

**February 2018**

## **VETERANS BENEFITS AND TRANSITION ACT OF 2018 SIGNED INTO LAW**

Around the time President Trump signed the bill into law that would hold the VA accountable for problems with the rollout of the Forever GI Bill, another significant piece of veteran legislation was also signed into law.

This is the VETERANS BENEFITS AND TRANSITION ACT OF 2018

The following are key components included in this legislation, which authorizes the Secretary of Veterans Affairs to provide certain burial benefits for spouses and children of veterans who are buried in tribal cemeteries along with other purposes.

Sec. 101 Inclusion of certain additional periods of active duty service for purposes suspension of charges to entitlement during periods of suspended participation in Department of Veterans Affairs Vocational Rehabilitation Programs: This provision would amend title 38, U.S.C., so that when a reservist receiving vocational rehabilitation program assistance is mobilized in support of national emergency or a preplanned operational mission, any period of training in which they do not receive credit for that training because of the mobilization will not be counted against their overall use of the vocational rehabilitation program benefit.

Sec 102. Provision of monthly housing stipend information under post-9/11 Educational Assistance Program: This provision would require the Secretary to provide electronic proof to a veteran that they will be receiving housing payments from VA under the GI Bill as a source of income so that the veteran can provide this proof to a landlord when applying to rent a home.

Sec 103. Disapproval for purposes of educational assistance programs of Department of Veterans Affairs of certain courses of education that do not permit individuals to attend or participate in courses pending payment: This provision would require that in order for a school or training program to be approved for GI Bill benefits they must adopt a policy that disallows the school or training program from imposing a late fee, denial of access to facilities, or other penalty against a veteran or eligible dependent due to a late payment of tuition and/or fees from VA. This would only apply if the payments have not been received within 90 days of the beginning of the term and the Secretary would have the authority to waive this requirement. Schools would be allowed to require students to provide documentation to ensure that they are entitled to GI Bill benefits.

Sec. 201 Eligibility of Spouses and children of Veteran buried in tribal cemeteries for certain Department of Veterans Affairs burial benefits: This section would authorize VA to expand authority to provide headstones and markers to eligible spouses and dependents in tribal veterans' cemeteries.

Sec. 202 Department of Veterans Affairs provision of headstones and markers for, and interment in national cemeteries of, spouses and dependent children of members of the Armed Forces serving on active duty: This section would require VA to inter deceased spouses and dependents of active duty servicemembers in national cemeteries through September 30, 2024. This section would also require a

general court-martial convening authority to provide a statement that the active duty service members is serving under conditions other than dishonorable.

Sec. 301 Termination of leases of premises of deceased service members who die while in military service: This provision would amend the service member Civil Relief Act to allow the spouse of a servicemember who dies on active duty to terminate a residential lease within one year of the service members death without penalty.

Sec 302. Residence of spouses for service members for tax purposes: This provision would amend the service member relief act (SCRA) to allow the spouse of a service member to elect to use the same state of residence as the service member for state or local tax purposes regardless of when or where the two individuals were married. These changes would apply with respect to any return of state or local income tax filed for any taxable year beginning with the taxable year that includes enactment.

Sec. 303 Residence of spouses of service members for voting: This provision would amend SCRA to allow the spouse of a service member to elect to use the residence as the service member for state and local voting purposes, even if they are absent from that state due to military orders and regardless when or where they got married.

Sec 304. Termination of multichannel video programming and internet access service contracts: This provision would amend SCRA to allow a service member to terminate a commercial mobile, telephone exchange, internet access or multichannel video programming service contact at any time after the date the service members receives military orders to relocate for at least 90 days to a location that does not support such service contract. (Currently, such a provision applies to a cellular telephone service or telephone exchange service contact only) Additionally, this provision would require a service member to return any provider owned consumer equipment to the service provider no later than 10 days after the service is disconnected.

Sec. 401 Study of community-based transition assistance programs for members of the armed forces after separation, retirement, or discharge: This provision would authorize VA to contract with a non-federal entity to conduct a study to identify community-based programs that provide transition training. VA would be required to place the list created by this study online and submit the list to the Department of Defense, so they can provide it to transitioning service members.

Sec. 704. Report on expanding access to dental care for veterans eligible for health care from the Department of Veterans Affairs: This provision requires a report on the feasibility and advisability of expanding access to dental care for eligible veterans. The report shall include analysis of access and affordability via VA care, the VA dental insurance, the oral health needs of eligible veterans; the financial impact to the department of providing dental care to include a cost-benefit analysis' and the numbers of providers needed to provide such care. The report shall be disaggregated by priority group enrollment eligibility.

## **2019 CHANGES TO VA HEALTH CARE RULES**

One of the primary issues President Trump campaigned on was changing and expanding health care choices for veterans, and it's believed that many of these talked about changes will start being implemented in 2019. The VA has been working on expanded community care rules for medical appointments since last summer, which is when the VA Mission Act was passed by Congress. It's expected that details of that will be released early this year, and a full set of new regulations is scheduled for release in early spring according to the Military Times. "among other priorities, the legislation mandated a retooling of the departments policies for veterans seeking private sector care, a massive undertaking that supporters have hailed as giving more flexibility and freedom to veterans who face long lines at VA hospitals and clinics.

VA Secretary Robert Wilkie in December hailed the work as part of "a real transformational period at the department"

There has been criticism that the changes likely this year are moving the VA more in the direction of privatization. Democrats have said they will provide oversight into outside care rules to make sure resources aren't being taken away from federal programs and provided to private businesses.

As written, the legislation requires VA to remain a core coordinator of veteran's health care plans but also to ensure "the scheduling of medical appointments in a timely manner" "continuity of care and services" and "no lapse in health care services." The VA choice program is currently restricted to veterans who live more than 40 miles from a VA facility or would have to wait more than 30 days for VA services. It's likely that new programs will provide looser guidelines and there will be language for veterans who face an unusual or excessive burden to receive care at VA facilities.

Many veterans' groups have been promoting more flexibility in care options, but they also don't want that to mean dismantling the Veterans Health Administration. While there was set to be a congressional hearing to preview the Mission Act's implementation, it was postponed because of the death of former President George H.W. Bush.

## **GI BILL TRANSFER CHANGES FOR 2019**

The Pentagon changed the rules for troops who want to transfer their Post-9/11 Gi Bill Benefits to dependents in 2018 and many of those changes will now be implemented this year. The new policy ends transfers for service members who have been in uniform longer than 16 years, and this starts in July 2019.

The changes also include an immediate end to exceptions that previously allowed service members with more than ten years in uniform to transfer the benefit without committing to service for more years. This includes service members who couldn't continue serving because of mandatory retirement or high year tenure. According to the Defense Department, the changes are to more closely align the transferability benefit with its purpose as a recruiting and retention incentive.

"With these updates, the department addresses the intent of Congress and ensures the benefit is available for future service members" DoD spokeswoman Jessica Maxwell said in an email. She said the policy change will impact about 9 percent of active-duty, National Guardsmen and reservists.

The changes have been opposed by veteran advocates and lawmakers. After some pushback then-Defense Secretary Jim Mattis said the changes wouldn't apply to wounded warriors. Active-duty troops who have earned a Purple Heart for wounds in combat are now allowed to transfer their Post-9/11 GI Bill benefits to their family members when they want. Senator Cory Booker recently introduced legislation that would eliminate the DoD changes altogether.

#### **VA ANNOUNCES MORATORIUM ON DISCHARGES AND DECREASES FROM COMPREHENSIVE CAREGIVER PROGRAM**

The Department of Veterans Affairs announced today that it will suspend discharges and decreases in level of support from its program of Comprehensive Assistance for Family Caregivers because of continued concerns expressed by veterans, caregivers and advocates about inconsistent application of eligibility requirements by VA medical centers. "It is essential that we get this right," said VA Secretary Robert Wilkie. "This affects one of the our most vulnerable veteran populations and we need to make sure we have consistency on how we process and evaluate benefit applications across VA."

The suspension does not impact the current application process. VA medical centers are continuing to accept and approve applications to the family caregivers program based on current eligibility criteria along with processing appeals and monitoring eligible veteran's well-being at least every 90 days, unless otherwise clinically indicated.

Termination of benefits exempted from the suspension include those made at the request of the veteran or caregiver, by the local Caregiver support program for cause or noncompliance or due to death, permanent institutionalization or long-term hospitalization of a veteran or caregiver.

The VA Caregiver Support Program has aided more than 38,000 family caregivers since 2011. Participating families receive an average monthly stipend ranging from \$660 to \$2,600 based on the level of assistance required by the veteran and the geographic location of the veteran and caregiver.

Participating caregivers also receive access to health care if the caregiver does not have insurance assistance with travel related to care of the veterans, mental health care and additional service and support.

## **VA AWARDS COMMUNITY CARE NETWORK CONTRACTS TO INCREASE HEALTH CARE ACCESS**

The U.S. Department of Veterans Affairs (VA) awarded contracts December 28 to manage provider networks for Regions 1, 2 and 3 of VA's new Community Care Network, the department's direct link with community providers that will ensure VA provided the right care at the right time to veterans.

"These contract awards reflect our ongoing commitment increasing veterans' access to care," said VA Secretary Robert Wilkie. "As part of VA's modernization efforts, we designed the new network based on feedback from veterans and other stakeholders, along with lessons learned from the Veterans Choice Program. We are confident this new network will greatly improve customer service for veterans and timeliness of payments to community providers.

The network will be the standard contact vehicle allowing VA to purchase care for veterans from community health care providers using industry-standard approaches and guidelines in support of the VA MISSION Act of 2018 to administer services and manage the network to its full potential. VA will provide care coordination under this new contract. TriWest Healthcare Alliance has expanded its network to support veteran and provider care coordination across the nation until CCN is fully implemented.

## **SPOTLIGHT ON: YELLOW RIBBON PROGRAM**

The Post-9/11 GI Bill will pay you:

- All resident tuition & fees for a public school
- The lower of the actual tuition & fees or the national maximum per academic year for a private school

Your actual tuition & fees costs may exceed these amounts if you are attending a private school or are attending a public school as a nonresident student.

Institutions of Higher Learning (Degree Granting Institutions) may elect to participate in the Yellow Ribbon Program agree to make additional funds available for your education program without an additional charge to your GI Bill entitlement.

Degree-granting institutions of higher learning participating in the Post-9/11 GI Bill Yellow Ribbon Program agree to make additional funds available for your education program without an additional charge to your GI Bill entitlement. These institutions voluntarily enter into a Yellow Ribbon Agreement with VA and choose the amount of tuition and fees that will be contributed. VA matches that amount and issues payments directly to the institution.