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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

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

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “VA Caregiver Trans-
5 parency Act”.

1 **SEC. 2. CLARIFICATION AND IMPROVEMENT OF PROGRAM**
2 **OF COMPREHENSIVE ASSISTANCE FOR FAM-**
3 **ILY CAREGIVERS OF THE DEPARTMENT OF**
4 **VETERANS AFFAIRS.**

5 (a) CLARIFICATION RELATED TO APPEALS.—

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

9 “(1) The review of any decision under this section
10 shall be subject to the clinical appeals process of the De-
11 partment, and such decisions may not be appealed to the
12 Board of Veterans’ Appeals.”.

13 (2) APPLICABILITY.—The amendment made by
14 paragraph (1) shall apply with respect to reviews oc-
15 ccurring on or after the date of the enactment of this
16 Act, regardless of the date of a decision under sec-
17 tion 1720G of title 38, United States Code, or the
18 date on which an appeal regarding such a decision
19 is submitted to the Department of Veterans Affairs.

20 (b) ACCELERATED IMPLEMENTATION OF PRO-
21 GRAM.—Such section is further amended in subsection

22 (a)(2)(B)—

23 (1) in clause (ii)—

24 (A) by striking “2-year”; and

25 (B) by inserting “and ending on a date de-
26 termined by the Secretary that is not later than

1 two years after the date on which the Secretary
2 submitted such certification” after “clause (i)”;
3 and

4 (2) in clause (iii), by striking “that is 2 years
5 after the date on which the Secretary submits to
6 Congress the certification described in clause (i)”
7 and inserting “determined by the Secretary pursu-
8 ant to clause (ii)”.

9 (c) QUARTERLY REPORT ON PARTICIPATION IN PRO-
10 GRAM.—

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

19 (A) The total number of applications sub-
20 mitted to the Secretary for participation in the
21 program.

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

1 (C) The total number of appeals submitted
2 following denials made with respect to such ap-
3 plications.

4 (D) The respective timelines for approvals,
5 denials, and appeals made with respect to such
6 applications.

7 (E) The total number of removals and re-
8 assessments made with respect to participation
9 in the program.

10 (F) The respective timelines for removals
11 and reassessments made with respect to partici-
12 pation in the program.

13 (2) DISAGGREGATION OF DATA.—The informa-
14 tion included in the reports under paragraph (1)
15 shall be disaggregated by—

16 (A) the disposition of the application or
17 appeal, as applicable;

18 (B) the reason for the disposition (includ-
19 ing whether the disposition was based on a de-
20 termination that participation was not in the
21 best interest of an eligible veteran); and

22 (C) Centralized Eligibility and Appeals
23 Team or, with respect to dispositions that were
24 not determined, or applications that were not

1 assessed, by a Centralized Eligibility and Ap-
2 peals Team, facility of the Department.

3 (3) PATIENT PRIVACY.—In carrying out this
4 subsection, the Secretary shall ensure measures are
5 in place to protect patient privacy, including to pro-
6 tect against disclosures of protected health informa-
7 tion not authorized under regulations promulgated
8 under section 264(c) of the Health Insurance Port-
9 ability and Accountability Act of 1996 (Public Law
10 104–191; 42 U.S.C. 1320d–2 note).

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