

Calendar No. 540

116TH CONGRESS
2D SESSION

S. 2216

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

IN THE SENATE OF THE UNITED STATES

JULY 23, 2019

Mr. PETERS (for himself, Mrs. BLACKBURN, Ms. MCSALLY, Mr. KAINE, Ms. ROSEN, Mr. MORAN, Ms. COLLINS, Ms. SINEMA, Ms. MURKOWSKI, Mr. JONES, Ms. KLOBUCHAR, Mr. DURBIN, Mr. MERKLEY, Mr. ALEXANDER, Ms. CORTEZ MASTO, Mr. ROUNDS, Mr. BLUMENTHAL, Mr. GARDNER, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 15, 2020

Reported by Mr. MORAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Secretary of Veterans Affairs to formally recognize caregivers of veterans, notify veterans and caregivers of clinical determinations relating to eligibility for caregiver programs, 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 PROGRAM OF DEPARTMENT OF VET-**
 9 **ERANS AFFAIRS.**

10 ~~(a) OFFICIAL DESIGNATION OF CAREGIVERS.—~~

11 ~~(1) IN GENERAL.—~~The Secretary of Veterans
 12 Affairs shall formally recognize all caregivers of vet-
 13 erans by identifying any caregiver of a veteran in
 14 the health record of the veteran.

15 ~~(2) INCLUSION.—~~Caregivers recognized under
 16 paragraph ~~(1)~~ shall include—

17 ~~(A)~~ family caregivers participating in the
 18 program of comprehensive assistance for family
 19 caregivers under subsection ~~(a)~~ of section
 20 1720G of title 38, United States Code; and

21 ~~(B)~~ caregivers participating in the program
 22 of support services for caregivers under sub-
 23 section ~~(b)~~ of such section.

24 ~~(b) NOTIFICATION LETTERS REGARDING CLINICAL~~
 25 ~~DETERMINATIONS.—~~

1 (1) IN GENERAL.—The Secretary, using a
 2 standardized letter, shall notify veterans and care-
 3 givers of veterans regarding any clinical determina-
 4 tions made relating to claims under, or eligibility for,
 5 a caregiver program under subsection (a) or (b) of
 6 section 1720G of title 38, United States Code.

7 (2) ELEMENTS.—Notifications under paragraph
 8 (1) shall include the elements required for notices of
 9 decisions under section 5104(b) of title 38, United
 10 States Code, to the extent that those elements apply
 11 to claims or eligibility determinations under para-
 12 graph (1).

13 (c) TEMPORARY EXTENSION OF BENEFITS FOR FAM-
 14 ILY CAREGIVER PROGRAM.—

15 (1) IN GENERAL.—Upon determining that a
 16 veteran who was receiving services under the pro-
 17 gram of comprehensive assistance for family care-
 18 givers under section 1720G(a) of title 38, United
 19 States Code, is no longer clinically eligible for pur-
 20 poses of such program, the Secretary shall extend
 21 benefits under such program, including stipends
 22 under paragraph (3)(A)(ii)(V) of such section, for
 23 not less than 90 days after the date of notification
 24 under subsection (b) that the veteran is no longer
 25 clinically eligible.

1 ~~(2) EXCLUSION.—Paragraph (1) shall not apply~~
 2 ~~to the termination of caregiver benefits—~~

3 ~~(A) for cause, including—~~

4 ~~(i) noncompliance with requirements~~
 5 ~~of the program; or~~

6 ~~(ii) fraud;~~

7 ~~(B) because the veteran died; or~~

8 ~~(C) upon request of the caregiver or the~~
 9 ~~veteran.~~

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Transparency and Effec-*
 12 *tive Accountability Measures for Veteran Caregivers Act”*
 13 *or the “TEAM Veteran Caregivers Act”.*

14 **SEC. 2. MODIFICATION OF ADMINISTRATION OF CAREGIVER**
 15 **PROGRAMS OF DEPARTMENT OF VETERANS**
 16 **AFFAIRS.**

17 ~~(a) OFFICIAL DESIGNATION OF CAREGIVERS.—~~

18 ~~(1) IN GENERAL.—The Secretary of Veterans Af-~~
 19 *fairs, when determined feasible by the Secretary, shall*
 20 *formally recognize all caregivers of veterans by identi-*
 21 *fying any caregiver of a veteran in the electronic*
 22 *health record of the veteran.*

23 ~~(2) INCLUSION.—Caregivers recognized under~~
 24 *paragraph (1) shall include—*

1 (A) any family caregiver who is approved
 2 as a provider of personal care services for an eli-
 3 gible veteran under the program of comprehen-
 4 sive assistance for family caregivers under sub-
 5 section (a) of section 1720G of title 38, United
 6 States Code; and

7 (B) any caregiver of a covered veteran par-
 8 ticipating in the program of support services for
 9 caregivers under subsection (b) of such section.

10 (b) *STANDARDIZED LETTERS REGARDING CERTAIN*
 11 *DETERMINATIONS UNDER FAMILY CAREGIVER PRO-*
 12 *GRAM.—*

13 Section 1720G(a) of title 38, United States Code,
 14 is amended by adding at the end the following new
 15 paragraph:

16 “(12)(A) The Secretary shall notify the individuals de-
 17 scribed in subparagraph (B) regarding decisions affecting
 18 the furnishing of assistance under this subsection using
 19 standardized letters, as the Secretary determines such noti-
 20 fications and letters to be appropriate.

21 “(B) The individuals described in this subparagraph
 22 shall include—

23 “(i) an individual who submits an application
 24 for the program required by paragraph (1);

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

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

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

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

10 (c) *TEMPORARY EXTENSION OF BENEFITS FOR FAMILY*
11 *CAREGIVER PROGRAM.*—Upon determining that a veteran
12 who was receiving services under the program of com-
13 prehensive assistance for family caregivers under section
14 1720G(a) of title 38, United States Code, is no longer clini-
15 cally eligible for purposes of such program, the Secretary
16 shall extend benefits under such program, including sti-
17 pends under paragraph (3)(A)(ii)(V) of such section, for a
18 period of time determined by the Secretary if such an exten-
19 sion is determined appropriate by the Secretary.

Amend the title so as to read: “A bill 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.”.

Calendar No. 540

116TH CONGRESS
2D Session

S. 2216

A BILL

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

SEPTEMBER 15, 2020

Reported with an amendment and an amendment to the title