

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

JEREMY AND MAYA BEAUDETTE,)

Petitioners,)

v.)

Vet. App. No. 20-4961

ROBERT L. WILKIE,)
Secretary of Veterans Affairs,)

Respondent.)

RESPONDENT’S PROVISION OF SUPPLEMENTAL INFORMATION

Pursuant to this Court’s ruling in *Solze v. Shinseki*, 26 Vet. App. 299, 302 (2013), Respondent Robert L. Wilkie, Secretary of Veterans Affairs, provides the following update relevant to the instant matter.

On December 31, 2020, the President signed S. 2216, the “Transparency and Effective Accountability Measures for Veteran Caregivers Act” or the “TEAM Veteran Caregivers Act”, into law and it became Public Law No. 116-278. A copy of this bill is attached.

Respectfully submitted,

WILLIAM A. HUDSON, JR.
Principal Deputy General Counsel

MARY ANN FLYNN
Chief Counsel

/s/ Joan E. Moriarty
JOAN E. MORIARTY
Deputy Chief Counsel

/s/ Mark M. McNabb

MARK M. McNABB

Senior Appellate Attorney

Office of General Counsel (027C)

U.S. Dept. of Veterans Affairs

810 Vermont Avenue, N.W.

Washington, DC 20420

(202) 632-7109

Attorneys for the Respondent,

Secretary of Veterans Affairs

One Hundred Sixteenth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Friday,
the third day of January, two thousand and twenty*

An Act

To require the Secretary of Veterans Affairs to formally recognize caregivers of veterans, notify veterans and caregivers of clinical determinations relating to eligibility for the family caregiver program, and temporarily extend benefits for veterans who are determined ineligible for the family caregiver program, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Transparency and Effective Accountability Measures for Veteran Caregivers Act” or the “TEAM Veteran Caregivers Act”.

SEC. 2. MODIFICATION OF ADMINISTRATION OF CAREGIVER PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) FORMAL RECOGNITION OF CAREGIVERS.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report regarding the feasibility and advisability of formally recognizing all caregivers of veterans by identifying any caregiver of a veteran in the electronic health record of the veteran.

(B) CAREGIVERS RECOGNIZED.—The recognition of caregivers described in subparagraph (A) shall include recognition of—

(i) any family caregiver who is approved as a provider of personal care services for an eligible veteran under the program of comprehensive assistance for family caregivers under subsection (a) of section 1720G of title 38, United States Code; and

(ii) any caregiver of a covered veteran participating in the program of general caregiver support services under subsection (b) of such section.

(C) TIMELINE.—If the Secretary determines that formally recognizing all caregivers of veterans as described in subparagraph (A) is feasible and advisable, the report required by such subparagraph shall include a timeline for implementing such recognition.

(2) IMPLEMENTATION.—If the Secretary determines that formally recognizing all caregivers of veterans as described in paragraph (1)(A) is feasible and advisable, the Secretary shall

implement such recognition in accordance with the timeline included in the report required by such paragraph.

(b) NOTIFICATIONS, EXTENSION OF BENEFITS, AND DISCHARGE FROM FAMILY CAREGIVER PROGRAM.—Section 1720G(a) of title 38, United States Code, is amended by adding at the end the following new paragraphs:

“(12)(A) The Secretary shall notify the individuals described in subparagraph (C) regarding decisions affecting the furnishing of assistance under this subsection using standardized letters, as the Secretary determines such notifications and letters to be appropriate.

“(B) A notification provided under subparagraph (A) shall include the elements required for notices of decisions under section 5104(b) of this title to the extent that those elements apply to such notification, unless, not later than 60 days after the date of the enactment of the Transparency and Effective Accountability Measures for Veteran Caregivers Act, the Secretary determines that it would not be feasible to include such elements in such notifications and submits to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report setting forth the reasons for such determination.

“(C) The individuals described in this subparagraph shall include—

“(i) an individual who submits an application for the program established under paragraph (1);

“(ii) an individual determined by the Secretary to be an eligible veteran pursuant to such an application; and

“(iii) a family caregiver of an eligible veteran who is—

“(I) approved as a provider of personal care services under paragraph (6)(B); or

“(II) designated as a primary provider of personal care services under paragraph (7)(A).

“(13)(A) If the Secretary determines that a veteran receiving services under the program established under paragraph (1) is no longer eligible for such program solely because of improvement in the condition of the veteran—

“(i) the effective date of discharge of the veteran from the program shall be not earlier than the date that is 60 days after the date on which the Secretary provides notice of such lack of eligibility under paragraph (12)(A) to the relevant individuals described in paragraph (12)(C); and

“(ii) the Secretary shall extend benefits under the program established under paragraph (1) for a family caregiver of the veteran described in paragraph (12)(C)(iii), including stipends under paragraph (3)(A)(ii)(V), if such an extension is determined appropriate by the Secretary, for a 90-day period following discharge of the veteran from the program.

“(B) This paragraph shall not be construed to limit the authority of the Secretary—

“(i) to prescribe regulations addressing other bases for—

“(I) the discharge of a veteran from the program established under paragraph (1); or

“(II) the revocation of the designation of a family caregiver of a veteran as a primary provider of personal care services under paragraph (7)(A); or

“(ii) to provide advance notice and extended benefits under the program, as appropriate, if another basis for discharge of a veteran described in subclause (I) of clause (i) or revocation of a designation described in subclause (II) of such clause applies.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*