

Union Calendar No. 122

111TH CONGRESS
1ST SESSION

H. R. 3155

[Report No. 111-224]

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

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

JULY 23, 2009

Additional sponsors: Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. SMITH of New Jersey, Mr. KLEIN of Florida, and Mr. WOLF

JULY 23, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 9, 2009]

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 and*
5 *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 following*
9 *new paragraphs:*

10 *“(10) The term ‘caregiver services’ means non-*
11 *institutional extended care (as used in paragraph*
12 *(6)).*

13 *“(11) The term ‘caregiver’ means an individual*
14 *who—*

15 *“(A) with respect to a disabled veteran who*
16 *is enrolled in the health care system established*
17 *under section 1705(a) of this title, provides care-*
18 *giver services to such veteran for such disability;*
19 *and*

20 *“(B) is not a member of the family (includ-*
21 *ing parents, spouses, children, siblings, step-fam-*
22 *ily members, and extended family members) of*
23 *such veteran.*

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

1 “(A) *with respect to a disabled veteran who*
2 *is enrolled in the health care system established*
3 *under section 1705(a) of this title, provides care-*
4 *giver services to such veteran for such disability;*

5 “(B) *is a member of the family (including*
6 *parents, spouses, children, siblings, step-family*
7 *members, and extended family members) of such*
8 *veteran; and*

9 “(C) *may or may not reside with such vet-*
10 *eran.*”.

11 ***(b) SUPPORT SERVICES.—***

12 ***(1) IN GENERAL.—****Subchapter II of chapter 17 of*
13 *title 38, United States Code, is amended by adding*
14 *at the end the following new section:*

15 **“§1720G. Support services for caregivers and family**
16 ***caregivers***

17 ***“(a) ESTABLISHMENT OF PROGRAM.—****The Secretary*
18 *shall develop and carry out a program for caregivers and*
19 *family caregivers that includes the following:*

20 ***“(1) The educational sessions, stipends, and ac-***
21 ***cess to support services provided under this section.***

22 ***“(2) Counseling and other services provided***
23 ***under section 1782 of this title.***

24 ***“(3) Respite care provided under section 1720B***
25 ***of this title.***

1 “(4) *With respect to family caregivers, medical*
2 *care provided under section 1781(e) of this title.*

3 “(5) *Travel expenses provided under section*
4 *111(e) of this title.*

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

9 “(A) *be made available both in person and on an*
10 *Internet website;*

11 “(B) *incorporate available technology, including*
12 *telehealth technology to the extent practicable; and*

13 “(C) *teach techniques, strategies, and skills for*
14 *caring for a disabled veteran, including, at a min-*
15 *imum, a veteran who—*

16 “(i) *was deployed in support of Operation*
17 *Enduring Freedom or Operation Iraqi Freedom;*
18 *and*

19 “(ii) *has post-traumatic stress disorder, a*
20 *traumatic brain injury, or other severe injury or*
21 *illness.*

22 “(2) *Individuals described in this paragraph are indi-*
23 *viduals who provide caregivers and family caregivers with*
24 *support under this chapter or through an aging network*

1 *(as defined in section 102(5) of the Older Americans Act*
2 *of 1965 (42 U.S.C. 3002(5)), including—*

3 *“(A) respite care providers;*

4 *“(B) nursing care providers; and*

5 *“(C) counselors.*

6 *“(c) STIPENDS.—(1) The Secretary shall provide*
7 *monthly stipends to eligible family caregivers described in*
8 *paragraph (2).*

9 *“(2) An eligible family caregiver described in this*
10 *paragraph is a family caregiver who—*

11 *“(A) provides caregiver services to a veteran*
12 *who—*

13 *“(i) was deployed in support of Operation*
14 *Enduring Freedom or Operation Iraqi Freedom;*
15 *and*

16 *“(ii) for purposes of this subsection, is de-*
17 *termined by the Secretary—*

18 *“(I) to have a service-connected dis-*
19 *ability or illness that is severe;*

20 *“(II) to be in need of caregiver services,*
21 *such that without such services, the veteran*
22 *would require hospitalization, nursing home*
23 *care, or other residential institutional care;*
24 *and*

1 “(III) based on an examination by a
2 physician employed by the Department (or,
3 in areas where no such physician is avail-
4 able, by a physician carrying out such func-
5 tion under a contract or fee arrangement),
6 to be unable to carry out the activities (in-
7 cluding instrumental activities) of daily liv-
8 ing;

9 “(B) with respect to such veteran, meets the defi-
10 nition of the term ‘family caregiver’ under section
11 1701(12) of this title;

12 “(C) is designated by such veteran as the pri-
13 mary family caregiver for such veteran; and

14 “(D) is not—

15 “(i) employed by a home health care agency
16 to provide such caregiver services; or

17 “(ii) otherwise receiving payment for such
18 services.

19 “(3) The authority of the Secretary to provide a sti-
20 pend to an eligible family caregiver under this subsection
21 shall expire on October 1, 2012.

22 “(d) ACCESS TO SUPPORT SERVICES.—The Secretary
23 shall provide caregivers and family caregivers with infor-
24 mation concerning public, private, and non-profit agencies

1 *that offer support to caregivers. In providing such informa-*
2 *tion, the Secretary shall—*

3 “(1) *collaborate with the Assistant Secretary for*
4 *Aging of the Department of Health and Human Serv-*
5 *ices in order to provide caregivers and family care-*
6 *givers access to aging and disability resource centers*
7 *under the Administration on Aging of the Depart-*
8 *ment of Health and Human Services; and*

9 “(2) *include on an Internet website that is dedi-*
10 *cated to caregivers and family caregivers—*

11 “(A) *a directory of services available for*
12 *caregivers and family caregivers at the county*
13 *level; and*

14 “(B) *tools that provide caregivers and fam-*
15 *ily caregivers with the ability to interact with*
16 *each other for the purpose of fostering peer sup-*
17 *port and creating support networks.*

18 “(e) *INFORMATION AND OUTREACH.—(1) The Sec-*
19 *retary shall conduct outreach to inform disabled veterans*
20 *and the families of such veterans of the following:*

21 “(A) *Medical care, educational sessions, stipends,*
22 *and other services available for caregivers and family*
23 *caregivers under this chapter.*

24 “(B) *The ability of a family caregiver to be*
25 *trained and certified by a home health care agency in*

1 order to be paid by such agency for providing care-
2 giver services.

3 “(2) Outreach under this subsection shall include, at
4 a minimum, the following:

5 “(A) Public service announcements.

6 “(B) Brochures and pamphlets.

7 “(C) Full use of Internet-based outreach methods,
8 including such methods designed specifically for vet-
9 erans and the families of such veterans who reside in
10 rural areas.

11 “(3) With respect to a Department employee providing
12 case management services (as defined in section
13 1720C(b)(2) of this title) to a disabled veteran, the Sec-
14 retary shall ensure that such employee provides a caregiver
15 or family caregiver of such veteran with information on the
16 services described in subparagraphs (A) and (B) of para-
17 graph (1).”.

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

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

22 (c) PLAN.—Not later than 180 days after the date of
23 the enactment of this Act, the Secretary shall submit to the
24 Committee on Veterans’ Affairs of the House of Representa-
25 tives and the Committee on Veterans’ Affairs of the Senate

1 a plan for carrying out section 1720G of title 38, United
2 States Code, as added by subsection (b) of this section.

3 (d) *REPORTS.*—Not later than 180 days after the date
4 on which the plan is submitted under subsection (c), and
5 annually thereafter for the following five years, the Sec-
6 retary shall submit to the Committee on Veterans’ Affairs
7 of the House of Representatives and the Committee on Vet-
8 erans’ Affairs of the Senate a report describing the imple-
9 mentation of the plan.

10 **SEC. 3. COUNSELING AND MENTAL HEALTH SERVICES FOR**
11 **CAREGIVERS AND FAMILY CAREGIVERS.**

12 (a) *IN GENERAL.*—Section 1782 of title 38, United
13 States Code, is amended—

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

17 (2) in subsection (c)—

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

20 (B) by redesignating paragraph (2) as
21 paragraph (3); and

22 (C) by inserting after paragraph (1) the fol-
23 lowing new paragraph (2):

24 “(2) a caregiver or family caregiver of a veteran;
25 or”.

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

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

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

6 Section 1720B of title 38, United States Code, is
 7 amended—

8 (1) in subsection (a), by striking “title.” and in-
 9 sserting “title or who receives care from a family care-
 10 giver.”; and

11 (2) by adding at the end the following new sub-
 12 section:

13 “(d) In furnishing respite care services under this sec-
 14 tion, the Secretary shall ensure that such services—

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

17 “(2) are appropriate for the veteran with respect
 18 to the age of the veteran.”.

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

20 Section 1781 of title 38, United States Code, is amend-
 21 ed—

22 (1) in subsection (a)—

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

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

3 (C) by inserting after paragraph (3) the fol-
4 lowing new paragraph:

5 “(4) in accordance with subsection (e), a family
6 caregiver,”;

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

10 (3) by adding at the end the following new sub-
11 section:

12 “(e)(1) The Secretary shall provide medical care to a
13 family caregiver under this section if the Secretary deter-
14 mines that the family caregiver is not entitled to care or
15 services under a health-plan contract as defined under sec-
16 tion 1725(f)(2) of this title (determined, in the case of a
17 health-plan contract as defined in subsection (f)(2)(B) or
18 (f)(2)(C) of such section, without regard to any requirement
19 or limitation relating to eligibility for care or services from
20 any department or agency of the United States).

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

23 “(A) provides caregiver services to a veteran
24 who—

1 “(i) was deployed in support of Operation
2 *Enduring Freedom* or Operation *Iraqi Freedom*;
3 and

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

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

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

13 “(III) based on an examination by a
14 physician employed by the Department (or,
15 in areas where no such physician is avail-
16 able, by a physician carrying out such func-
17 tion under a contract or fee arrangement),
18 to be unable to carry out the activities (in-
19 cluding instrumental activities) of daily liv-
20 ing;

21 “(B) with respect to such veteran, meets the defi-
22 nition of the term ‘family caregiver’ under section
23 1701(12) of this title; and

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

1 “(3) *The authority of the Secretary to provide medical*
2 *care to a family caregiver under this section shall expire*
3 *on October 1, 2012.*”.

4 **SEC. 6. LODGING AND SUBSISTENCE FOR FAMILY CARE-**
5 **GIVERS.**

6 *Section 111(e) of title 38, United States Code, is*
7 *amended—*

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

11 (2) *by adding at the end the following new para-*
12 *graphs:*

13 “(2) *Without regard to whether a covered veteran enti-*
14 *tled to mileage under this section requires an attendant in*
15 *order to perform such travel, an attendant of such covered*
16 *veteran may be allowed expenses of travel (including lodg-*
17 *ing and subsistence) upon the same basis as such veteran*
18 *during—*

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

21 “(B) *the duration of the treatment episode for*
22 *such veteran.*

23 “(3) *The Secretary may prescribe regulations to carry*
24 *out this subsection. Such regulations may include provi-*
25 *sions—*

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

4 “(B) to require such attendants to use certain
5 travel services.

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

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

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

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

14 “(ii) to be in need of caregiver services, such
15 that without such services, the veteran would re-
16 quire hospitalization, nursing home care, or
17 other residential institutional care; and

18 “(iii) based on an examination by a physi-
19 cian employed by the Department (or, in areas
20 where no such physician is available, by a physi-
21 cian carrying out such function under a contract
22 or fee arrangement), to be unable to carry out
23 the activities (including instrumental activities)
24 of daily living.”.

1 **SEC. 7. SURVEY ON CAREGIVERS AND FAMILY CAREGIVERS.**

2 (a) *IN GENERAL.*—Not later than 270 days after the
3 date of the enactment of this Act, and not less than once
4 in each three-year period thereafter, the Secretary of Vet-
5 erans Affairs shall design and conduct a survey of care-
6 givers and family caregivers. In carrying out the survey,
7 the Secretary shall collect the following information:

8 (1) *The number of caregivers.*

9 (2) *The number of family caregivers.*

10 (3) *The number of veterans receiving caregiver*
11 *services from caregivers and family caregivers, in-*
12 *cluding the era in which each veteran served in the*
13 *Armed Forces.*

14 (4) *The range of caregiver services provided by*
15 *caregivers and family caregivers, including—*

16 (A) *the average schedule of such services;*
17 *and*

18 (B) *the average amount of time a caregiver*
19 *and family caregiver has spent providing such*
20 *services.*

21 (5) *The average age of a caregiver and family*
22 *caregiver.*

23 (6) *The health care coverage of caregivers and*
24 *family caregivers, including the sources of such cov-*
25 *erage.*

1 (7) *The employment status of caregivers and*
2 *family caregivers.*

3 (8) *Incidents of significant life changes related to*
4 *being a caregiver or family caregiver, including un-*
5 *employment and disenrollment from a course of edu-*
6 *cation.*

7 (9) *The number of family caregivers trained and*
8 *certified through a home health care agency.*

9 (10) *Other information the Secretary considers*
10 *appropriate.*

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

13 (1) *a statistically representative sample of care-*
14 *givers and family caregivers is included in the sur-*
15 *vey; and*

16 (2) *such sample covers veterans in each Veterans*
17 *Integrated Service Network.*

18 (c) *FINDINGS.*—*The Secretary shall consider the find-*
19 *ings of the survey when carrying out programs related to*
20 *caregivers and family caregivers.*

21 (d) *REPORTS.*—*Not later than 180 days after the date*
22 *on which each survey is completed, the Secretary shall sub-*
23 *mit to the Committee on Veterans' Affairs of the House of*
24 *Representatives and the Committee on Veterans' Affairs of*

1 *the Senate a report on caregivers and family caregivers.*

2 *Each such report shall include—*

3 *(1) the findings of the survey required by sub-*
4 *section (a);*

5 *(2) a summary of the services made available to*
6 *caregivers and family caregivers by the Secretary;*

7 *(3) the number of caregivers and family care-*
8 *givers who receive such services;*

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

11 *(5) other information the Secretary considers ap-*
12 *propriate.*

13 *(e) DEFINITIONS.—In this section:*

14 *(1) The term “caregiver” has the meaning given*
15 *such term in section 1701(11) of title 38, United*
16 *States Code, as added by section 2(a) of this Act.*

17 *(2) The term “family caregiver” has the meaning*
18 *given such term in section 1701(12) of title 38,*
19 *United States Code, as added by section 2(a) of this*
20 *Act.*

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