

116TH CONGRESS  
2D SESSION

# **S. 2216**

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## **AN ACT**

To require the Secretary of Veterans Affairs to formally recognize caregivers of veterans, notify veterans and caregivers of clinical determinations relating to eligibility for the family caregiver program, and temporarily extend benefits for veterans who are determined ineligible for the family caregiver program, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency and Ef-  
5 fective Accountability Measures for Veteran Caregivers  
6 Act” or the “TEAM Veteran Caregivers Act”.

7 **SEC. 2. MODIFICATION OF ADMINISTRATION OF CARE-**  
8 **GIVER PROGRAMS OF DEPARTMENT OF VET-**  
9 **ERANS AFFAIRS.**

10 (a) FORMAL RECOGNITION OF CAREGIVERS.—

11 (1) REPORT.—

12 (A) IN GENERAL.—Not later than 60 days  
13 after the date of the enactment of this Act, the  
14 Secretary shall submit to the Committee on  
15 Veterans’ Affairs of the Senate and the Com-  
16 mittee on Veterans’ Affairs of the House of  
17 Representatives a report regarding the feasi-  
18 bility and advisability of formally recognizing all  
19 caregivers of veterans by identifying any care-  
20 giver of a veteran in the electronic health record  
21 of the veteran.

22 (B) CAREGIVERS RECOGNIZED.—The rec-  
23 ognition of caregivers described in subpara-  
24 graph (A) shall include recognition of —

1 (i) any family caregiver who is ap-  
2 proved as a provider of personal care serv-  
3 ices for an eligible veteran under the pro-  
4 gram of comprehensive assistance for fam-  
5 ily caregivers under subsection (a) of sec-  
6 tion 1720G of title 38, United States  
7 Code; and

8 (ii) any caregiver of a covered veteran  
9 participating in the program of general  
10 caregiver support services under subsection  
11 (b) of such section.

12 (C) TIMELINE.—If the Secretary deter-  
13 mines that formally recognizing all caregivers of  
14 veterans as described in subparagraph (A) is  
15 feasible and advisable, the report required by  
16 such subparagraph shall include a timeline for  
17 implementing such recognition.

18 (2) IMPLEMENTATION.—If the Secretary deter-  
19 mines that formally recognizing all caregivers of vet-  
20 erans as described in paragraph (1)(A) is feasible  
21 and advisable, the Secretary shall implement such  
22 recognition in accordance with the timeline included  
23 in the report required by such paragraph.

24 (b) NOTIFICATIONS, EXTENSION OF BENEFITS, AND  
25 DISCHARGE FROM FAMILY CAREGIVER PROGRAM.—Sec-

1 tion 1720G(a) of title 38, United States Code, is amended  
2 by adding at the end the following new paragraphs:

3       “(12)(A) The Secretary shall notify the individuals  
4 described in subparagraph (C) regarding decisions affect-  
5 ing the furnishing of assistance under this subsection  
6 using standardized letters, as the Secretary determines  
7 such notifications and letters to be appropriate.

8       “(B) A notification provided under subparagraph (A)  
9 shall include the elements required for notices of decisions  
10 under section 5104(b) of this title to the extent that those  
11 elements apply to such notification, unless, not later than  
12 60 days after the date of the enactment of the Trans-  
13 parency and Effective Accountability Measures for Vet-  
14 eran Caregivers Act, the Secretary determines that it  
15 would not be feasible to include such elements in such no-  
16 tifications and submits to the Committee on Veterans’ Af-  
17 fairs of the Senate and the Committee on Veterans’ Af-  
18 fairs of the House of Representatives a report setting  
19 forth the reasons for such determination.

20       “(C) The individuals described in this subparagraph  
21 shall include—

22               “(i) an individual who submits an application  
23 for the program established under paragraph (1);

1           “(ii) an individual determined by the Secretary  
2           to be an eligible veteran pursuant to such an appli-  
3           cation; and

4           “(iii) a family caregiver of an eligible veteran  
5           who is—

6                   “(I) approved as a provider of personal  
7                   care services under paragraph (6)(B); or

8                   “(II) designated as a primary provider of  
9                   personal care services under paragraph (7)(A).

10          “(13)(A) If the Secretary determines that a veteran  
11          receiving services under the program established under  
12          paragraph (1) is no longer eligible for such program solely  
13          because of improvement in the condition of the veteran—

14                 “(i) the effective date of discharge of the vet-  
15                 eran from the program shall be not earlier than the  
16                 date that is 60 days after the date on which the Sec-  
17                 retary provides notice of such lack of eligibility  
18                 under paragraph (12)(A) to the relevant individuals  
19                 described in paragraph (12)(C); and

20                 “(ii) the Secretary shall extend benefits under  
21                 the program established under paragraph (1) for a  
22                 family caregiver of the veteran described in para-  
23                 graph (12)(C)(iii), including stipends under para-  
24                 graph (3)(A)(ii)(V), if such an extension is deter-  
25                 mined appropriate by the Secretary, for a 90-day pe-

1       riod following discharge of the veteran from the pro-  
2       gram.

3       “(B) This paragraph shall not be construed to limit  
4 the authority of the Secretary—

5           “(i) to prescribe regulations addressing other  
6 bases for—

7           “(I) the discharge of a veteran from the  
8 program established under paragraph (1); or

9           “(II) the revocation of the designation of a  
10 family caregiver of a veteran as a primary pro-  
11 vider of personal care services under paragraph  
12 (7)(A); or

13          “(ii) to provide advance notice and extended  
14 benefits under the program, as appropriate, if an-  
15 other basis for discharge of a veteran described in  
16 subclause (I) of clause (i) or revocation of a designa-  
17 tion described in subclause (II) of such clause ap-  
18 plies.”.

Passed the Senate November 17, 2020.

Attest:

*Secretary.*



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