

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SM 852

INTRODUCER: Senators Diaz and Wright

SUBJECT: VA MISSION Act of 2018

DATE: April 16, 2019

REVISED: \_\_\_\_\_

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

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**I. Summary:**

SM 852 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 procedures.

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 the 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, formally known as the VA Maintaining Systems and Strengthening Integrated Outside Networks Act.<sup>1</sup> The Act represents an overhaul of existing law on veteran health care to improve access for veterans.<sup>2</sup>

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.<sup>3</sup>

#### *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.<sup>4</sup> The act consolidates seven VA community care programs into one streamlined program.<sup>5</sup> As part of this consolidation, the VA is establishing standards for access and quality that will apply to both VA facilities and community providers, based on analysis of best practices in government and the private sector, tailored to the needs of veterans.<sup>6</sup> 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.<sup>7</sup>

#### *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.<sup>8</sup> 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.<sup>9</sup> The act

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

<sup>2</sup> VetsFirst, *What is the VA Mission Act?*, available at <http://www.vetsfirst.org/what-is-the-va-mission-act/> (last visited March 28, 2019).

<sup>3</sup> Office of Enterprise Integration, U.S. Dept. of Veterans Affairs, *VA MISSION Act*, available at <https://www.va.gov/oei/missionAct/> (last visited March 28, 2019).

<sup>4</sup> *Id.*

<sup>5</sup> 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](https://www.veterans.senate.gov/imo/media/doc/One%20Pager_The%20VA%20MISSION%20Act%20of%202018.pdf) (last visited March 28, 2019).

<sup>6</sup> Office of Enterprise Integration, *supra* note 3.

<sup>7</sup> GovTrack, s. 2372 (115th: VA MISSION Act of 2018, available at <https://www.govtrack.us/congress/bills/115/s2372/summary> (last visited March 28, 2019).

<sup>8</sup> U.S. Dept. of Veterans Affairs, *VA Caregiver Support*, available at <https://www.caregiver.va.gov/> (last visited March 28, 2019).

<sup>9</sup> Office of Enterprise Integration, *supra* note 3.

expands the program to eligible veterans and their caregivers from all eras.<sup>10</sup> Expansion will occur in two phases, beginning with those injured on or before May 7, 1975, with further expansion beginning two years later. As of October 2018, the timeline for expansion was still in development.<sup>11</sup>

### ***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. VA will also pilot a scholarship program for eligible veterans to be medically trained in exchange for serving in a VA hospital or clinic for four years.<sup>12</sup>

### ***Strengthening Infrastructure***

The average VA building is almost 60 years old, with only half built since 1920. The act is designed to strengthen the VA's ability to manage its real property portfolio to enhance quality infrastructure.<sup>13</sup> To do so, the act requires the VA to establish a nine member Asset and Infrastructure Review Commission, tasked with making recommendations to the President on VHA facility modernization and realignment.<sup>14</sup>

### **Delay in Implementation of the Act**

In addition to the phased-in expansion of the caregiver program, in expectation that the community care consolidation would take time, the act contains an appropriation of \$5.2 billion in mandatory funding to provide a continuity of operations under the existing Veterans Choice Program (multiple providers).<sup>15</sup> The VA cites the significant complexity associated with health care delivery as the basis for the lack of immediate implementation of the community care consolidation.<sup>16</sup>

## **III. Effect of Proposed Changes:**

SM 852 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:

- Timely publication of clear access and quality standards;

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<sup>10</sup> *Id.*

<sup>11</sup> Office of Enterprise Integration, U.S. Dept. of Veterans Affairs, *VA MISSION Act of 2018, Frequently Asked Questions*, available at [https://www.va.gov/oei/docs/MISSION\\_Act\\_2018\\_FAQs.pdf](https://www.va.gov/oei/docs/MISSION_Act_2018_FAQs.pdf) (last visited March 28, 2019).

<sup>12</sup> Office of Enterprise Integration, *supra* note 3.

<sup>13</sup> *Id.*

<sup>14</sup> GovTrack, *supra* note 7.

<sup>15</sup> Office of Enterprise Integration, *supra* note 10.

<sup>16</sup> *Id.*

- 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.

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#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

As SM 852 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.

##### **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.