

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SM 420

INTRODUCER: Senator Diaz

SUBJECT: VA MISSION Act of 2018

DATE: January 13, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	Favorable
2.	<u>Brown</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SM 420 is a memorial to the Congress of the United States, and the United States Department of Veterans Affairs (VA) urging Congress and the VA to ensure that the VA MISSION Act of 2018 is implemented in a manner consistent with the legislative intent and purpose of the act. The purpose of the VA MISSION Act of 2018 is to overhaul existing law on veteran health care to improve access for veterans. Areas of health care addressed in the law include VA and non-VA health care services, veterans' homes, access to walk-in VA care, and prescription drug protocol.

The memorial requests that Congress and the VA ensure that the law's deadlines are timely met so veterans can have the highest quality of health care both from inside and outside the Veterans Health Administration System (VHA).

More specifically, the memorial states that successful implementation of the act requires:

- Timely publication of clear access and quality standards;
- Seamless access to walk-in care;
- Innovation in care delivery and claims processing; and
- Meeting key deadlines as the VHA reviews its infrastructure needs.

The memorial requests that the Florida Secretary of State dispatch copies to the President of the United States, the Secretary of the VA, the Chairman and Ranking member of the Committee on Veterans' Affairs of the United States House of Representatives, the United States Senate, and to each Florida delegation member of Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of a Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

VA MISSION Act of 2018

On June 6, 2018, President Donald Trump signed into law the VA MISSION Act of 2018, also known as the Caring for Our Veterans Act of 2018.¹ The Act represents an overhaul of existing law on veteran health care to improve access for veterans.²

Features of the law include:

- Consolidating VA community care programs into a single program to make it easier for veterans to navigate;
- Expanding eligibility for the Program of Comprehensive Assistance for Family Caregivers;
- Strengthening the VA's ability to recruit and retain quality medical providers; and
- Strengthening the VA's infrastructure.³

Consolidating Community Care

The VA has provided care to veterans through community providers for decades but as community providers have expanded in number and complexity, veterans have increasingly found community care to be difficult to navigate.⁴ The act consolidates seven VA community care programs into one streamlined program.⁵ As part of this consolidation, the VA is establishing standards for access and quality that will apply to both VA facilities and community providers.⁶ Included in the changes to community care is the creation of a safe opioid program. The safe opioid program will facilitate improved information-sharing amongst community health care providers regarding prescriptions issued to veterans.⁷

Expanded Eligibility for the Program of Comprehensive Assistance for Family Caregivers

The Program of Comprehensive Assistance for Family Caregivers offers caregivers of veterans training, educational resources, and other tools, such as a caregiver support line staffed by licensed professionals and a peer support group.⁸ Caregivers may also receive mental health counseling and enhanced respite services.⁹ Prior to implementation of the act, the Program of Comprehensive Assistance for Family Caregivers was only available to veterans who incurred or aggravated a serious injury in the line of duty on or after September 11, 2001.¹⁰ Beginning in the

¹ Pub.L. 115-182 (H.R. 5674); GovTrack, available at <https://www.govtrack.us/congress/bills/115/s2372>.

² VetsFirst, *What is the VA Mission Act?*, available at <http://www.vetsfirst.org/what-is-the-va-mission-act/> (last visited Oct. 22, 2019).

³ Office of Enterprise Integration, U.S. Dept. of Veterans Affairs, *VA MISSION Act*, available at <https://www.va.gov/oei/missionAct/> (last visited Oct. 22, 2019).

⁴ *Id.*

⁵ United States Senate Committee on Veterans' Affairs, *The VA MISSION Act of 2018*, available at https://www.veterans.senate.gov/imo/media/doc/One%20Pager_The%20VA%20MISSION%20Act%20of%202018.pdf (last visited Oct. 22, 2019).

⁶ Office of Enterprise Integration, *supra* note 3.

⁷ GovTrack, s. 2372 (115th: VA MISSION Act of 2018), available at <https://www.govtrack.us/congress/bills/115/s2372/summary> (last visited Oct. 22, 2019).

⁸ U.S. Dept. of Veterans Affairs, *VA Caregiver Support*, available at <https://www.caregiver.va.gov/> (last visited Oct. 22, 2019).

⁹ Office of Enterprise Integration, *supra* note 3.

¹⁰ *Id.*

summer of 2020, the act expands the program to eligible veterans and their family caregivers in two phases.¹¹ First, family caregivers of veterans who were seriously injured in the line of duty on or before May 7, 1975, will become eligible. Two years later, family caregivers of veterans who were seriously injured in the line of duty between May 7, 1975, and September 10, 2001, will be eligible.¹²

Strengthening Recruitment and Retention of the Best Medical Providers

The act provides the VA greater ability to recruit and retain quality medical providers through greater access to an education debt reduction program, and improved flexibility for recruitment, relocation, and retention.¹³ The VA also now partners with over 1,800 academic institutions, making it the largest medical education program in the country.¹⁴

Strengthening Infrastructure

The act requires the VA to establish a nine member Asset and Infrastructure Review Commission (Commission) appointed by the President of the United States and tasked with making recommendations to the President on Veterans Health Administration System (VHA) facility modernization and realignment.¹⁵ To date, the President has not submitted a list of candidates to the Commission to the Senate for approval. Members of Congress have filed several bills recently, to alternately speed up the date the Commission convenes, and to eliminate the Commission.¹⁶

III. Effect of Proposed Changes:

SM 420 urges the United States Congress and the United States Department of Veterans Affairs (VA) to ensure that the VA MISSION Act of 2018 is implemented in a manner consistent with the legislative intent and purpose of the act.

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More specifically, the memorial states that successful implementation of the act requires:

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- Innovation in care delivery and claims processing; and
- Meeting key deadlines as the VHA reviews its infrastructure needs.

¹¹ *Id.*

¹² *Id.*

¹³ U.S. Department of Veterans Affairs, *VA Careers*, available at: <https://www.vacareers.va.gov/> (last visited Oct. 22, 2019).

¹⁴ *Id.*

¹⁵ GovTrack, *supra* note 7.

¹⁶ The AIR Acceleration Act, filed in the Congressional House of Representatives, June 4, 2019, would accelerate the timeline for the Asset and Infrastructure Review Commission by authorizing the Commission to meet in years other than 2022 and 2023. H.R. 3083, GovTrack, available at <https://www.govtrack.us/congress/bills/116/hr3083/text>. The Elimination of the VA Asset and Infrastructure Review (AIR) Commission of 2019 Act, filed March 27, 2019, in the Congressional Senate would eliminate the Commission. S. 853, GovTrack, available at <https://www.govtrack.us/congress/bills/116/s853/text>.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

As SM 420 is a memorial requesting an action of the federal government, mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.