

HB0205S01 compared with HB0205

~~{deleted text}~~ shows text that was in HB0205 but was deleted in HB0205S01.

inserted text shows text that was not in HB0205 but was inserted into HB0205S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Marie H. Poulson proposes the following substitute bill:

VETERAN CLAIM ASSISTANCE DISCLOSURE

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marie H. Poulson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for disclosure of compliance with federal laws governing assistance to ~~{veterans when they are applying for}~~ claimants for veteran benefits, a notification requirement for ~~{those}~~ providers of assistance, and requires the ~~{Utah}~~ Department of Veterans' and Military Affairs to keep a list of accredited ~~{providers}~~ claim representatives.

Highlighted Provisions:

This bill:

- ▶ creates definitions;
- ▶ ~~{reiterates the requirement that}~~ requires anyone providing assistance ~~{must}~~ to be ~~{federally}~~ accredited by the VA;
- ▶ provides disclosure requirements for any ~~{person}~~ accredited individual assisting

HB0205S01 compared with HB0205

with a ~~{veteran to apply}~~ claim for VA benefits;

- ▶ specifies that the disclosure shall include the federal ~~{prohibition}~~ restrictions for charging a fee for assistance;
- ▶ requires that disclosures be in writing and copies provided to the ~~{veteran}~~ claimant;
- ▶ creates certain duties for the executive director of the ~~{Utah}~~ Department of Veterans' and Military Affairs in processing benefit assistance complaints by veterans; and
- ▶ exempts ~~{veterans}~~ certain veteran's service organizations.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

71-13-101, Utah Code Annotated 1953

71-13-102, Utah Code Annotated 1953

71-13-103, Utah Code Annotated 1953

71-13-104, Utah Code Annotated 1953

71-13-105, Utah Code Annotated 1953

71-13-106, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **71-13-101** is enacted to read:

CHAPTER 13. VETERAN BENEFITS ~~{CLAIM}~~ ASSISTANCE ACT

71-13-101. Title.

This chapter ~~{is}~~ shall be known as the "Veteran Benefits ~~{Claim}~~ Assistance Act."

Section 2. Section **71-13-102** is enacted to read:

71-13-102. Definitions.

As used in this chapter:

(1) "Accredited" means ~~{an individual has been authorized by Code of Federal Regulations, Title 38, Pensions, Bonuses, and Veterans' Relief,}~~ a service organization

HB0205S01 compared with HB0205

representative, agent, or attorney to whom authority has been granted by the VA to provide assistance to {veterans and their dependents through the United States Department of Veterans Affairs accreditation program for claiming veteran benefits.

~~— (2) "Assistance" means~~ claimants in the preparation, presentation, and prosecution of ~~{claim for veteran}~~ claims for VA benefits.

(2) "Assistance" means an accredited individual providing claimant-specific recommendations or preparing or submitting an application for VA benefits on behalf of a claimant.

(3) "Certify" means to submit in writing to a veteran or the veteran's dependents certain disclosure forms provided by the department.

~~(3)4~~ "Claimant" means a {veteran or a veteran's dependent who has expressed an intent to file a claim for veteran benefits.

~~— (4)~~ person who has filed or has expressed to a service organization representative, agent, or attorney an intention to file a written application for determination of entitlement to benefits provided under United States Code, Title 38, and implementing directives.

(5) "Department" means the Utah Department of Veterans' and Military Affairs.

~~(5)6~~ "Executive director" means the executive director of the Utah Department of Veterans' and Military Affairs.

(7) "Non-compliant referral" means referring a veteran or a veteran's dependent's original claim for veteran benefits for assistance to an individual who is in violation of the provisions of this chapter.

~~(6)8~~ "Referring entity" means an individual, business, or organization licensed in this state who refers {for assistance } or assists a veteran or a veteran's dependents for assistance with an original claim for veteran benefits.

~~(7)9~~ "VA" means the United States Department of Veterans Affairs.

(10) "VA benefits" means any payment, service, commodity, function, or status entitlement which is determined under laws administered by the VA pertaining to veterans, dependents, and survivors as well as other potential beneficiaries under United States Code, Title 38.

~~(8)11~~ "Veteran" includes all eligible dependents.

Section 3. Section **71-13-103** is enacted to read:

HB0205S01 compared with HB0205

71-13-103. Disclosure requirement for assisting a {veteran benefit} claimant.

(1) Each person offering to assist veterans in applying for benefits shall:

(a) be {federally} accredited, in compliance with the provisions of Code of Federal Regulations, Title 38, Pensions, Bonuses, and Veterans' Relief, or {employed and directly supervised by a federally accredited person}, if under the supervision of an accredited attorney meet the provisions of C.F.R. Title 38 pertaining to authorized claim representation under an attorney; and

(b) disclose in writing, in a format approved by the department that the {veteran} claimant can retain, the federal {law} laws, regulations, and rules governing assistance {to veterans} for {obtaining} VA benefits.

(2) The disclosure required by Subsection (1)(b) shall specifically include:

(a) the individual's name;

(b) the individual's business address;

(c) the individual's business phone number;

(d) the individual's {VA} registration number from the VA;

(e) a statement of the {veteran's} claimant's rights regarding the {individual's} assistance for VA benefits, {which includes} including that there is no charge to the claimant or a member of the claimant's family for assistance with the initial benefits application {;

~~(f) any charges that might apply for subsequent assistance}; and~~

{g}f) a statement that if, as a result of the individual providing assistance {to the veteran} for a claim, income is accrued to the assisting individual from the sale of a product or other services to the {veteran} claimant, the income is both justified and reasonable as compared with income from similar products and services available in the state.

(3) No provisions of the form may be struck out or designated as nonapplicable.

(4) Disclosure forms, when completed, shall be:

(a) signed by both the individual providing assistance and the {veteran being assisted} claimant; and

(b) retained for three years by the assisting individual.

(5) Copies of the disclosure form shall be provided to:

(a) the veteran on the day the form is completed and signed; and

(b) the department within five working days.

HB0205S01 compared with HB0205

Section 4. Section 71-13-104 is enacted to read:

71-13-104. Education requirements.

- (1) All individuals and attorneys providing assistance to a veteran shall complete~~;~~
three hours of qualifying education as specified in 38 C.F.R. 14.629(b) during the first 12 month period following the date of initial accreditation; and
- (2) an additional three hours of qualifying continuing education every two years following the initial 12 month period.

Section 5. Section 71-13-105 is enacted to read:

71-13-105. Department responsibilities -- Notification -- Assistance -- Complaints -- Claimant responsibilities.

(1) The Utah Department of Veterans' and Military Affairs shall notify in writing~~;~~
which may include electronically,~~;~~ each veteran for whom the department has contact information that any individual or business offering to assist veterans in applying for benefits shall disclose in writing to the veteran the following:

(a) 38 C.F.R. 14.629 and 38 C.F.R. 14.630 require that ~~anyone assisting a veteran to apply for benefits be federally~~ any individual providing assistance be accredited by the VA;

(b) federal law ~~prohibits~~ restricts charging a veteran a fee for assisting ~~with~~ in the initial application for VA benefits; and

(c) the department's website has a list with contact information of ~~federally~~ VA accredited ~~advisors~~ claim representatives.

(2) Beginning July 1, 2015, and every three years after~~;~~ the department shall:

(a) notify the Insurance Department regarding the federal law governing assistance for ~~veterans applying for~~ VA benefits, and the Insurance Department shall notify all individual producers and consultants licensed by the Insurance Department at the time of initial licensing and upon license renewal of those same federal laws governing assistance for ~~veterans~~ applying for VA benefits;

(b) contact the Utah State Bar regarding federal law governing legal assistance for ~~veterans~~ claimants applying for benefits and request that the association provide continuing legal education on federal laws governing assistance; and

(c) notify the ~~Utah~~ Department of Health regarding federal law governing the assistance for ~~veterans~~ claimants applying for benefits, and ~~requiring~~ the ~~Utah~~

HB0205S01 compared with HB0205

Department of Health ~~to~~ shall notify all assisted living and nursing care facilities of those federal laws.

(3) The executive director ~~shall~~ may establish procedures for processing complaints related to assistance regarding a ~~veteran's~~ claim for VA benefits.

(4) ~~The~~ For violations by accredited or non-accredited individuals who offer assistance with VA benefits, the executive director may audit selected assisting individuals and referring entities for compliance with this chapter and federal laws which govern the provision of assistance to claimants.

Section 6. Section 71-13-106 is enacted to read:

71-13-106. Exempt organizations.

Representatives of the following organizations are exempt from the provisions of this chapter:

- (1) American Legion;
- (2) Veterans of Foreign Wars;
- (3) Disabled American Veterans;
- (4) Vietnam Veterans of America;
- (5) American Veterans (AMVET);
- (6) Military Order of the Purple Heart; and
- (7) other VA recognized service organizations.

Legislative Review Note

as of 1-29-15 10:26 AM

Office of Legislative Research and General Counsel as determined by the executive director.