

ISSUE BRIEF: COMPREHENSIVE CAREGIVER SUPPORT

The Situation

- To recognize and assist family caregivers who play a critical role in caring for and supporting veterans severely injured in the line of duty, the Department of Veterans Affairs' (VA) Program of Comprehensive Assistance for Family Caregivers (PCAFC) provides caregiver assistance, including access to health coverage, respite care to avoid caregiver burnout, caregiver training, modest stipends to offset the financial impact of caregiving and other forms of support.
- The Program of Comprehensive Assistance for Family Caregivers (PCAFC) was established under the Caregivers and Veterans Omnibus Health Services Act of 2010. It was created to provide comprehensive support to family caregivers of veterans who sustained serious injuries in the line of duty on or after September 11, 2001.
- The MISSION Act of 2018 (Public Law 115-182) expanded access to PCAFC to family caregivers of veterans severely injured before September 11, 2001.
- Over time, the program expanded to include veterans of all eras. On October 1, 2020, eligibility was extended to veterans who served on or prior to May 7, 1975.
- In 2020, VA adopted new eligibility regulations concurrent with the expansion of the PCAFC to veterans of all eras, which had the adverse impact of making it dramatically harder for veterans and caregivers to be admitted to or remain in PCAFC.
- In March 2021, VA announced that all expulsions from the department's caregiver support program would be halted while officials re-evaluated new eligibility criteria that threatened monthly support stipends for thousands of veterans currently in PCAFC until it could review and revise existing regulations to better fulfill the program's intent.
- The VA opted to include service-connected illness and injury in its final regulations for eligibility for PCAFC in line with DAV's recommendation. However, ongoing delays in implementing the IT system required to administer the program meant the first phase of veterans (those injured or made ill prior to May 7, 1975) were not made eligible until October 1, 2020—one full year later than planned.
- In April 2021, the Court of Appeals for Veterans Claims (CAVC) in *Beaudette v. McDonough* ruled that the VA must provide every veteran and caregiver who ever applied for PCAFC benefits the right to appeal unfavorable decisions to the Board of Veterans' Appeals.
- In September 2021, the VA agreed to implement the *Beaudette* decision, notwithstanding that the administration later petitioned the Court to overturn *Beaudette*. Although veterans and caregivers may now file formal appeals, the VA has yet to establish an open, transparent and effective system for processing these appeals.
- In March 2022, the VA announced it was extending the time that legacy participants, legacy applicants and their family caregivers within the PCAFC would remain eligible for the program. This included all services, supports and benefits for another three full years, until September 30, 2025.

- On December 5, 2024, the VA proposed several rule changes to expand access to PCAFC. These changes include:
 - **Expanded Eligibility:** The definition of "serious injury" has been broadened to include veterans with individual unemployability.
 - **Telehealth Flexibility:** Home visits via telehealth are now allowed during emergencies declared by federal, state, or local authorities.
 - **Fewer Reassessments:** Eligibility reassessments will occur less frequently, reducing the burden on veterans and caregivers.
 - **Delayed Discharges:** Discharges based on eligibility reassessments are delayed for an additional 18 months.

The Challenge

- Changes to the comprehensive caregiver program were welcomed, but many legacy veterans were deemed ineligible for the caregiver program or veterans' ratings were changed to lower level caregiver stipend tiers with little or no explanation.
- Veterans service organizations (VSOs) that are accredited by the VA to represent veterans and caregivers during the appeals process, such as DAV, have not yet been given access to the complete records of veterans we represent, hindering our ability to properly support their appeals for caregiver benefits.
- VA has not addressed the long-standing systemic problems related to eligibility and overall has not been able to administer the eligibility, reassessment and appeals processes consistently, transparently and equitably.
- The application process is often complex and burdensome, leading to delays and difficulties for veterans and their caregivers.
- Frequent reassessments are required to maintain eligibility, which is stressful and time-consuming for caregivers.
- Many veterans and caregivers face challenges with the appeals process. The VA initially denied a significant number of applications, and veterans had limited options to appeal these decisions.
- The expansion of the program to include veterans of all eras led to a significant increase in applications, causing delays and backlogs in processing.
- The new criteria for evaluating the need for personal care services have been a point of contention, with concerns about how caregivers and veterans are assessed for support.
- Ensuring that there are enough resources to support the expanded pool of eligible caregivers has been a challenge.

The Solution

- VA must:
 - **Reduce Reassessments:** Limit the frequency of eligibility reassessments to reduce the burden on caregivers and veterans.
 - Take into consideration whether the underlying conditions for a qualifying ADL are likely to improve in determining when to reassess a veteran's need for caregiver assistance, similar to how the Veterans Benefits Administration administers regulations related to routine future disability compensation reexaminations.
 - Not require annual reassessments of a veteran's qualifying ADLs if they are based on disabilities unlikely to improve.
 - Create a simpler assessment tool that is more objective and looks at veterans holistically.
 - **Expand Telehealth Services:** Continue to expand telehealth services, especially during emergencies, to provide more flexibility for caregivers.
 - **Provide Clear Communication:** Ensure that all communications regarding eligibility, reassessments, and appeals are clear and timely to reduce anxiety and confusion among caregivers.
 - Provide detailed explanations on how standards will be measured and applied in each decision notification that is sent to veterans and caregivers.
 - **Increase Support Services:** Offer additional support services, such as mental health counseling and caregiver training, to better assist caregivers in their roles.
 - **Promulgate regulations** to create more consistent, transparent and equitable eligibility criteria and reassessment rules for the PCAFC.
 - **Revise the regulatory standard** that a veteran must require assistance "each time" they complete an activity of daily living. It is unreasonable to have a standard under which a veteran who could muster the physical energy and mental acuity to complete each ADL one time a week, would not even qualify for the lower tier of the caregiver program.
 - **Give equal consideration** to ensuring that a replacement standard can be objectively, consistently, and equitably assessed and administered.
- Congress must:
 - **Streamline the Application Process:** Simplify the application process to make it more accessible and less burdensome for veterans and caregivers.
 - **Increase Funding:** Allocate additional funds to support the expanded eligibility and ensure that resources are available to meet the needs of all eligible caregivers.
 - **Clarify Eligibility Criteria:** Work with the VA to refine and clarify eligibility criteria to reduce confusion and ensure that veterans and caregivers understand the requirements.

- **Enhance Appeals Process:** Improve the appeals process to make it more transparent and efficient, allowing veterans and caregivers to challenge decisions more effectively.
 - Work with VA to guarantee the continuation of full due process, notification and appeal rights provided by the *Beaudette* decision and the Appeals Modernization Act.
- **Continue working with the VA, DAV and other VSOs** supporting veteran caregivers, to ensure that this invaluable program has the proper rules and resources to meet our nation's obligations to veterans' family caregivers.