

## **LAW REVIEW 24058**

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### **H.R. 8371: The Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act—Key Provisions and Implications for Veterans**

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#### **11.0—Veterans' claims.**

On November 18, 2024, the U.S. House of Representatives passed the Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act<sup>3</sup> (Dole Act), an important step forward for legislation aimed at improving the Department of Veterans Affairs and optimizing veterans' benefits, particularly in the areas of home caregiving and homelessness. Many of the proposed changes revive or build on

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<sup>3</sup> H.R. 8371, 118th Cong. (2023-2024).

pandemic-era initiatives that lapsed with the end of the emergency declaration.

This article provides an analysis of the current bill, examines its key components, and speculates about its potential impact for veterans and their families.

## **Background and Context: Why the Dole Act Matters**

The Dole Act is named in honor of former Senator Elizabeth Dole, a long-time advocate for veterans and their caregivers. Senator Dole's work highlighted the challenges faced by caregivers of veterans, emphasizing the need for better support systems. The legislation builds on her legacy by addressing some of the most pressing issues veterans face today, including the expansion of caregiver benefits and initiatives to combat homelessness.

## **Key Provisions of the Dole Act**

Most of the Dole Act's impact may not be directly apparent to veterans. There are scores of provisions for increasing VA oversight, updating standards, studying potential benefits, and improving efficiency. For example, one item proposes standardizing the Disability Benefits Questionnaire (DBQ) information provided to VA by disability exam vendors and making the forms machine-readable, which could improve speed and consistency.

There are also a number of other, more visible enhancements to benefits.

### **1. Support for Home Care and Caregivers**

The Dole Act includes measures to provide greater access to resources and determine which services provide optimal support for the caregiver and their family. Notably:

- **Additional Home Nursing Care Coverage:** The bill would increase VA's share of home nursing care from 65 percent to 100 percent and take several steps to increasing the accessibility of home nursing care for veterans.
- **Broader Eligibility:** The legislation expands caregiver benefits to more veterans, including those with service-connected conditions predating 1975.
- **Grants for Mental Health Care:** VA could award contracts or grants to providers of mental health support to family caregivers of veterans.
- **Streamlined Applications:** New guidelines aim to simplify the application process for caregiver benefits, reducing bureaucratic barriers that have long been criticized.
- **More Support Programs:** VA would provide alternatives for caregivers ineligible for the Program of Comprehensive Assistance for Family Caregivers. Caregivers would have access to more robust training, financial assistance, and mental health resources.
- **More Home Health Aide Access:** VA would establish a pilot program to hire nursing assistants to provide in-home care services in locations with shortages.

*Implications:* This expansion recognizes the critical role caregivers play in supporting disabled veterans and seeks to alleviate their financial and emotional burdens.

## 2. Tackling Veteran Homelessness

One of the Act's most significant elements is its renewed focus on reducing homelessness among veterans. Key initiatives include:

- **Increased Per Diem Rates:** The bill would increase VA's per-diem rate for short-term transitional housing from 115 percent of costs to 133 percent, with the potential to go as high as 200 percent in high-cost areas.

- **Essential Items for Unhoused Veterans:** The bill would allow VA to provide unhoused veterans with bedding, shelter, food, hygiene items, blankets, and rideshare to medical appointments.
- **Prevention Services:** The legislation strengthens outreach efforts to identify veterans at risk of homelessness and provides funding for job training, mental health care, and substance abuse treatment.

*Implications:* Homelessness disproportionately affects veterans, with over 35,000 veterans experiencing homelessness each night, according to recent estimates.<sup>4</sup> This legislation could be a milestone in addressing this ongoing crisis.

### 3. Improved Access to VA Healthcare

The Dole Act aims to enhance access to VA healthcare by addressing systemic inefficiencies, reimbursing for unique costs, and improving communication between VA facilities and veterans. Specific measures include:

- **More Home- and Community- Based Care:** VA would provide eligible veterans with funds to obtain in-home care services, aides, and related items.
- **Deference to veteran's physician:** VA would be prevented from overriding a referral by a veteran's doctor for their patient to get outside care.
- **Same-Day Scheduling:** The Act requires VA to develop a plan to improve same-day scheduling for appointments.
- **Dental Benefits:** The Dole Act contains several proposals related to researching a potential expansion of dental care, especially in rural and other underserved areas.

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<sup>4</sup> NATIONAL ALLIANCE TO END HOMELESSNESS, <https://endhomelessness.org/homelessness-in-america/who-experiences-homelessness/veterans/> (last visited Nov. 25, 2024).

- **Telehealth Expansion:** Greater emphasis on telehealth services to reach veterans in rural or underserved areas.
- **Ambulances in Rural Areas:** VA would reimburse the cost of ambulance transportation for covered veterans in certain rural areas.
- **Mobile Mammography Services:** The Act appropriates funds to expand access of women veterans to mobile mammography initiatives.
- **Outreach to Veterans:** VA would need to inform veterans of how to request community care and appeal denial of requests.
- **Staffing and Infrastructure Improvements:** Increased funding for VA medical centers to address staffing shortages and improve infrastructure.
- **More Flexibility for Pay:** Periodic reevaluations of pay limitations for physicians, podiatrists, optometrists, and dentists; authority to create pay exceptions, with the intent of recruiting and retaining more health care professionals.
- **Veteran-Centered Care Models:** Initiatives to ensure that veterans' voices are central to care planning and delivery.

*Implications:* These changes aim to address long-standing issues within the VA healthcare system, particularly for veterans in remote or underserved communities.

#### **4. Addressing Gaps in Mental Health Services**

The Dole Act improves mental health care by:

- **Increased Reporting:** VA would be required to send detailed reports to Congress regarding veteran suicide statistics, prevention services, and recommendations.
- **Suicide Prevention:** The Act requires VA to provide funding for suicide prevention initiatives, including the VA's Veterans Crisis Line.

- **Community-Based Resources:** VA would provide more support via mental health resources that are outside the VA system.

*Implications:* Mental health remains a top concern for veterans, including suicide rates that are significantly higher than the general population. The Dole Act approaches most of the more serious issues by identifying needs for reporting and study, but there is some funding for tangible benefits in the near-term.

## **5. Educational, Employment, and Other Economic Benefits**

Among the other benefits included in the Dole Act are a number of minor expansions of existing programs:

- Small expansions of the Marine Gunnery Sergeant John David Fry Scholarship and G.I. Bill programs
- Improved oversight and requirements for educational institutions
- Additional implementation of electronic processes
- Adjustments to various home loan programs, particularly for Native American veterans
- Small expansion of burial allowance for some survivors, as well as a new definition of a “surviving spouse” as “someone who lived continuously with the veteran until their death and who has not remarried”

## **Broader Implications of the Dole Act for Veterans Law**

From a legal perspective, the Dole Act reflects a broader commitment to addressing inequities in veterans' benefits. It aligns with recent legislative trends emphasizing comprehensive support systems for veterans and their families.

For example, the Act's expansion of caregiver benefits parallels recent improvements in VA mental health regulations, ensuring a more

inclusive approach to service-connected conditions. Similarly, its provisions on homelessness could influence future legal interpretations of VA's duty to assist, particularly in areas like housing assistance and financial aid.

Politically, the legislation suggests a continued bipartisan willingness to address gaps in veteran care.

### **Conclusion: A Step Forward, but Hurdles Await**

The Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act is a landmark piece of legislation with the potential to position VA to address some of the most troubling shortfalls in veterans' benefits. By addressing critical issues such as caregiving, homelessness, healthcare access, and mental health, the Dole Act acknowledges issues affecting millions of veterans and their families.

However, challenges remain:

- At time of writing, the legislation still needs to pass the Senate and be signed into law by the President.
- Many of the legislation's provisions are temporary and/or pilot programs, due to expire within, e.g., two years if not renewed. Significant changes or termination of programs may occur at that time, particularly if the programs are not successful or incur unexpected costs.
- As with all new veterans legislation, successful implementation of the new laws would require continued oversight and legal advocacy to ensure VA creates appropriate regulations and meets its new obligations.

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