINE FOR IMPLEMENTATION OF 2010 AMENDMENT

Pub. L. 111-163, title V, § 514(b), May 5, 2010, 124 Stat. 1165, provided that: “The Secretary of Veterans Affairs shall ensure that an individual is serving as the Director of Physician Assistant Services under paragraph (9) of section 7306(a) of title 38, United States Code, as amended by subsection (a), by not later than 120 days after the date of the enactment of this Act [May 5, 2010].”

§ 7307. Office of Research Oversight

(a) REQUIREMENT FOR OFFICE.—(1) There is in the Veterans Health Administration an Office of Research Oversight (hereinafter in this section referred to as the “Office”). The Office shall advise the Under Secretary for Health on matters of compliance and assurance in human subjects protections, research safety, and research impropriety and misconduct. The Office shall function independently of entities within the Veterans Health Administration with responsibility for the conduct of medical research programs.

(2) The Office shall—

(A) monitor, review, and investigate matters of medical research compliance and assurance in the Department with respect to human subjects protections; and

(B) monitor, review, and investigate matters relating to the protection and safety of human subjects and Department employees participating in medical research in Department programs.

(b) DIRECTOR.—(1) The head of the Office shall be a Director, who shall report directly to the Under Secretary for Health (without delegation).

(2) Any person appointed as Director shall be—

(A) an established expert in the field of medical research, administration of medical research programs, or similar fields; and

(B) qualified to carry out the duties of the Office based on demonstrated experience and expertise.

(c) FUNCTIONS.—(1) The Director shall report to the Under Secretary for Health on matters relating to protections of human subjects in medical research projects of the Department under any applicable Federal law and regulation, the safety of employees involved in Department medical research programs, and suspected misconduct and impropriety in such programs. In carrying out the preceding sentence, the Director shall consult with employees of the Veterans Health Administration who are responsible for the management and conduct of Department medical research programs.

(2) The matters to be reported by the Director to the Under Secretary under paragraph (1) shall include allegations of research impropriety and misconduct by employees engaged in medical research programs of the Department.

(3)(A) When the Director determines that such a recommendation is warranted, the Director may recommend to the Under Secretary that a Department research activity be terminated, suspended, or restricted, in whole or in part.

(B) In a case in which the Director reasonably believes that activities of a medical research project of the Department place human subjects’