

CAREGIVER CLAUSES IN THE 2018 VA MISSION LAW

SEC. 161. EXPANSION OF FAMILY CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Family Caregiver Program.— **highlights and underline added**

(1) Expansion of eligibility.—

(A) In general.--Subparagraph (B) of subsection (a)(2) of section 1720G is amended to read as follows: ``(B) for assistance provided under this subsection-- ``

(i) **before the date on which the Secretary submits to Congress a certification that the Department has fully implemented the information technology system required by section 162(a) of the Caring for Our Veterans Act of 2018,** has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001;

(ii) **``(ii) during the two-year period beginning on the date on which the Secretary submitted to Congress the certification described in clause (i), has a serious Text - H.R.5674 - 115th Congress (2017-2018): VA MISSION Act of 2018 | Congress.gov | Library of Congress**
[https://www.congress.gov/bill/115th-congress/house-bill/5674/text?format=txt\[5/16/2018 7:46:00 PM\]](https://www.congress.gov/bill/115th-congress/house-bill/5674/text?format=txt[5/16/2018 7:46:00 PM]) injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service-- ``

on or before May 7, 1975; or ``

(II) on or after September 11, 2001; or ``

(iii) **after the date that is two years after the date on which the Secretary submits to Congress the certification described in clause (i),** has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service; and".

CAREGIVER CLAUSES IN THE 2018 VA MISSION LAW

(B) Publication in federal register.--Not later than 30 days after the date on which the Secretary of Veterans Affairs submits to Congress the certification described in subsection (a)(2)(B)(i) of section 1720G of such title, as amended by subparagraph (A) of this paragraph, the Secretary shall publish the date specified in such subsection in the Federal Register. (2) Expansion of needed services in eligibility criteria.—

Subsection (a)(2)(C) of such section is amended-- (A) in clause (ii), by striking ``; or" and inserting a semicolon; (B) by redesignating clause (iii) as clause (iv); and (C) by inserting after clause (ii) the following new clause (iii): ``

(iii) a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired; or".

(3) Expansion of services provided.--Subsection (a)(3)(A)(ii) of such section is amended-- (A) in subclause (IV), by striking ``; and" and inserting a semicolon; (B) in subclause (V), by striking the period at the end and inserting ``; and"; and (C) by adding at the end the following new subclause: ``(VI) through the use of contracts with, or the provision of grants to, public or private entities—

``(aa) financial planning services relating to the needs of injured veterans and their caregivers; and

``(bb) legal services, including legal advice and consultation, relating to the needs of injured veterans and their caregivers.".

(4) Modification of stipend calculation.--Subsection (a)(3)(C) of such section is amended-- (A) by redesignating clause (iii) as clause (iv); and (B) by inserting after clause (ii) the following new clause (iii): ``(iii) In determining the amount and degree of personal care services provided under clause (i) with respect to an eligible veteran whose need for personal care services is based in whole or in part on a need for supervision or protection under paragraph (2)(C)(ii) or regular instruction or supervision under paragraph (2)(C)(iii), the Secretary shall take into account the following: ``(I) The

CAREGIVER CLAUSES IN THE 2018 VA MISSION LAW

assessment by the family caregiver of the needs and limitations of the veteran. `` (II) The extent to which the veteran can function safely and independently in the absence of such supervision, protection, or instruction.

`` (III) The amount of time required for the family caregiver to provide such supervision, protection, or instruction to the veteran.".

(5) **Periodic evaluation of need for certain services**.-- Subsection (a)(3) of such section is amended by adding at the end the following new subparagraph:

`` (D) In providing instruction, preparation, and training under subparagraph (A)(i)(I) and technical support under subparagraph Text - H.R.5674 - 115th Congress (2017-2018): VA MISSION Act of 2018 | Congress.gov | Library of Congress <https://www.congress.gov/bill/115th-congress/house-bill/5674/text?format=txt>[5/16/2018 7:46:00 PM] (A)(i)(II) to each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6), the **Secretary shall periodically evaluate the needs of the eligible veteran and the skills of the family caregiver of such veteran to determine if additional instruction, preparation, training, or technical support under those subparagraphs is necessary.**".

(6) **Use of primary care teams**.--Subsection (a)(5) of such section is amended, in the matter preceding subparagraph (A), by inserting ``(in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)" after ``evaluate".

(7) **Assistance for family caregivers**.--Subsection (a) of such section is amended by adding at the end the following new paragraph: ``(11)(A) In providing assistance under this subsection to family caregivers of eligible veterans, **the Secretary may enter into contracts, provider agreements, and memoranda of understanding with Federal agencies, States, and private, nonprofit, and other entities to provide such assistance to such family caregivers.**

`` (B) The Secretary may provide assistance under this paragraph only if such assistance is reasonably accessible to the family caregiver and is

CAREGIVER CLAUSES IN THE 2018 VA MISSION LAW

substantially equivalent or better in quality to similar services provided by the Department.

“(C) The Secretary may provide fair compensation to Federal agencies, States, and other entities that provide assistance under this paragraph.”.

(b) Modification of Definition of Personal Care Services.-- Subsection (d)(4) of such section is amended-- (1) in subparagraph (A), by striking “independent”; (2) by redesignating subparagraph (B) as subparagraph (D); and (3) by inserting after subparagraph (A) the following new subparagraphs: “(B) Supervision or protection based on symptoms or residuals of neurological or other impairment or injury. “(C) Regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired.”.

SEC. 162. IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS TO ASSESS AND IMPROVE THE FAMILY CAREGIVER PROGRAM. (a) Implementation of New System.—

(1) In general.--Not later than October 1, 2018, the Secretary of Veterans Affairs shall implement an information technology system that fully supports the Program and allows for data assessment and comprehensive monitoring of the Program.

(2) Elements of system.--The information technology system required to be implemented under paragraph (1) shall include the following:

(A) The ability to easily retrieve data that will allow all aspects of the Program (at the medical center and aggregate levels) and the workload trends for the Program to be assessed and comprehensively monitored.

(B) The ability to manage data with respect to a number of caregivers that is more than the number of caregivers that the Secretary expects to apply for the Program.

(C) The ability to integrate the system with other relevant information technology systems of the Veterans Health Administration.

CAREGIVER CLAUSES IN THE 2018 VA MISSION LAW

(b) Assessment of Program.--Not later than 180 days after implementing the system described in subsection

(a), the Secretary shall, through the Under Secretary for Health, use data from the system and other relevant data to conduct an assessment of how key aspects of the Program are structured and carried out.

(c) Ongoing Monitoring of and Modifications to Program.-- (1) Monitoring.--The Secretary shall use the system implemented under subsection (a) to monitor and assess the workload of the Program, including monitoring and assessment of data on-- Text - H.R.5674 - 115th Congress (2017-2018): VA MISSION Act of 2018 | Congress.gov | Library of Congress <https://www.congress.gov/bill/115th-congress/house-bill/5674/text?format=txt>[5/16/2018 7:46:00 PM]

(A) the status of applications, appeals, and home visits in connection with the Program; and

(B) the use by caregivers participating in the Program of other support services under the Program such as respite care.

(2) Modifications.--Based on the monitoring and assessment conducted under paragraph (1), the Secretary shall identify and implement such modifications to the Program as the Secretary considers necessary to ensure the Program is functioning as intended and providing veterans and caregivers participating in the Program with services in a timely manner.

(d) Reports.-- (1) Initial report.-- (A) In general.--Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General of the United States a report that includes-- (i) the status of the planning, development, and deployment of the system required to be implemented under subsection (a), including any changes in the timeline for the implementation of the system; and (ii) an assessment of the needs of family caregivers of veterans described in subparagraph (B), the resources needed for the inclusion of such family caregivers in the Program, and such changes to the Program as the Secretary considers

CAREGIVER CLAUSES IN THE 2018 VA MISSION LAW

necessary to ensure the successful expansion of the Program to include such family caregivers.

(B) Veterans described.--Veterans described in this subparagraph are veterans who are eligible for the Program under clause (ii) or (iii) of section 1720G(a)(2)(B) of title 38, United States Code, as amended by section 161(a)(1) of this title, solely due to a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service before September 11, 2001.

(2) Notification by comptroller general.--The Comptroller General shall review the report submitted under paragraph (1) and notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives with respect to the progress of the Secretary in-- (A) fully implementing the system required under subsection (a); and (B) implementing a process for using such system to monitor and assess the Program under subsection (c)(1) and modify the Program as considered necessary under subsection (c)(2). (3)

Final report.-- (A) In general.--Not later than October 1, 2019, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the implementation of subsections (a) through (c).

(B) Elements.--The report required by subparagraph (A) shall include the following: (i) **A certification by the Secretary that the information technology system described in subsection (a) has been implemented.** (ii) **A description of how the Secretary has implemented such system.** (iii) **A description of the modifications to the Program, if any, that were identified and implemented under subsection (c)(2).** (iv) **A description of how the Secretary is using such system to monitor the workload** of Text - H.R.5674 - 115th Congress (2017-2018): VA MISSION Act of 2018 | Congress.gov | Library of Congress <https://www.congress.gov/bill/115th-congress/house-bill/5674/text?format=txt>[5/16/2018 7:46:00 PM] the Program.

(e) Definitions.--In this section: (1) Active military, naval, or air service.--The term "active military, naval, or air service" has the meaning given that term in section 101 of title 38, United States Code. (2) Program.--The term "Program" means the program of comprehensive assistance for family caregivers under

CAREGIVER CLAUSES IN THE 2018 VA MISSION LAW

section 1720G(a) of title 38, United States Code, as amended by section 161 of this title.

SEC. 163. MODIFICATIONS TO ANNUAL EVALUATION REPORT ON CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Barriers to Care and Services.--Subparagraph (A)(iv) of section 101(c)(2) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 38 U.S.C. 1720G note) is amended by inserting `` , including a description of any barriers to accessing and receiving care and services under such programs'' before the semicolon.

(b) Sufficiency of Training for Family Caregiver Program.-- Subparagraph (B) of such section is amended-- (1) in clause (i), by striking ``; and'' and inserting a semicolon; (2) in clause (ii), by striking the period at the end and inserting ``; and''; and (3) by adding at the end the following new clause: ``(iii) an evaluation of the sufficiency and consistency of the training provided to family caregivers under such program in preparing family caregivers to provide care to veterans under such program.".