

116TH CONGRESS  
2D SESSION

# H. R. 5701

To amend title 38, United States Code, to improve assistance and support services for caregivers of veterans.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2020

Mr. HUDSON (for himself and Miss RICE of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve assistance and support services for caregivers of veterans.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Care for the Veteran  
5 Caregiver Act”.

6 **SEC. 2. IMPROVEMENTS TO THE PROGRAM OF COM-**  
7 **PREHENSIVE ASSISTANCE FOR FAMILY CARE-**  
8 **GIVERS.**

9 (a) **EXTENDED STIPEND PAYMENTS.**—Subpara-  
10 graph (C) of paragraph (3) of section 1720G(a) of title

1 38, United States Code, is amended by inserting after  
2 clause (iv) the following new clause:

3 “(v) If an eligible veteran dies during the period in  
4 which the Secretary provides to the family caregiver of  
5 such veteran assistance under subparagraph (A), the Sec-  
6 retary shall continue to provide to the family caregiver  
7 medical care under section 1781 of this title and the  
8 monthly personal caregiver stipend for not less than a six-  
9 month period following the date of such death. The Sec-  
10 retary may extend such period for all, or groups of, family  
11 caregivers of eligible veterans specified in paragraph  
12 (2)(C).”.

13 (b) ELIGIBILITY FOR THE PROGRAM OF COM-  
14 PREHENSIVE ASSISTANCE FOR FAMILY CAREGIVERS.—

15 (1) STANDARDIZED EVALUATION CRITERIA.—

16 Subparagraph (D) of paragraph (3) of such section  
17 is amended—

18 (A) by striking “In providing” and insert-  
19 ing “(i) In providing”; and

20 (B) by adding at the end the following new  
21 clause:

22 “(ii) In conducting periodic evaluations under clause  
23 (i), the Secretary shall ensure that the criteria used in  
24 conducting such evaluations, the methods by which such  
25 criteria are assessed, the measurements and standards

1 used, and the evaluation process and review methods used,  
2 are standardized across all facilities of the Department  
3 and Veteran Integrated Service Networks.”.

4 (2) PERMANENT ELIGIBILITY.—Subparagraph  
5 (C) of such paragraph is amended—

6 (A) by redesignating clause (iv) as clause  
7 (v); and

8 (B) by inserting after clause (iii) the fol-  
9 lowing new clause:

10 “(iv) Based upon the criteria specified in clause  
11 (iii), the Secretary shall establish a process by which  
12 veterans who are determined to have the most sig-  
13 nificant need for caregiver assistance are perma-  
14 nently eligible under this subsection.”.

15 (c) STANDARDIZED APPLICATION PROCEDURES.—  
16 Paragraph (5) of such section is amended to read as fol-  
17 lows:

18 “(5)(A) For each application submitted jointly by an  
19 eligible veteran and family member, the Secretary shall  
20 evaluate (in collaboration with the primary care team for  
21 the eligible veteran to the maximum extent practicable)—

22 “(i) the eligible veteran—

23 “(I) to identify the personal care services  
24 required by the eligible veteran; and

1           “(II) to determine whether such require-  
2           ments could be significantly or substantially  
3           satisfied through the provision of personal care  
4           services from a family member; and

5           “(ii) the family member to determine the  
6           amount of instruction, preparation, and training, if  
7           any, the family member requires to provide the per-  
8           sonal care services required by the eligible veteran—

9           “(I) as a provider of personal care services  
10          for the eligible veteran; and

11          “(II) as the primary provider of personal  
12          care services for the eligible veteran.

13          “(B) In establishing and evaluating the applications  
14          under subparagraph (A), the Secretary shall ensure that  
15          the criteria used in accepting and evaluating such applica-  
16          tions, the methods by which such applications are evalu-  
17          ated, the measurements and standards used, and the eval-  
18          uation process and review methods used, are standardized  
19          across all facilities of the Department and Veteran Inte-  
20          grated Service Networks.”.

21          (d) CONFORMING AMENDMENTS.—Such section is  
22          further amended—

23                 (1) in paragraph (6), by striking “under para-  
24                 graph (5)(B)” and inserting “under paragraph  
25                 (5)(A)(ii)”; and

1           (2) in paragraph (7)(B), by striking “under  
2           paragraph (5)(A)(i)” and inserting “under para-  
3           graph (5)(A)(i)(I)”.

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