

118TH CONGRESS
1ST SESSION

S. 1792

To amend title 38, United States Code, to modify the program of comprehensive assistance for family caregivers of veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 1, 2023

Mr. TESTER (for himself, Mr. BRAUN, Mr. CORNYN, Ms. BALDWIN, Ms. ROSEN, Mr. PETERS, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to modify the program of comprehensive assistance for family caregivers of veterans, 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 “Veteran Caregiver Ap-
5 plication and Appeals Reform Act of 2023” or the “CARE
6 Act of 2023”.

1 **SEC. 2. MODIFICATION OF PROGRAM OF COMPREHENSIVE**
2 **ASSISTANCE FOR FAMILY CAREGIVERS OF**
3 **VETERANS.**

4 (a) IN GENERAL.—Subsection (a) of section 1720G
5 of title 38, United States Code, is amended—

6 (1) in paragraph (5), in the matter preceding
7 subparagraph (A), by inserting “and relevant med-
8 ical specialists” after “primary care team”;

9 (2) in paragraph (12)—

10 (A) in subparagraph (A), by inserting “,
11 which shall include all criteria used to deter-
12 mine eligibility for such assistance and, in the
13 case of a completed evaluation, how those cri-
14 teria were used to evaluate information pro-
15 vided in assessments to determine such eligi-
16 bility” before the period at the end; and

17 (B) in subparagraph (C)(i), by inserting
18 “or who is being reassessed for eligibility to
19 continue in such program” after “paragraph
20 (1)”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(14)(A) Not less frequently than annually, the Sec-
24 retary shall submit to the Committee on Veterans’ Affairs
25 of the Senate and the Committee on Veterans’ Affairs of
26 the House of Representatives a comprehensive report on

1 the program required by paragraph (1) that includes the
2 following:

3 “(i) The number of applications received for
4 such program during the one-year period preceding
5 the report.

6 “(ii) The number of approvals of such applica-
7 tions during such period, disaggregated by race, gen-
8 der, era of service, and branch of service.

9 “(iii) The number of denials of such applica-
10 tions during such period, disaggregated by race, gen-
11 der, era of service, and branch of service.

12 “(iv) The number of reassessments conducted
13 for such program during such period.

14 “(v) An identification of each decision made
15 with respect to a reassessment conducted for such
16 program during such period, disaggregated by deci-
17 sions resulting in—

18 “(I) disenrollment, including removal, dis-
19 charge, or voluntary withdrawal;

20 “(II) tier reduction; and

21 “(III) continuation at current tier.

22 “(vi) The number of appeals of decisions made
23 with respect to such program during such period,
24 disaggregated by type of appeal.

1 “(vii) With respect to each appeal identified
2 under clause (vi), the decision rendered, if any.

3 “(viii) A description of all tools used in assess-
4 ments conducted for such program, including an ex-
5 planation of how and by whom those tools are ad-
6 ministered.

7 “(ix) A description of procedures used under
8 such program for reviewing and integrating clinical
9 records from health care providers and an expla-
10 nation of how those records are used in eligibility de-
11 terminations for such program.

12 “(x) A description of procedures available under
13 such program for health care providers, including
14 providers in the private sector and providers under
15 the Veterans Community Care Program under sec-
16 tion 1703 of this title, to communicate medical opin-
17 ions to the assessment teams determining eligibility
18 for such program.

19 “(xi) A description of information technology
20 systems and processes used under such program to
21 upload and integrate all clinical records from all
22 non-Department providers, including providers in
23 the private sector and providers under the Veterans
24 Community Care Program.

1 “(B) Each report required by subparagraph (A)
2 shall—

3 “(i) ensure that all data included in the re-
4 port—

5 “(I) relating to a decision made under the
6 program required by paragraph (1), are
7 disaggregated by the specific reason for the de-
8 cision; and

9 “(II) with respect to a veteran, include
10 comprehensive demographic information of the
11 veteran, including the time period of the inju-
12 ries, if any, of the veteran and the Veterans In-
13 tegrated Service Network in which the veteran
14 is located; and

15 “(ii) with respect to eligibility determinations
16 made during the period covered by the report relat-
17 ing to a serious injury of a veteran, specify—

18 “(I) how many such determinations relate
19 to the ability of the veteran to perform activi-
20 ties of daily living; and

21 “(II) how many such determinations relate
22 to the need of a veteran for supervision and
23 protection.”.

24 (b) RULE OF CONSTRUCTION.—Subsection (c) of
25 such section is amended—

1 (1) by striking “(1) A decision” and all that
 2 follows through “(2) Nothing in this section” and in-
 3 serting “Nothing in this section”; and

4 (2) by redesignating subparagraphs (A) and
 5 (B) as paragraphs (1) and (2), respectively.

6 **SEC. 3. RECOGNITION OF ORGANIZATIONS AND INDIVID-**
 7 **UALS TO ASSIST VETERANS, FAMILY MEM-**
 8 **BERS, AND CAREGIVERS NAVIGATING PRO-**
 9 **GRAMS AND SERVICES OF VETERANS**
 10 **HEALTH ADMINISTRATION.**

11 (a) **IN GENERAL.**—Not later than one year after the
 12 date of the enactment of this Act, the Secretary of Vet-
 13 erans Affairs shall establish a process through which the
 14 Department of Veterans Affairs may recognize organiza-
 15 tions and individuals to assist a veteran, a family member
 16 of a veteran, or a caregiver of a veteran (as defined in
 17 section 1720G(d) of title 38, United States Code) in navi-
 18 gating the programs and services of the Veterans Health
 19 Administration.

20 (b) **SOLICITATION OF FEEDBACK.**—The Secretary
 21 shall solicit feedback and recommendations in the creation
 22 of the process under subsection (a) from such organiza-
 23 tions as the Secretary may consider relevant.

24 (c) **LIMITATION.**—The Secretary may not recognize
 25 an organization or individual pursuant to the process es-

1 tablished under subsection (a) unless the organization or
2 individual has certified to the Secretary that no fee or
3 compensation of any nature will be charged to any indi-
4 vidual for services rendered in providing assistance pursu-
5 ant to such subsection.

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