

111TH CONGRESS
1ST SESSION

H. R. 3155

IN THE SENATE OF THE UNITED STATES

JULY 28, 2009

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Caregiver Assistance
3 and Resource Enhancement Act”.

4 **SEC. 2. SUPPORT SERVICES FOR CAREGIVERS.**

5 (a) DEFINITIONS.—Section 1701 of title 38, United
6 States Code, is amended by adding at the end the fol-
7 lowing new paragraphs:

8 “(10) The term ‘caregiver services’ means non-
9 institutional extended care (as used in paragraph
10 (6)).

11 “(11) The term ‘caregiver’ means an individual
12 who—

13 “(A) with respect to a disabled veteran
14 who is enrolled in the health care system estab-
15 lished under section 1705(a) of this title, pro-
16 vides caregiver services to such veteran for such
17 disability; and

18 “(B) is not a member of the family (in-
19 cluding parents, spouses, children, siblings,
20 step-family members, and extended family
21 members) of such veteran.

22 “(12) The term ‘family caregiver’ means an in-
23 dividual who—

24 “(A) with respect to a disabled veteran
25 who is enrolled in the health care system estab-
26 lished under section 1705(a) of this title, pro-

1 vides caregiver services to such veteran for such
2 disability;

3 “(B) is a member of the family (including
4 parents, spouses, children, siblings, step-family
5 members, and extended family members) of
6 such veteran; and

7 “(C) may or may not reside with such vet-
8 eran.”.

9 (b) SUPPORT SERVICES.—

10 (1) IN GENERAL.—Subchapter II of chapter 17
11 of title 38, United States Code, is amended by add-
12 ing at the end the following new section:

13 **“§ 1720G. Support services for caregivers and family**
14 **caregivers**

15 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
16 shall develop and carry out a program for caregivers and
17 family caregivers that includes the following:

18 “(1) The educational sessions, stipends, and ac-
19 cess to support services provided under this section.

20 “(2) Counseling and other services provided
21 under section 1782 of this title.

22 “(3) Respite care provided under section 1720B
23 of this title.

24 “(4) With respect to family caregivers, medical
25 care provided under section 1781(e) of this title.

1 “(5) Travel expenses provided under section
2 111(e) of this title.

3 “(b) EDUCATIONAL SESSIONS.—(1) The Secretary
4 shall make available educational sessions for caregivers,
5 family caregivers, and individuals described in paragraph
6 (2). Such educational sessions shall—

7 “(A) be made available both in person and on
8 an Internet website;

9 “(B) incorporate available technology, including
10 telehealth technology to the extent practicable; and

11 “(C) teach techniques, strategies, and skills for
12 caring for a disabled veteran, including, at a min-
13 imum, a veteran who—

14 “(i) was deployed in support of Operation
15 Enduring Freedom or Operation Iraqi Free-
16 dom; and

17 “(ii) has post-traumatic stress disorder, a
18 traumatic brain injury, or other severe injury or
19 illness.

20 “(2) Individuals described in this paragraph are indi-
21 viduals who provide caregivers and family caregivers with
22 support under this chapter or through an aging network
23 (as defined in section 102(5) of the Older Americans Act
24 of 1965 (42 U.S.C. 3002(5)), including—

25 “(A) respite care providers;

1 “(B) nursing care providers; and

2 “(C) counselors.

3 “(c) STIPENDS.—(1) The Secretary shall provide
4 monthly stipends to eligible family caregivers described in
5 paragraph (2).

6 “(2) An eligible family caregiver described in this
7 paragraph is a family caregiver who—

8 “(A) provides caregiver services to a veteran
9 who—

10 “(i) was deployed in support of Operation
11 Enduring Freedom or Operation Iraqi Free-
12 dom; and

13 “(ii) for purposes of this subsection, is de-
14 termined by the Secretary—

15 “(I) to have a service-connected dis-
16 ability or illness that is severe;

17 “(II) to be in need of caregiver serv-
18 ices, such that without such services, the
19 veteran would require hospitalization, nurs-
20 ing home care, or other residential institu-
21 tional care; and

22 “(III) based on an examination by a
23 physician employed by the Department (or,
24 in areas where no such physician is avail-
25 able, by a physician carrying out such

1 function under a contract or fee arrange-
2 ment), to be unable to carry out the activi-
3 ties (including instrumental activities) of
4 daily living;

5 “(B) with respect to such veteran, meets the
6 definition of the term ‘family caregiver’ under sec-
7 tion 1701(12) of this title;

8 “(C) is designated by such veteran as the pri-
9 mary family caregiver for such veteran; and

10 “(D) is not—

11 “(i) employed by a home health care agen-
12 cy to provide such caregiver services; or

13 “(ii) otherwise receiving payment for such
14 services.

15 “(3) The authority of the Secretary to provide a sti-
16 pend to an eligible family caregiver under this subsection
17 shall expire on October 1, 2012.

18 “(d) ACCESS TO SUPPORT SERVICES.—The Sec-
19 retary shall provide caregivers and family caregivers with
20 information concerning public, private, and non-profit
21 agencies that offer support to caregivers. In providing
22 such information, the Secretary shall—

23 “(1) collaborate with the Assistant Secretary
24 for Aging of the Department of Health and Human
25 Services in order to provide caregivers and family

1 caregivers access to aging and disability resource
2 centers under the Administration on Aging of the
3 Department of Health and Human Services; and

4 “(2) include on an Internet website that is dedi-
5 cated to caregivers and family caregivers—

6 “(A) a directory of services available for
7 caregivers and family caregivers at the county
8 level; and

9 “(B) tools that provide caregivers and fam-
10 ily caregivers with the ability to interact with
11 each other for the purpose of fostering peer
12 support and creating support networks.

13 “(e) INFORMATION AND OUTREACH.—(1) The Sec-
14 retary shall conduct outreach to inform disabled veterans
15 and the families of such veterans of the following:

16 “(A) Medical care, educational sessions, sti-
17 pends, and other services available for caregivers
18 and family caregivers under this chapter.

19 “(B) The ability of a family caregiver to be
20 trained and certified by a home health care agency
21 in order to be paid by such agency for providing
22 caregiver services.

23 “(2) Outreach under this subsection shall include, at
24 a minimum, the following:

25 “(A) Public service announcements.

1 “(B) Brochures and pamphlets.

2 “(C) Full use of Internet-based outreach meth-
3 ods, including such methods designed specifically for
4 veterans and the families of such veterans who re-
5 side in rural areas.

6 “(3) With respect to a Department employee pro-
7 viding case management services (as defined in section
8 1720C(b)(2) of this title) to a disabled veteran, the Sec-
9 retary shall ensure that such employee provides a care-
10 giver or family caregiver of such veteran with information
11 on the services described in subparagraphs (A) and (B)
12 of paragraph (1).”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 17 of title 38,
15 United States Code, is amended by inserting after
16 the item related to section 1720F the following new
17 item:

 “1720G. Support services for caregivers and family caregivers.”.

18 (c) PLAN.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary shall submit
20 to the Committee on Veterans’ Affairs of the House of
21 Representatives and the Committee on Veterans’ Affairs
22 of the Senate a plan for carrying out section 1720G of
23 title 38, United States Code, as added by subsection (b)
24 of this section.

1 (d) REPORTS.—Not later than 180 days after the
2 date on which the plan is submitted under subsection (c),
3 and annually thereafter for the following five years, the
4 Secretary shall submit to the Committee on Veterans’ Af-
5 fairs of the House of Representatives and the Committee
6 on Veterans’ Affairs of the Senate a report describing the
7 implementation of the plan.

8 **SEC. 3. COUNSELING AND MENTAL HEALTH SERVICES FOR**
9 **CAREGIVERS AND FAMILY CAREGIVERS.**

10 (a) IN GENERAL.—Section 1782 of title 38, United
11 States Code, is amended—

12 (1) in the section heading, by adding at the end
13 the following: **“, caregivers, and family care-**
14 **givers”**; and

15 (2) in subsection (c)—

16 (A) in paragraph (1), by striking “; or”
17 and inserting a semicolon;

18 (B) by redesignating paragraph (2) as
19 paragraph (3); and

20 (C) by inserting after paragraph (1) the
21 following new paragraph (2):

22 “(2) a caregiver or family caregiver of a vet-
23 eran; or”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 17 of title 38, United States

1 Code, is amended by striking the item relating to section
2 1782 and inserting the following new item:

“1782. Counseling, training, and mental health services for immediate family members, caregivers, and family caregivers.”.

3 **SEC. 4. RESPITE CARE TO ASSIST FAMILY CAREGIVERS.**

4 Section 1720B of title 38, United States Code, is
5 amended—

6 (1) in subsection (a), by striking “title.” and in-
7 serting “title or who receives care from a family
8 caregiver.”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(d) In furnishing respite care services under this
12 section, the Secretary shall ensure that such services—

13 “(1) fulfill the needs of the veteran receiving
14 care (including 24-hour in-home respite care); and

15 “(2) are appropriate for the veteran with re-
16 spect to the age of the veteran.”.

17 **SEC. 5. MEDICAL CARE FOR FAMILY CAREGIVERS.**

18 Section 1781 of title 38, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) in paragraph (2), by striking “and” at
22 the end;

23 (B) in paragraph (3), by inserting “and”
24 at the end; and

1 (C) by inserting after paragraph (3) the
2 following new paragraph:

3 “(4) in accordance with subsection (e), a family
4 caregiver,”;

5 (2) in the third sentence of subsection (b), by
6 striking “dependent or survivor” and inserting “de-
7 pendent, survivor, or family caregiver”; and

8 (3) by adding at the end the following new sub-
9 section:

10 “(e)(1) The Secretary shall provide medical care to
11 a family caregiver under this section if the Secretary de-
12 termines that the family caregiver is not entitled to care
13 or services under a health-plan contract as defined under
14 section 1725(f)(2) of this title (determined, in the case
15 of a health-plan contract as defined in subsection (f)(2)(B)
16 or (f)(2)(C) of such section, without regard to any require-
17 ment or limitation relating to eligibility for care or services
18 from any department or agency of the United States).

19 “(2) In this subsection, a family caregiver is an indi-
20 vidual who—

21 “(A) provides caregiver services to a veteran
22 who—

23 “(i) was deployed in support of Operation
24 Enduring Freedom or Operation Iraqi Free-
25 dom; and

1 “(ii) for purposes of this subsection, is de-
2 termined by the Secretary—

3 “(I) to have a service-connected dis-
4 ability or illness that is severe;

5 “(II) to be in need of caregiver serv-
6 ices, such that without such services, the
7 veteran would require hospitalization, nurs-
8 ing home care, or other residential institu-
9 tional care; and

10 “(III) based on an examination by a
11 physician employed by the Department (or,
12 in areas where no such physician is avail-
13 able, by a physician carrying out such
14 function under a contract or fee arrange-
15 ment), to be unable to carry out the activi-
16 ties (including instrumental activities) of
17 daily living;

18 “(B) with respect to such veteran, meets the
19 definition of the term ‘family caregiver’ under sec-
20 tion 1701(12) of this title; and

21 “(C) is designated by such veteran as the pri-
22 mary family caregiver for such veteran.

23 “(3) The authority of the Secretary to provide med-
24 ical care to a family caregiver under this section shall ex-
25 pire on October 1, 2012.”.

1 **SEC. 6. LODGING AND SUBSISTENCE FOR FAMILY CARE-**
2 **GIVERS.**

3 Section 111(e) of title 38, United States Code, is
4 amended—

5 (1) by striking “When” and inserting the fol-
6 lowing: “(1) Except as provided in paragraph (2),
7 when”; and

8 (2) by adding at the end the following new
9 paragraphs:

10 “(2) Without regard to whether a covered veteran en-
11 titled to mileage under this section requires an attendant
12 in order to perform such travel, an attendant of such cov-
13 ered veteran may be allowed expenses of travel (including
14 lodging and subsistence) upon the same basis as such vet-
15 eran during—

16 “(A) the period of time in which such veteran
17 is traveling to and from a treatment facility; and

18 “(B) the duration of the treatment episode for
19 such veteran.

20 “(3) The Secretary may prescribe regulations to
21 carry out this subsection. Such regulations may include
22 provisions—

23 “(A) to limit the number of attendants that
24 may receive expenses of travel under paragraph (2)
25 for a single treatment episode of a covered veteran;
26 and

1 “(B) to require such attendants to use certain
2 travel services.

3 “(4) In this subsection, the term ‘covered veteran’
4 means a veteran who—

5 “(A) was deployed in support of Operation En-
6 during Freedom or Operation Iraqi Freedom; and

7 “(B) for purposes of this subsection, is deter-
8 mined by the Secretary—

9 “(i) to have a service-connected disability
10 or illness that is severe;

11 “(ii) to be in need of caregiver services,
12 such that without such services, the veteran
13 would require hospitalization, nursing home
14 care, or other residential institutional care; and

15 “(iii) based on an examination by a physi-
16 cian employed by the Department (or, in areas
17 where no such physician is available, by a phy-
18 sician carrying out such function under a con-
19 tract or fee arrangement), to be unable to carry
20 out the activities (including instrumental activi-
21 ties) of daily living.”.

22 **SEC. 7. SURVEY ON CAREGIVERS AND FAMILY CARE-**
23 **GIVERS.**

24 (a) IN GENERAL.—Not later than 270 days after the
25 date of the enactment of this Act, and not less than once

1 in each three-year period thereafter, the Secretary of Vet-
2 erans Affairs shall design and conduct a survey of care-
3 givers and family caregivers. In carrying out the survey,
4 the Secretary shall collect the following information:

5 (1) The number of caregivers.

6 (2) The number of family caregivers.

7 (3) The number of veterans receiving caregiver
8 services from caregivers and family caregivers, in-
9 cluding the era in which each veteran served in the
10 Armed Forces.

11 (4) The range of caregiver services provided by
12 caregivers and family caregivers, including—

13 (A) the average schedule of such services;

14 and

15 (B) the average amount of time a caregiver
16 and family caregiver has spent providing such
17 services.

18 (5) The average age of a caregiver and family
19 caregiver.

20 (6) The health care coverage of caregivers and
21 family caregivers, including the sources of such cov-
22 erage.

23 (7) The employment status of caregivers and
24 family caregivers.

1 (8) Incidents of significant life changes related
2 to being a caregiver or family caregiver, including
3 unemployment and disenrollment from a course of
4 education.

5 (9) The number of family caregivers trained
6 and certified through a home health care agency.

7 (10) Other information the Secretary considers
8 appropriate.

9 (b) SURVEY SAMPLE.—In carrying out the survey re-
10 quired by subsection (a), the Secretary shall ensure that—

11 (1) a statistically representative sample of care-
12 givers and family caregivers is included in the sur-
13 vey; and

14 (2) such sample covers veterans in each Vet-
15 erans Integrated Service Network.

16 (c) FINDINGS.—The Secretary shall consider the
17 findings of the survey when carrying out programs related
18 to caregivers and family caregivers.

19 (d) REPORTS.—Not later than 180 days after the
20 date on which each survey is completed, the Secretary
21 shall submit to the Committee on Veterans' Affairs of the
22 House of Representatives and the Committee on Veterans'
23 Affairs of the Senate a report on caregivers and family
24 caregivers. Each such report shall include—

1 (1) the findings of the survey required by sub-
2 section (a);

3 (2) a summary of the services made available to
4 caregivers and family caregivers by the Secretary;

5 (3) the number of caregivers and family care-
6 givers who receive such services;

7 (4) the cost to the Department of Veterans Af-
8 fairs of providing each such service; and

9 (5) other information the Secretary considers
10 appropriate.

11 (e) DEFINITIONS.—In this section:

12 (1) The term “caregiver” has the meaning
13 given such term in section 1701(11) of title 38,
14 United States Code, as added by section 2(a) of this
15 Act.

16 (2) The term “family caregiver” has the mean-
17 ing given such term in section 1701(12) of title 38,
18 United States Code, as added by section 2(a) of this
19 Act.

Passed the House of Representatives July 27, 2009.

Attest: LORRAINE C. MILLER,
Clerk.