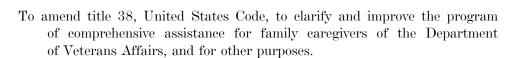
(Original Signature of Member)

117TH CONGRESS 1ST SESSION



**H.R.** 4625

## IN THE HOUSE OF REPRESENTATIVES

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

## A BILL

- To amend title 38, United States Code, to clarify and improve the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, 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 SEC. 2. CLARIFICATION AND IMPROVEMENT OF PROGRAM

- OF COMPREHENSIVE ASSISTANCE FOR FAM-
- 5 ILY CAREGIVERS OF THE DEPARTMENT OF

## 6 **VETERANS AFFAIRS.**

7 (a) CLARIFICATION RELATED TO APPEALS.—

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(1) CLARIFICATION.—Subsection (c)(1) of sec tion 1720G of title 38, United States Code, is
 amended to read as follows:

4 "(1) The review of any decision under this section
5 shall be subject to the clinical appeals process of the De6 partment, and such decisions may not be appealed to the
7 Board of Veterans' Appeals.".

8 (2) APPLICABILITY.—The amendment made by 9 paragraph (1) shall apply with respect to reviews oc-10 curring on or after the date of the enactment of this 11 Act, regardless of the date of a decision under section 1720G of title 38, United States Code, or the 12 13 date on which an appeal regarding such a decision 14 is submitted to the Department of Veterans Affairs. IMPLEMENTATION 15 (b) ACCELERATED OF Pro-GRAM.—Such section is further amended in subsection 16 17 (a)(2)(B)—

- 18 (1) in clause (ii)—
- 19 (A) by striking "2-year"; and

20 (B) by inserting "and ending on a date de21 termined by the Secretary that is not later than
22 two years after the date on which the Secretary
23 submitted such certification" after "clause (i)";
24 and

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(2) in clause (iii), by striking "that is 2 years
 after the date on which the Secretary submits to
 Congress the certification described in clause (i)"
 and inserting "determined by the Secretary pursu ant to clause (ii)".

6 (c) QUARTERLY REPORT ON PARTICIPATION IN PRO7 GRAM.—

8 (1) REPORTS.—Not later than 90 days after 9 the date of the enactment of this Act, and quarterly 10 thereafter, the Secretary of Veterans Affairs shall 11 submit to the Committees on Veterans' Affairs of 12 the House of Representatives and the Senate a re-13 port on participation in the program established 14 under section 1720G(a) of title 38, United States 15 Code. Each report shall include the following:

16 (A) The total number of applications sub17 mitted to the Secretary for participation in the
18 program.

(B) The total number of approvals and de-nials made with respect to such applications.

21 (C) The total number of appeals submitted
22 following denials made with respect to such applications.

4

| 1  | (D) The respective timelines for approvals,         |
|----|---|
| 2  | denials, and appeals made with respect to such      |
| 3  | applications.                                       |
| 4  | (E) The total number of removals and re-            |
| 5  | assessments made with respect to participation      |
| 6  | in the program.                                     |
| 7  | (F) The respective timelines for removals           |
| 8  | and reassessments made with respect to partici-     |
| 9  | pation in the program.                              |
| 10 | (2) DISAGGREGATION OF DATA.—The informa-            |
| 11 | tion included in the reports under paragraph $(1)$  |
| 12 | shall be disaggregated by—                          |
| 13 | (A) the disposition of the application or           |
| 14 | appeal, as applicable;                              |
| 15 | (B) the reason for the disposition (includ-         |
| 16 | ing whether the disposition was based on a de-      |
| 17 | termination that participation was not in the       |
| 18 | best interest of an eligible veteran); and          |
| 19 | (C) Centralized Eligibility and Appeals             |
| 20 | Team or, with respect to dispositions that were     |
| 21 | not determined, or applications that were not       |
| 22 | assessed, by a Centralized Eligibility and Ap-      |
| 23 | peals Team, facility of the Department.             |
| 24 | (3) PATIENT PRIVACY.—In carrying out this           |
| 25 | subsection, the Secretary shall ensure measures are |

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in place to protect patient privacy, including to pro tect against disclosures of protected health informa tion not authorized under regulations promulgated
 under section 264(c) of the Health Insurance Port ability and Accountability Act of 1996 (Public Law
 104–191; 42 U.S.C. 1320d–2 note).

7 (d) REPORT ON IMPROVEMENTS TO CLINICAL AP-8 PEALS PROCESS.—Not later than 180 days after the date 9 of the enactment of this Act, the Secretary (in consultation with veterans service organizations, veterans, care-10 11 givers of veterans, and other stakeholders as determined 12 relevant by the Secretary) shall submit to the Committees on Veterans' Affairs of the House of Representatives and 13 the Senate a report containing recommendations for ad-14 15 ministrative and legislative actions to improve the clinical 16 appeals process of the Department of Veterans Affairs 17 with respect to timeliness, transparency, objectivity, con-18 sistency, and fairness.