

[DISCUSSION DRAFT]

115TH CONGRESS
2^D SESSION

H. R. _____

To amend title 38, United States Code, to make certain improvements in the family caregiver support program of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 38, United States Code, to make certain improvements in the family caregiver support program 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the
5 “ _____ Act of 2018”.

1 **SEC. 2. INFORMATION TECHNOLOGY SYSTEM TO SUPPORT**
2 **DEPARTMENT OF VETERANS AFFAIRS FAM-**
3 **ILY CAREGIVER SUPPORT PROGRAM.**

4 (a) IMPLEMENTATION OF NEW SYSTEM.—

5 (1) IN GENERAL.—Not later than two years
6 after the date of the enactment of this Act, the Sec-
7 retary shall implement an information technology
8 system that fully supports the Program and allows
9 for data assessment and comprehensive monitoring
10 of the Program.

11 (2) ELEMENTS OF SYSTEM.—The information
12 technology system required to be implemented under
13 paragraph (1) shall include the following:

14 (A) The ability to easily retrieve data that
15 will allow all aspects of the Program (at the
16 medical center and aggregate levels) and the
17 workload trends for the Program to be assessed
18 and comprehensively monitored.

19 (B) The ability to manage data with re-
20 spect to a number of caregivers that is more
21 than the number of caregivers that the Sec-
22 retary expects to apply for the Program.

23 (C) The ability to integrate the system
24 with other relevant information technology sys-
25 tems of the Veterans Health Administration.

1 (b) ASSESSMENT OF PROGRAM.—Not later than 180
2 days after implementing the system described in sub-
3 section (a), the Secretary shall, through the Under Sec-
4 retary for Health, use data from the system and other rel-
5 evant data to conduct an assessment of how key aspects
6 of the Program are structured and carried out.

7 (c) ONGOING MONITORING OF AND MODIFICATIONS
8 TO PROGRAM.—

9 (1) MONITORING.—The Secretary shall use the
10 system implemented under subsection (a) to monitor
11 and assess the workload of the Program, including
12 monitoring and assessment of data on—

13 (A) the status of applications, appeals, and
14 home visits in connection with the Program;
15 and

16 (B) the use by caregivers participating in
17 the Program of other support services under
18 the Program such as respite care.

19 (2) MODIFICATIONS.—Based on the monitoring
20 and assessment conducted under paragraph (1), the
21 Secretary shall identify and implement such modi-
22 fications to the Program as the Secretary considers
23 necessary to ensure the Program is functioning as
24 intended and providing veterans and caregivers par-

1 ticipating in the Program with services in a timely
2 manner.

3 (d) CERTIFICATION.—Not later than three years
4 after the date of the enactment of this Act, the Secretary
5 shall certify to the Committees on Veterans' Affairs of the
6 House of Representatives and the Senate that—

7 (1) the Secretary has implemented the informa-
8 tion technology system under subsection (a);

9 (2) such system is working; and

10 (3) the Secretary has made any necessary modi-
11 fications under paragraph (c)(2) based on informa-
12 tion collected under such system.

13 (e) PROGRAM DEFINED.—In this section, the term
14 “Program” means the program of comprehensive assist-
15 ance for family caregivers under section 1720G(a) of title
16 38, United States Code.

17 **SEC. 3. IMPROVEMENT OF FAMILY CAREGIVER SUPPORT**
18 **PROGRAM.**

19 (a) ELIGIBILITY.—Subject to subsection (d), para-
20 graph (2) of section 1720G(a) of title 38, United States
21 Code, is amended—

22 (1) in subparagraph (B) by striking “on or
23 after September 11, 2001; and” and inserting a
24 semicolon;

25 (2) in subparagraph (C)—

1 (A) in clause (i), by striking “one or more”
2 and inserting “three or more”; and

3 (B) in clause (iii), by striking the period
4 and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(D) without the provision of personal care
8 services under this section, would require a higher
9 level of care, including nursing home (or equivalent)
10 care; and”.

11 (b) SCHEDULE OF STIPEND.—Subject to subsection
12 (d), paragraph (3)(C)(i) of such section 1720G(a) is
13 amended by striking “that specifies stipends based upon
14 the amount and degree of personal care services pro-
15 vided”.

16 (c) PRIMARY CAREGIVER CRITERIA.—Subject to sub-
17 section (d), paragraph (7)(B) of such section 1720G(a)
18 is amended—

19 (1) in clause (iii), by striking “; and” and in-
20 serting a semicolon;

21 (2) in clause (iv), by striking the period at the
22 end and inserting “; and”; and

23 (3) by adding at the end the following new
24 clause:

1 “(v) reside in close proximity with the eligible
2 veteran at the time of designation, or, if not so re-
3 siding at the time of designation, agree to reside in
4 close proximity to the eligible veteran.”.

5 (d) **CONDITIONAL EFFECT AND APPLICABILITY OF**
6 **AMENDMENTS.**—

7 (1) **CONDITIONAL EFFECTIVE DATE.**—The
8 amendments to section 1720G(a) of title 38, United
9 States Code, made by this section shall take effect
10 on the date on which the Secretary of Veterans Af-
11 fairs certifies to the Committees on Veterans’ Af-
12 fairs of the House of Representatives and the Senate
13 that the Secretary—

14 (A) is prepared to carry out such section
15 1720G(a) as so amended;

16 (B) has provided training to the employees
17 of the Department of Veterans Affairs who
18 carry out such section; and

19 (C) has established standard, written guid-
20 ance for such employees with respect to the
21 policies and procedures for carrying out such
22 section as so amended.

23 (2) **APPLICATION.**—The amendments made by
24 this section shall apply with respect to individuals
25 who submit an application for the program of com-

1 prehensive assistance for family caregivers carried
2 out under section 1720G(a) of title 38, United
3 States Code, on or after the date on which the cer-
4 tification is made under paragraph (1).

5 (3) PUBLICATION AND NOTIFICATION.—On the
6 same day that the Secretary makes the certification
7 under paragraph (1), the Secretary shall—

8 (A) publish the certification in the Federal
9 Register; and

10 (B) notify the Law Revision Counsel of the
11 House of Representatives in writing and by
12 electronic means of the certification so that the
13 Law Revision Counsel may execute the amend-
14 ments made by this section at the appropriate
15 time.