

111TH CONGRESS  
1ST SESSION

# H. R. 3155

To amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2009

Mr. MICHAUD (for himself, Mr. RODRIGUEZ, Mrs. HALVORSON, Mr. TEAGUE, and Mr. DONNELLY of Indiana) 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 provide certain caregivers of veterans with training, support, and medical care, 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 “Caregiver Assistance  
5 and Resource Enhancement Act”.

6 **SEC. 2. SUPPORT SERVICES FOR CAREGIVERS.**

7 (a) DEFINITIONS.—Section 1701 of title 38, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new paragraphs:

1           “(10) The term ‘caregiver services’ means non-  
2 institutional extended care (as used in paragraph  
3 (6)).

4           “(11) The term ‘caregiver’ means an individual  
5 who—

6                   “(A) provides caregiver services to a dis-  
7 abled veteran for such disability; and

8                   “(B) is not a member of the family (in-  
9 cluding parents, spouses, children, siblings,  
10 step-family members, and extended family  
11 members) of such veteran.

12           “(12) The term ‘family caregiver’ means an in-  
13 dividual who—

14                   “(A) provides caregiver services to a dis-  
15 abled veteran for such disability;

16                   “(B) is a member of the family (including  
17 parents, spouses, children, siblings, step-family  
18 members, and extended family members) of  
19 such veteran; and

20                   “(C) may or may not reside with such vet-  
21 eran.”.

22 (b) SUPPORT SERVICES.—

23           (1) IN GENERAL.—Subchapter II of chapter 17  
24 of title 38, United States Code, is amended by add-  
25 ing at the end the following new section:

1 **“§ 1720G. Support services for caregivers and family**  
2 **caregivers**

3 “(a) EDUCATIONAL SESSIONS.—(1) The Secretary  
4 shall make available educational sessions for caregivers,  
5 family caregivers, and individuals described in paragraph  
6 (2). Such educational sessions shall—

7 “(A) be made available both in person and  
8 on an Internet website;

9 “(B) incorporate available technology, in-  
10 cluding telehealth technology to the extent prac-  
11 ticable; and

12 “(C) teach techniques, strategies, and  
13 skills for caring for a disabled veteran, includ-  
14 ing, at a minimum, a veteran who—

15 “(i) was deployed in support of Oper-  
16 ation Enduring Freedom or Operation  
17 Iraqi Freedom; and

18 “(ii) has post-traumatic stress dis-  
19 order, a traumatic brain injury, or other  
20 severe injury or illness.

21 “(2) Individuals described in this paragraph are indi-  
22 viduals who provide caregivers and family caregivers with  
23 support under this chapter or through an aging network  
24 (as that term is defined in section 102(5) of the Older  
25 Americans Act of 1965 (42 U.S.C. 3002(5)), including—

26 “(A) respite care providers;

1           “(B) nursing care providers; and

2           “(C) counselors.

3           “(b) ACCESS TO SUPPORT SERVICES.—The Secretary  
4 shall provide caregivers and family caregivers with infor-  
5 mation concerning public, private, and non-profit agencies  
6 that offer support to caregivers. In providing such infor-  
7 mation, the Secretary shall—

8           “(1) collaborate with the Assistant Secretary  
9 for Aging of the Department of Health and Human  
10 Services in order to provide caregivers and family  
11 caregivers access to aging and disability resource  
12 centers under the Administration on Aging of the  
13 Department of Health and Human Services; and

14           “(2) include on an Internet website that is dedi-  
15 cated to caregivers and family caregivers—

16           “(A) a directory of services available for  
17 caregivers and family caregivers at the county  
18 level; and

19           “(B) tools that provide caregivers and fam-  
20 ily caregivers with the ability to interact with  
21 each other for the purpose of fostering peer  
22 support and creating support networks.

23           “(c) INFORMATION AND OUTREACH.—The Secretary  
24 shall conduct outreach to inform disabled veterans and the  
25 families of such veterans of the medical care, educational

1 sessions, and services available under this chapter for  
2 caregivers and family caregivers. Such outreach shall in-  
3 clude, at a minimum, the following:

4           “(1) Public service announcements.

5           “(2) Brochures and pamphlets.

6           “(3) Full use of Internet-based outreach meth-  
7 ods, including such methods designed specifically for  
8 veterans and the families of such veterans who re-  
9 side in rural areas.”.

10           (2) CLERICAL AMENDMENT.—The table of sec-  
11 tions at the beginning of chapter 17 of title 38,  
12 United States Code, is amended by inserting after  
13 the item related to section 1720F the following new  
14 item:

“1720G. Support services for caregivers and family caregivers.”.

15           (c) PLAN.—Not later than 180 days after the date  
16 of the enactment of this Act, the Secretary shall submit  
17 to the Committee on Veterans’ Affairs of the House of  
18 Representatives and the Committee on Veterans’ Affairs  
19 of the Senate a plan for carrying out section 1720G of  
20 title 38, United States Code, as added by subsection (b)  
21 of this section.

22           (d) REPORTS.—Not later than 180 days after the  
23 date on which the plan is submitted under subsection (c),  
24 and annually thereafter for the following five years, the  
25 Secretary shall submit to the Committee on Veterans’ Af-

1 fairs of the House of Representatives and the Committee  
2 on Veterans' Affairs of the Senate a report describing the  
3 implementation of the plan.

4 **SEC. 3. COUNSELING AND MENTAL HEALTH SERVICES FOR**  
5 **CAREGIVERS AND FAMILY CAREGIVERS.**

6 (a) IN GENERAL.—Section 1782 of title 38, United  
7 States Code, is amended—

8 (1) in the section heading, by adding at the end  
9 the following: “, **caregivers, and family care-**  
10 **givers**”; and

11 (2) in subsection (c)—

12 (A) in paragraph (1), by striking “; or”  
13 and inserting a semicolon;

14 (B) by redesignating paragraph (2) as  
15 paragraph (3); and

16 (C) by inserting after paragraph (1) the  
17 following new paragraph (2):

18 “(2) a caregiver or family caregiver of a vet-  
19 eran; or”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of chapter 17 of title 38, United States  
22 Code, is amended by striking the item relating to section  
23 1782 and inserting the following new item:

“1782. Counseling, training, and mental health services for immediate family  
members, caregivers, and family caregivers.”.

1 **SEC. 4. RESPITE CARE TO ASSIST FAMILY CAREGIVERS.**

2 Section 1720B of title 38, United States Code, is  
3 amended—

4 (1) in subsection (a), by striking “title.” and in-  
5 serting “title or who receives care from a family  
6 caregiver.”; and

7 (2) by adding at the end the following new sub-  
8 section:

9 “(d) In furnishing respite care services under this  
10 section, the Secretary shall ensure that such services—

11 “(1) fulfill the needs of the veteran receiving  
12 care (including 24-hour in-home respite care); and

13 “(2) are appropriate for the veteran with re-  
14 spect to the age of the veteran.”.

15 **SEC. 5. MEDICAL CARE FOR FAMILY CAREGIVERS.**

16 Section 1781 of title 38, United States Code, is  
17 amended—

18 (1) in subsection (a)—

19 (A) in paragraph (2), by striking “and” at  
20 the end;

21 (B) in paragraph (3), by inserting “and”  
22 at the end; and

23 (C) by inserting after paragraph (3) the  
24 following new paragraph:

25 “(4) in accordance with subsection (e), a family  
26 caregiver,”;

1           (2) in the third sentence of subsection (b), by  
2           striking “dependent or survivor” and inserting “de-  
3           pendent, survivor, or family caregiver”; and

4           (3) by adding at the end the following new sub-  
5           section:

6           “(e)(1) The Secretary shall provide medical care to  
7           a family caregiver under this section if the Secretary de-  
8           termines that the family caregiver is not entitled to care  
9           or services under a health-plan contract as defined under  
10          section 1725(f)(2) of this title (determined, in the case  
11          of a health-plan contract as defined in subsection (f)(2)(B)  
12          or (f)(2)(C) of such section, without regard to any require-  
13          ment or limitation relating to eligibility for care or services  
14          from any department or agency of the United States).

15          “(2) In this subsection, a family caregiver is an indi-  
16          vidual who—

17                 “(A) provides caregiver services to a veteran  
18                 who—

19                         “(i) was deployed in support of Operation  
20                         Enduring Freedom or Operation Iraqi Free-  
21                         dom; and

22                         “(ii) for purposes of this subsection, is de-  
23                         termined by the Secretary—

24                                 “(I) to have a service-connected dis-  
25                                 ability or illness that is severe;



1           “(II) to be in need of caregiver serv-  
2           ices, such that without such services, the  
3           veteran would require hospitalization, nurs-  
4           ing home care, or other residential institu-  
5           tional care; and

6           “(III) based on an examination by a  
7           physician employed by the Department (or,  
8           in areas where no such physician is avail-  
9           able, by a physician carrying out such  
10          function under a contract or fee arrange-  
11          ment), to be unable to carry out the activi-  
12          ties (including instrumental activities) of  
13          daily living;

14          “(B) with respect to such veteran, meets the  
15          definition of the term ‘family caregiver’ under sec-  
16          tion 1701(12) of this title; and

17          “(C) is designated by such veteran as the pri-  
18          mary family caregiver for such veteran.

19          “(3) The authority of the Secretary to provide med-  
20          ical care to a family caregiver under this section shall ex-  
21          pire on October 1, 2012.”.

22       **SEC. 6. LODGING AND SUBSISTENCE FOR FAMILY CARE-**  
23       **GIVERS.**

24       Section 111(e) of title 38, United States Code, is  
25       amended—

1           (1) by striking “When” and inserting the fol-  
2           lowing: “(1) Except as provided in paragraph (2),  
3           when”; and

4           (2) by adding at the end the following new  
5           paragraphs:

6           “(2) Without regard to whether a covered veteran en-  
7           titled to mileage under this section requires an attendant  
8           in order to perform such travel, an attendant of such cov-  
9           ered veteran may be allowed expenses of travel (including  
10          lodging and subsistence) upon the same basis as such vet-  
11          eran during—

12           “(A) the period of time in which such veteran  
13          is traveling to and from a treatment facility; and

14           “(B) the duration of the treatment episode for  
15          such veteran.

16          “(3) The Secretary may prescribe regulations to  
17          carry out this subsection. Such regulations may include  
18          provisions—

19           “(A) to limit the number of attendants that  
20          may receive expenses of travel under paragraph (2)  
21          for a single treatment episode of a covered veteran;  
22          and

23           “(B) to require such attendants to use certain  
24          travel services.

1 “(4) In this subsection, the term ‘covered veteran’  
2 means a veteran who—

3 “(A) was deployed in support of Operation En-  
4 during Freedom or Operation Iraqi Freedom; and

5 “(B) for purposes of this subsection, is deter-  
6 mined by the Secretary—

7 “(i) to have a service-connected disability  
8 or illness that is severe;

9 “(ii) to be in need of caregiver services,  
10 such that without such services, the veteran  
11 would require hospitalization, nursing home  
12 care, or other residential institutional care; and

13 “(iii) based on an examination by a physi-  
14 cian employed by the Department (or, in areas  
15 where no such physician is available, by a phy-  
16 sician carrying out such function under a con-  
17 tract or fee arrangement), to be unable to carry  
18 out the activities (including instrumental activi-  
19 ties) of daily living.”.

20 **SEC. 7. SURVEY ON CAREGIVERS AND FAMILY CARE-**  
21 **GIVERS.**

22 (a) IN GENERAL.—Not later than 270 days after the  
23 date of the enactment of this Act, and not less than once  
24 in each three-year period thereafter, the Secretary of Vet-  
25 erans Affairs shall design and conduct a survey of care-

1 givers and family caregivers. In carrying out the survey,  
2 the Secretary shall collect the following information:

3 (1) The number of caregivers.

4 (2) The number of family caregivers.

5 (3) The number of veterans receiving caregiver  
6 services from caregivers and family caregivers, in-  
7 cluding the era in which each veteran served in the  
8 Armed Forces.

9 (4) The range of caregiver services provided by  
10 caregivers and family caregivers, including—

11 (A) the average schedule of such services;

12 and

13 (B) the average amount of time a caregiver  
14 and family caregiver has spent providing such  
15 services.

16 (5) The average age of a caregiver and family  
17 caregiver.

18 (6) The health care coverage of caregivers and  
19 family caregivers, including the sources of such cov-  
20 erage.

21 (7) The employment status of caregivers and  
22 family caregivers.

23 (8) Incidents of significant life changes related  
24 to being a caregiver or family caregiver, including

1 unemployment and disenrollment from a course of  
2 education.

3 (9) Other information the Secretary considers  
4 appropriate.

5 (b) SURVEY SAMPLE.—In carrying out the survey re-  
6 quired by subsection (a), the Secretary shall ensure that—

7 (1) a statistically representative sample of care-  
8 givers and family caregivers is included in the sur-  
9 vey; and

10 (2) such sample covers veterans in each Vet-  
11 erans Integrated Service Network.

12 (c) FINDINGS.—The Secretary shall consider the  
13 findings of the survey when carrying out programs related  
14 to caregivers and family caregivers.

15 (d) REPORTS.—Not later than 180 days after the  
16 date on which each survey is completed, the Secretary  
17 shall submit to the Committee on Veterans' Affairs of the  
18 House of Representatives and the Committee on Veterans'  
19 Affairs of the Senate a report on caregivers and family  
20 caregivers. Each such report shall include—

21 (1) the findings of the survey required by sub-  
22 section (a);

23 (2) a summary of the services made available to  
24 caregivers and family caregivers by the Secretary;

1           (3) the number of caregivers and family care-  
2           givers who receive such services;

3           (4) the cost to the Department of Veterans Af-  
4           fairs of providing each such service; and

5           (5) other information the Secretary considers  
6           appropriate.

7           (e) DEFINITIONS.—In this section:

8           (1) The term “caregiver” means an individual  
9           who—

10                   (A) provides caregiver services to a veteran  
11                   who is enrolled in the health care system estab-  
12                   lished under section 1705(a) of title 38, United  
13                   States Code; and

14                   (B) with respect to such veteran, meets the  
15                   definition of the term “caregiver” under section  
16                   1701(11) of such title, as added by section 2(a)  
17                   of this Act.

18           (2) The term “family caregiver” means an indi-  
19           vidual who—

20                   (A) provides caregiver services to a veteran  
21                   who is enrolled in the health care system estab-  
22                   lished under section 1705(a) of title 38, United  
23                   States Code; and

24                   (B) with respect to such veteran, meets the  
25                   definition of the term “family caregiver” under

1 section 1701(12) of such title, as added by sec-  
2 tion 2(a) of this Act.

○