

- Sec.
327. Notification to committing court of discharge or conditional release.
328. Payment for care and treatment.
 (a) Persons liable; scope of liability; compromise or waiver; investigations; judicial proceedings.
 (b) "Costs or charges" defined.
329. Availability of appropriations for transportation.

§ 321. Definitions

For the purposes of this chapter except as the context may otherwise require—

(a) The term "Department" means the Department of Health and Human Services.

(b) The term "Secretary" means the Secretary of Health and Human Services.

(c) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(d) The term "eligible person" means an individual with respect to whom the following certificates are furnished to the Secretary:

(1) A certificate of the Secretary of State that such individual is a national of the United States; and

(2) Either (A) a certificate obtained or transmitted by the Secretary of State that such individual has been legally adjudged insane in a named foreign country, or (B) a certificate of an appropriate authority or person (as determined in accordance with regulations prescribed by the Secretary of Health and Human Services) stating that at the time of such certification such individual was in a named foreign country and was in need of care and treatment in a mental hospital.

(e) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital.

(Pub. L. 86-571, §1, July 5, 1960, 74 Stat. 308; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Department of Health and Human Services" substituted for "Department of Health, Education, and Welfare" in subsec. (a) and "Secretary of Health and Human Services" substituted for "Secretary of Health, Education, and Welfare" in subsecs. (b) and (d)(2), pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE

Section 11 of Pub. L. 86-571 provided that: "This Act [enacting this chapter and repealing sections 191a and 196a of this title] shall, except as otherwise specified, take effect on the date of its enactment [July 5, 1960]."

§ 322. Reception of eligible persons at ports of entry or debarkation

(a) Arrangements for care, treatment, and assistance

Upon request of the Secretary of State, the Secretary of Health and Human Services is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon

arrival from a foreign country and, to the extent he finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization pursuant to other sections of this chapter. For the purpose of providing such care and treatment and assistance, the Secretary is authorized to enter into suitable arrangements with appropriate State or other public or nonprofit agencies. Such arrangements shall be made without regard to section 5 of title 41, and may provide for payment by the Secretary either in advance or by way of reimbursement.

(b) Payment or reimbursement for care, treatment, or assistance

The Secretary may, to the extent deemed appropriate, equitable, and practicable by him, (1) require any person receiving care and treatment or assistance pursuant to subsection (a) of this section to pay, in advance or by way of reimbursement, for the cost thereof or (2) obtain reimbursement for such cost from any State or political subdivision responsible for the cost of his subsequent hospitalization.

(Pub. L. 86-571, §2, July 5, 1960, 74 Stat. 308; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Secretary of Health and Human Services" substituted in text for "Secretary of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 324, 325, 326 of this title.

§ 323. Transfer and release to State of residence or legal domicile, or to relative

If, at the time of arrival in the United States, the residence or the legal domicile of an eligible person appearing to be in need of care and treatment in a mental hospital is known to be in a State, or whenever thereafter such a person's residence or legal domicile in a State is ascertained, the Secretary shall, if the person is then under his care (whether directly or pursuant to a contract or other arrangement under section 322 or 324 of this title), endeavor to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for the care and treatment of such person by such authorities and shall, upon the making of such arrangement in writing, transfer and release such person to such authorities. In the event the State of the residence or legal domicile of an eligible person cannot be ascertained, or the Secretary is unable to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for his care and treatment, the Secretary may, if he determines that the best interests of such person will be served thereby, transfer and release the eligible person to a relative who agrees in writing to assume responsibility for such person after having been fully informed as to his condition.