

114TH CONGRESS
1ST SESSION

H. R. 3989

To amend title 38, United States Code, to improve the process for determining the eligibility of caregivers of veterans to certain benefits administered by the Secretary of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2015

Ms. STEFANIK introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the process for determining the eligibility of caregivers of veterans to certain benefits administered by the Secretary of Veterans Affairs.

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 “Support Our Military
5 Caregivers Act”.

1 **SEC. 2. EXTERNAL CLINICAL REVIEW OF DENIED APPLICA-**
2 **TIONS BY CAREGIVERS OF VETERANS.**

3 (a) IN GENERAL.—Section 1720G of title 38, United
4 States Code, is amended—

5 (1) by redesignating subsections (d) and (e) as
6 subsections (e) and (f), respectively; and

7 (2) by inserting after subsection (e) the fol-
8 lowing new subsection (d):

9 “(d) EXTERNAL CLINICAL REVIEW OF APPLICA-
10 TIONS.—(1) Using amounts otherwise appropriated to
11 carry out this section, an individual may elect to have an
12 independent contractor described in paragraph (2) per-
13 form an external clinical review of any of the following:

14 “(A) The denial by the Secretary of an applica-
15 tion by an individual to be a caregiver or family
16 caregiver eligible for benefits administered by the
17 Secretary pursuant to this section.

18 “(B) With respect to such an application that
19 the Secretary has granted, a determination by the
20 Secretary of the level or amount of personal care
21 services that a veteran requires.

22 “(C) A request by a caregiver or family care-
23 giver for a reconsideration of the level or amount of
24 personal care services that a veteran requires based
25 on changes to the health or abilities of the veteran

1 occurring since the Secretary granted such an appli-
2 cation.

3 “(D) The revocation by the Secretary of bene-
4 fits administered by the Secretary pursuant to this
5 section.

6 “(2) An independent contractor described in this
7 paragraph is an independent contractor that—

8 “(A) is awarded a contract by the Secretary to
9 carry out this section pursuant to full and open com-
10 petition under the Federal Acquisition Regulation;

11 “(B) has no direct or indirect financial relation-
12 ship with any non-Department provider of services
13 to caregivers and family caregivers pursuant to this
14 title;

15 “(C) has not otherwise conducted an external
16 clinical review of benefits administered by the Sec-
17 retary pursuant to this title other than this section;

18 “(D) has sufficient training and expertise in
19 medical science and other appropriate health, edu-
20 cational, and vocational training and legal matters
21 to perform the reviews described in paragraph (1);
22 and

23 “(E) employs a panel of physicians or other ap-
24 propriate health care professionals who do not pro-

1 vide health care to the individual who makes an elec-
2 tion under paragraph (1).

3 “(3) Each external clinical review conducted pursu-
4 ant to paragraph (1) shall—

5 “(A) be based on applicable information in-
6 cluded in the application for benefits described in
7 such paragraph, including clinical expertise, medical,
8 technical, and scientific evidence;

9 “(B) include an opportunity for the individual
10 who elects for such review to provide the opinions of
11 the individual and the veteran for whom care is pro-
12 vided; and

13 “(C) include a review of the initial clinical re-
14 view of such veteran and any other review made by
15 the Secretary.

16 “(4) In carrying out the external clinical reviews pur-
17 suant to paragraph (1), the independent contractor shall,
18 as determined appropriate by the Secretary—

19 “(A) collect and maintain information required;
20 and

21 “(B) share such information with the Secretary.

22 “(5) The determination made by the independent
23 contractor pursuant to paragraph (1) shall be final.

24 “(6) The Secretary shall ensure that each external
25 clinical review conducted by the independent contractor

1 pursuant to paragraph (1) is completed and the individual
2 is notified in writing of the results of the review by not
3 later than 120 days after the date on which the individual
4 makes the election under such paragraph. Such notifica-
5 tion shall include an explanation of the decision, a discus-
6 sion of the facts and applicable regulations, and an expla-
7 nation of the clinical rationale for the decision.

8 “(7) The Secretary shall notify individuals who sub-
9 mit an application to be a caregiver or family caregiver
10 eligible for benefits administered by the Secretary pursu-
11 ant to this section of the ability of the individual to make
12 an election under paragraph (1).

13 “(8) Nothing in this subsection may be construed to
14 affect claims made by veterans for disability compensation
15 under chapter 11 of this title.”.

16 (b) APPLICATION.—

17 (1) IN GENERAL.—Except as provided by para-
18 graph (2), the amendments made by subsection (a)
19 shall apply with respect to elections under subsection
20 (d) of section 1720G of title 38, United States Code,
21 as added by subsection (a)(2), that are for applica-
22 tions or revocations for benefits by caregivers and
23 family caregivers pursuant to such section for which
24 the Secretary of Veterans Affairs has not made a

1 final decision as of the date of the enactment of this
2 Act.

3 (2) SPECIAL RULE.—A caregiver or family care-
4 giver may make an election for an external clinical
5 review under subsection (d)(1)(C) of section 1720G
6 of title 38, United States Code, as added by sub-
7 section (a)(2), regardless of whether the Secretary of
8 Veterans Affairs made the final decision with respect
9 to the application for benefits by the caregiver or
10 family caregiver before the date of the enactment of
11 this Act.

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