

118TH CONGRESS
1ST SESSION

H. R. 104

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 HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. BIGGS introduced the following bill; which was referred to the Committee on Veterans' Affairs

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”.

1 **SEC. 2. MODIFICATION OF ADMINISTRATION OF CARE-**
2 **GIVER PROGRAM OF DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) OFFICIAL DESIGNATION OF CAREGIVERS.—

5 (1) IN GENERAL.—The Secretary of Veterans
6 Affairs shall formally recognize all caregivers of vet-
7 erans by identifying any caregiver of a veteran in
8 the health record of the veteran.

9 (2) INCLUSION.—Caregivers recognized under
10 paragraph (1) shall include—

11 (A) family caregivers participating in the
12 program of comprehensive assistance for family
13 caregivers under subsection (a) of section
14 1720G of title 38, United States Code; and

15 (B) caregivers participating in the program
16 of support services for caregivers under sub-
17 section (b) of such section.

18 (b) NOTIFICATION LETTERS REGARDING CLINICAL
19 DETERMINATIONS.—

20 (1) IN GENERAL.—The Secretary, using a
21 standardized letter, shall notify veterans and care-
22 givers of veterans regarding any clinical determina-
23 tions made relating to claims, tier reduction, or ter-
24 mination of assistance under, or eligibility for, a
25 caregiver program under subsection (a) or (b) of sec-
26 tion 1720G of title 38, United States Code.

1 (2) ELEMENTS.—Notifications under paragraph
2 (1) shall include the elements required for notices of
3 decisions under section 5104(b) of title 38, United
4 States Code, to the extent that those elements apply
5 to determinations under paragraph (1).

6 (c) TEMPORARY EXTENSION OF BENEFITS FOR FAM-
7 ILY CAREGIVER PROGRAM.—

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

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

21 (A) if the Secretary determines that the
22 family caregiver committed fraud or abused or
23 neglected the veteran;

24 (B) if the family caregiver was designated
25 under section 1720G(a)(7) of title 38, United

1 States Code, as the primary provider of per-
2 sonal care services for the veteran and another
3 primary provider is designated within 90 days
4 after the date of termination, in which case
5 benefits for the terminated primary provider
6 will terminate the day before the date on which
7 the new primary provider is designated;

8 (C) if another individual is designated to
9 be a family caregiver within 90 days after the
10 date of termination, such that there are three
11 family caregivers assigned to the veteran, in
12 which case benefits for the terminated family
13 caregiver will terminate the day before the date
14 on which the new family caregiver is des-
15 ignated;

16 (D) the terminated individual had been liv-
17 ing with the veteran and moves out, or the ter-
18 minated individual abandons or terminates his
19 or her relationship with the veteran; or

20 (E) upon request of the family caregiver or
21 the veteran.

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