

38 USC 1722A: Copayment for medications

Text contains those laws in effect on March 29, 2017

From Title 38-VETERANS' BENEFITS

PART II-GENERAL BENEFITS

CHAPTER 17-HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

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

Jump To:[Source Credit](#)[Amendments](#)[Effective Date](#)**§1722A. Copayment for medications**

(a)(1) Subject to paragraph (2), the Secretary shall require a veteran to pay the United States \$2 for each 30-day supply of medication furnished such veteran under this chapter on an outpatient basis for the treatment of a non-service-connected disability or condition. If the amount supplied is less than a 30-day supply, the amount of the charge may not be reduced.

(2) The Secretary may not require a veteran to pay an amount in excess of the cost to the Secretary for medication described in paragraph (1).

(3) Paragraph (1) does not apply-

(A) to a veteran with a service-connected disability rated 50 percent or more;

(B) to a veteran who is a former prisoner of war;

(C) to a veteran whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension which would be payable to such veteran if such veteran were eligible for pension under section 1521 of this title; or

(D) to a veteran who was awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14.

(4) Paragraph (1) does not apply to **opioid** antagonists furnished under this chapter to a veteran who is at high risk for overdose of a specific medication or substance in order to reverse the effect of such an overdose.

(b) The Secretary, pursuant to regulations which the Secretary shall prescribe, may-

(1) increase the copayment amount in effect under subsection (a); and

(2) establish a maximum monthly and a maximum annual pharmaceutical copayment amount under subsection

(a) for veterans who have multiple outpatient prescriptions.

(c) Amounts collected under this section shall be deposited in the Department of Veterans Affairs Medical Care Collections Fund.

(Added Pub. L. 101-508, title VIII, §8012(a)(1), Nov. 5, 1990, 104 Stat. 1388-345, §622A; renumbered §1722A, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 102-139, title V, §518(a), Oct. 28, 1991, 105 Stat. 779; Pub. L. 102-229, title I, Dec. 12, 1991, 105 Stat. 1709; Pub. L. 102-568, title VI, §§605(a), 606(a), Oct. 29, 1992, 106 Stat. 4343; Pub. L. 103-66, title XII, §12002(b), Aug. 10, 1993, 107 Stat. 414; Pub. L. 103-446, title XII, §1201(e)(7), Nov. 2, 1994, 108 Stat. 4685; Pub. L. 105-33, title VIII, §§8021(b), 8023(b)(3), Aug. 5, 1997, 111 Stat. 665, 667; Pub. L. 106-117, title II, §201(a), Nov. 30, 1999, 113 Stat. 1560; Pub. L. 108-7, div. K, title I, §113(c), Feb. 20, 2003, 117 Stat. 482; Pub. L. 108-170, title I, §101(b), Dec. 6, 2003, 117 Stat. 2043; Pub. L. 114-198, title IX, §915(a), July 22, 2016, 130 Stat. 765; Pub. L. 114-223, div. A, title II, §243(a), Sept. 29, 2016, 130 Stat. 884; Pub. L. 114-315, title VI, §603(d), Dec. 16, 2016, 130 Stat. 1570.)

AMENDMENTS

2016-Subsec. (a)(3)(D). Pub. L. 114-315 added subpar. (D).

Subsec. (a)(4). Pub. L. 114-198 and Pub. L. 114-223 amended subsec. (a) identically, adding par. (4).

2003-Subsec. (a)(3)(B), (C). Pub. L. 108-170 added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (c). Pub. L. 108-7, §113(c)(1), substituted "under this section" for "under subsection (a)" in first sentence and struck out second sentence which read as follows: "Amounts collected through use of the authority under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund."

Subsec. (d). Pub. L. 108-7, §113(c)(2), struck out subsec. (d) which read as follows: "The provisions of subsection (a) expire on September 30, 2002."

1999-Subsec. (b). Pub. L. 106–117, §201(a)(1), (2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 106–117, §201(a)(1), (3), redesignated subsec. (b) as (c), substituted "subsection (a)" for "this section", and inserted at end "Amounts collected through use of the authority under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund." Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 106–117, §201(a)(1), redesignated subsec. (c) as (d).

1997-Subsec. (b). Pub. L. 105–33, §8023(b)(3), substituted "Medical Care Collections Fund" for "Medical-Care Cost Recovery Fund".

Subsec. (c). Pub. L. 105–33, §8021(b), substituted "September 30, 2002" for "September 30, 1998".

1994-Subsec. (a)(1). Pub. L. 103–446 substituted "veteran to pay" for "veteran) to pay".

1993-Subsec. (c). Pub. L. 103–66 substituted "1998" for "1992" in first sentence and struck out at end "Notwithstanding the preceding sentence, the provisions of subsection (a) shall be in effect through September 30, 1997."

1992-Subsec. (a)(1). Pub. L. 102–568, §605(a)(1), struck out "(other than a veteran with a service-connected disability rated 50 percent or more" after "require a veteran".

Subsec. (a)(3). Pub. L. 102–568, §605(a)(2), added par. (3).

Subsec. (c). Pub. L. 102–568, §606(a), inserted at end "Notwithstanding the preceding sentence, the provisions of subsection (a) shall be in effect through September 30, 1997."

1991-Pub. L. 102–83 renumbered section 622A of this title as this section.

Subsec. (c). Pub. L. 102–139, as amended by Pub. L. 102–229, substituted "September 30, 1992" for "September 30, 1991".

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 8023(b)(3) of Pub. L. 105–33 effective Oct. 1, 1997, see section 8023(g) of Pub. L. 105–33, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102–568, [title VI](#), [§605\(b\)](#), [Oct. 29, 1992](#), 106 Stat. 4343, provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to medication furnished after the date of the enactment of this Act [Oct. 29, 1992]."

EFFECTIVE AND TERMINATION DATES

Section to remain in effect through the period covered by Pub. L. 102–145, see section 111 of Pub. L. 102–145, set out as an Effective and Termination Dates of 1990 Amendment note under section 1710 of this title.

Section to remain in effect through the period covered by Pub. L. 102–109, see section 111 of Pub. L. 102–109, set out as an Effective and Termination Dates of 1990 Amendment note under section 1710 of this title.

Pub. L. 101–508, [title VIII](#), [§8012\(b\)](#), [Nov. 5, 1990](#), 104 Stat. 1388–345, provided that: "The amendments made by subsection (a) [enacting this section] shall take effect with respect to medication furnished to a veteran after October 31, 1990, or the date of the enactment of this Act [Nov. 5, 1990], whichever is later."