

111TH CONGRESS
1ST SESSION

H. R. 2342

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a family caregiver program to furnish support services to family members certified as family caregivers who provide personal care services for certain disabled veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2009

Mr. MICHAUD introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a family caregiver program to furnish support services to family members certified as family caregivers who provide personal care services for certain disabled 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 “Wounded Warrior
5 Project Family Caregiver Act of 2009”.

1 **SEC. 2. FAMILY CAREGIVER PROGRAM.**

2 (a) PROGRAM.—Section 1717 of title 38, United
3 States Code, is amended—

4 (1) by redesignating subsections (b) and (c), as
5 (c) and (d), respectively; and

6 (2) by inserting after subsection (a) the fol-
7 lowing new subsection (b):

8 “(b)(1)(A) As part of home health services provided
9 for under this section, the Secretary, upon the joint re-
10 quest of a veteran described in subparagraph (C) and a
11 family member of such veteran (or other individual des-
12 ignated by the veteran), shall furnish to an individual de-
13 scribed in subparagraph (B), advanced instruction and
14 training and certification as a family caregiver.

15 “(B) An individual described in this subparagraph is
16 a family member of a veteran described in subparagraph
17 (C) (or other individual designated by such a veteran) who
18 elects (in accordance with the agreement of the veteran)
19 to provide personal care services to the veteran.

20 “(C) A veteran described in this paragraph is a vet-
21 eran who—

22 “(i) incurred serious wounds (including trau-
23 matic brain injury and psychological trauma or other
24 mental disorder) on active duty during, or in train-
25 ing for, Operation Enduring Freedom or Operation
26 Iraqi Freedom; and

1 “(ii) is determined by the Secretary to need
2 personal care services because of—

3 “(I) an inability to perform one or more
4 activities of daily living;

5 “(II) a need for supervision or protection
6 based on symptoms or residuals of neurological
7 or other impairment or injury; or

8 “(III) such other criteria as the Secretary
9 shall establish.

10 “(D) In the case of a veteran who lacks the capacity
11 to make decisions necessary under this subsection, the
12 Secretary shall establish procedures for a surrogate for the
13 veteran to act on behalf of the veteran for purposes of
14 this subsection.

15 “(2) The Secretary shall furnish to a family care-
16 giver, under criteria established by the Secretary, appro-
17 priate support services including—

18 “(A) direct technical support, information, and
19 assistance to timely address routine, emergency, and
20 specialized caregiving needs;

21 “(B) counseling and mental health services;

22 “(C) establishment and maintenance of a com-
23 prehensive interactive caregiver website addressing
24 all aspects of the program;

1 “(D) respite care of not less than 30 days an-
2 nually;

3 “(E) medical care under section 1781 of this
4 title; and

5 “(F) a monthly family caregiver allowance.

6 “(3) In providing respite care referred to in para-
7 graph (3)(A)(iv), the Secretary shall provide such care
8 through—

9 “(A) facilities of the Department that are ap-
10 propriate to the needs of the veteran;

11 “(B) contracts under section 1720B of this
12 title; or

13 “(C) in the case of a veteran for whom, in the
14 judgment of the individual certified as the veteran’s
15 family caregiver, the needs of the veteran cannot be
16 accommodated through care provided under sub-
17 paragraph (A) or (B), through other facilities or ar-
18 rangements selected in consultation with the vet-
19 eran’s family caregiver.

20 “(4) In providing for a monthly family caregiver al-
21 lowance to a family caregiver under paragraph (3)(A)(vi),
22 the Secretary shall establish a schedule of allowances
23 under which the Secretary shall seek to ensure, to the ex-
24 tent practicable, that the amount of the monthly allowance
25 is not less than—

1 “(A) the amount that the Secretary determines
2 the Secretary would have paid to a commercial home
3 health care agency to provide necessary personal
4 care services for such veteran, if the veteran did not
5 have a family caregiver to provide such services; or

6 “(B) if the Secretary does not have enough in-
7 formation to make the determination under subpara-
8 graph (A), the amount of the cost of such care at
9 a location other than a commercial home health care
10 agency, selected by the Secretary for such purpose,
11 where such care is available, adjusted to reflect the
12 pertinent local cost-of-living.”.

13 (b) PROVISION OF HEALTH CARE TO PERSONAL
14 CARE ASSISTANTS.—Section 1781(a) of such title is
15 amended—

16 (1) by redesignating paragraphs (2) and (3) as
17 (3) and (4), respectively; and

18 (2) by inserting after paragraph (1) the fol-
19 lowing new paragraph:

20 “(2) a family caregiver;”.

21 (c) DEFINITIONS.—Section 1701 of title 38, United
22 States Code, is amended by adding at the end the fol-
23 lowing new paragraphs:

24 “(10) The term ‘family caregiver’ means an in-
25 dividual who—

1 “(A) is a member of the family (including
2 parents, spouses, children, siblings, stepfamily
3 members, and extended family members) of a
4 disabled veteran;

5 “(B) provides personal care services to
6 such veteran for such disability; and

7 “(C) is certified as a family caregiver—

8 “(i) pursuant to the family caregiver
9 instruction, training, and certification fur-
10 nished by the Secretary under section
11 1717(b) of this title; or

12 “(ii) pursuant to such other qualifica-
13 tions as the Secretary may approve.

14 “(11) The term ‘personal care services’ means
15 noninstitutional extended care, including homemaker
16 and home health aid services.”.

17 (d) DEADLINE FOR IMPLEMENTATION.—Not later
18 than 9 months after the date of the enactment of this Act,
19 the Secretary of Veterans Affairs shall implement sub-
20 section (b) of section 1717 of title 38, United States Code,
21 as added by subsection (a), and paragraph (2) of section
22 1781(a), as added by subsection (b).

23 (e) REPORTS.—

24 (1) REPORT ON IMPLEMENTATION.—Not later
25 than 6 months after the date of the enactment of

1 this Act, the Secretary of Veterans Affairs shall sub-
2 mit to Congress a report containing the following:

3 (A) The Secretary's plan to carry out sub-
4 section (d).

5 (B) A description of the consultations car-
6 ried out by the Secretary with organizations
7 representing wounded veterans and their fami-
8 lies regarding such plan.

9 (C) A description of any recommendation
10 provided by any such organization that the Sec-
11 retary did not adopt and the reasons the Sec-
12 retary did not adopt such recommendation.

13 (2) EVALUATION.—Not later than 2 years after
14 the date on which the Secretary of Veterans Affairs
15 implements the provisions of law referred to in sub-
16 section (d), the Secretary shall submit to Congress
17 a comprehensive report containing the Secretary's
18 evaluation of such provisions of law. Such report
19 shall include—

20 (A) data on the number of veterans who
21 receive assistance under subsection (b) of sec-
22 tion 1717 of title 38, United States Code, as
23 added by subsection (a), resources expended to
24 carry out such subsection (b), outcomes
25 achieved, and measurable benefits; and

1 (B) legislative and other recommendations
2 of the Secretary to improve the implementation
3 of such subsection.

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