CAREGIVER SUPPORT PROGRAM

1. The Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law (P.L.) 111-163) established section 1720G of Title 38 United States Code (U.S.C.), directing the Department of Veterans Affairs (VA) to establish a Program of Comprehensive Assistance for Family Caregivers (PCAFC) and a Program of General Caregiver Support Services (PGCSS). These two programs are collectively referred to as the Caregiver Support Program (CSP). Pursuant to 38 U.S.C. § 1720G, VA promulgated regulations at Title 38 Code of Federal Regulations (C.F.R.), part 71.

2. Section 161 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 or the VA MISSION Act of 2018 (P.L. 115-182, as amended) amended 38 U.S.C. § 1720G. VA recently revised its regulations on PCAFC at 38 C.F.R. part 71 to: implement changes made to 38 U.S.C. § 1720G by the VA MISSION Act of 2018, better address the needs of eligible Veterans of all eras, and standardize PCAFC to focus on those eligible Veterans with moderate and severe needs. This rulemaking was published as a final rule on July 31, 2020, with an effective date of October 1, 2020. These changes to the PCAFC regulations include but are not limited to:

a. Expanding PCAFC to eligible Veterans of all service eras through a phased approach, as required by the VA MISSION Act of 2018 and as set forth in 38 C.F.R. § 71.20(a).

b. Defining new and updating existing terms in 38 C.F.R. § 71.15 (see Appendix B, which includes definitions relevant to this notice, including those that were added or revised in 38 C.F.R. § 71.15).

c. Establishing annual reassessments to determine continued eligibility for PCAFC in 38 C.F.R. § 71.30.

d. Revising the stipend payment calculation for Primary Family Caregivers in 38 C.F.R. § 71.40(c)(4).

e. Establishing a transition plan for legacy participants and legacy applicants as those terms are defined in 38 C.F.R. § 71.15.

f. Revising the process for revocation and discharge from PCAFC in 38 C.F.R. § 71.45.

NOTE: For guidance on these changes, please refer to the appendices to this notice and the Standard Operating Procedures listed in Appendix A to this notice.
3. The establishment of PGCSS is required by 38 U.S.C. § 1720G(b), and rules governing its operation are set forth in 38 C.F.R. part 71. This is a program of support services for caregivers of Veterans who are enrolled in the VA health care system, including caregivers who are not family members and do not reside with the Veteran. **NOTE:** This notice contains terms, eligibility criteria, and standard operating procedures (SOPs) for PGCSS, however, VA’s recent rulemaking that amended 38 C.F.R. part 71 (published on July 31, 2020 and effective on October 1, 2020) related primarily to PCAFC.

4. It is Veterans Health Administration (VHA) policy that each VA medical facility establish a local CSP and administer the local CSP in accordance with the requirements set forth in 38 C.F.R. part 71 and CSP Standard Operating Procedures (see Appendix A). **NOTE:** CSP is a clinical program, and decisions which affect the furnishing of assistance or support under PCAFC or PGCSS are considered medical determinations, which are appealable through the VHA clinical appeals process in VHA Directive 1041, Appeal of VHA Clinical Decisions, dated October 24, 2016.

5. For the most current implementation SOP on CSP, see Appendix A.

6. All inquiries regarding this notice should be addressed to the National Deputy Director, Caregiver Support Program, Office of Care Management and Social Work Services, (12CMSW), at 202-461-7337.


8. This VHA notice will expire and be archived as of October 31, 2021. **NOTE:** A recertification of VHA Directive 1152(1), Caregiver Support Program, is forthcoming. The recertification of this policy will address changes to PCAFC and PGCSS as a result of the MISSION Act and the recent rulemaking.

**BY DIRECTION OF THE OFFICE OF THE UNDER SECRETARY FOR HEALTH:**

/s/ Beth Taylor  
Assistant Under Secretary for Health for Patient Care Services

**DISTRIBUTION:** Emailed to the VHA Publications Distribution List on October 1, 2020.
STANDARD OPERATING PROCEDURES FOR CAREGIVER SUPPORT PROGRAM

Standard Operating Procedures (SOPs) for those topics listed below for the Caregiver Support Program (CSP) may be found on the following website: https://r03cleapp06.r03.med.va.gov/hub2/cgvr/library.html. **NOTE:** This is an internal VA website that is not available to the public.

1. Address Changes and Relocations.
2. Applicants Who Reside Outside of State.
3. Application Determinations.
5. Benefits.
6. Centralized Eligibility and Appeals Team.
7. Concerns of Fraud.
8. Dates of Service that Overlap Phased Expansion.
10. Legacy Applicants and Legacy Participants.
11. Members of the Armed Forces.
13. Reassessment.
15. Revocation and Discharge.
16. Staff Orientation and Education.
17. Wellness Contacts.
18. Workload and Clinic Setup.
DEFINITIONS

The following are definitions of terms used for purposes of administering the Program of Comprehensive Assistance for Family Caregivers (PCAFC) and the Program of General Caregiver Support Services (PGCSS). We note that these terms and definitions may apply to both PCAFC and PGCSS or may only apply to PCAFC or PGCSS. Please refer to each definition for applicability to PCAFC or PGCSS, as appropriate.

a. **Centralized Eligibility and Appeals Team.** For purposes of administering PCAFC, a Centralized Eligibility and Appeals Team (CEAT) is composed of a standardized group of inter-professional, licensed practitioners, with specific expertise and training in the eligibility requirements for PCAFC. The CEAT will make determinations of PCAFC eligibility and whether the Veteran or Service member is determined to be unable to self-sustain in the community for purposes of determining the stipend level. Such determinations will be made in collaboration with the primary care team for the eligible Veteran (including the VA primary care provider) to the maximum extent practicable, and take into account the assessment by the Family Caregiver (or Family Caregiver applicant, as applicable). Input of the primary care team and Family Caregiver (or Family Caregiver applicant, as applicable) is obtained during the evaluation of PCAFC applicants by designated clinical staff at local VA medical facilities. **NOTE:** PCAFC decisions are considered medical determinations pursuant to 38 U.S.C. § 1720G(c)(1); and disputes of medical determinations (i.e., clinical disputes) are appealable through the VHA clinical appeals process as set forth in VHA Directive 1041, Appeal of VHA Clinical Decisions, dated October 24, 2016.

b. **Domestic Violence.** For purposes of PCAFC, domestic violence (DV) refers to any violence or abuse that occurs within the domestic sphere or at home, and may include child abuse, elder abuse, and other types of interpersonal violence.

c. **Eligible Veteran.** For purposes of PCAFC, an eligible Veteran is defined as a Veteran or Service member who is found eligible for a Family Caregiver under 38 C.F.R. § 71.20.

d. **Family Caregiver.** For purposes of PCAFC, the term Family Caregiver means both a Primary and Secondary Family Caregiver. **NOTE:** VA approves and designates Family Caregivers as Primary and Secondary Family Caregivers pursuant to 38 C.F.R. § 71.25(f); see Appendix C for additional information.

(1) **Primary Family Caregiver.** A Primary Family Caregiver is an individual designated as primary provider of personal care services for the eligible Veteran. This individual has been specified on the joint application as Primary Family Caregiver and has been approved by VA as the Primary Family Caregiver for purposes of PCAFC.
(2) **Secondary Family Caregiver.** A Secondary Family Caregiver is an individual approved as a provider of personal care services for the eligible Veteran and generally serves as a back-up to the Primary Family Caregiver. This individual has been specified on the joint application as Secondary Family Caregiver and has been approved by VA as the Secondary Family Caregiver for purposes of PCAFC.

e. **Financial Planning Services.** For purposes of PCAFC, financial planning services means services focused on increasing financial capability and assisting the Primary Family Caregiver in developing a plan to manage the personal finances of the Primary Family Caregiver and the eligible Veteran, as applicable, to include household budget planning, debt management, retirement planning review and education, and insurance review and education.

f. **General Caregiver.** For purposes of PGCSS, a General Caregiver means an individual who meets the requirements of 38 C.F.R. § 71.35. **NOTE:** The General Caregiver requirements moved from § 71.30 to § 71.35 under VA’s recent rulemaking that amended 38 C.F.R. part 71 (published on July 31, 2020 and effective on October 1, 2020).

g. **In Need of Personal Care Services.** For purposes of PCAFC, in need of personal care services means that the eligible Veteran requires in-person personal care services from another person, and without such personal care services, alternative in-person caregiving arrangements (including respite care or assistance of an alternative caregiver) would be required to support the eligible Veteran’s safety.

h. **In the best interest.** For the purpose of determining whether it is in the best interest of the Veteran or Service member to participate in PCAFC, a clinical determination that participation in such program is likely to be beneficial to the Veteran or Service member. Such determination will include consideration, by a clinician, of whether participation in the program significantly enhances the Veteran’s or Service member’s ability to live safely in a home setting, supports the Veteran’s or Service member’s potential progress in rehabilitation, if such potential exists, increases the Veteran’s or Service member’s potential independence, if such potential exists, and creates an environment that supports the health and well-being of the Veteran or Service member.

i. **Inability to Perform an Activity of Daily Living.** For purposes of PCAFC, an Inability to perform an Activity of Daily Living (ADL) means a Veteran or Service member requires personal care services each time he or she completes one or more of the following:

(1) Dressing or undressing oneself;

(2) Bathing;

(3) Grooming oneself in order to keep oneself clean and presentable;
(4) Adjusting any special prosthetic or orthopedic appliance, that by reason of the particular disability, cannot be done without assistance (this does not include the adjustment of appliances that nondisabled persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.);

(5) Toileting or attending to toileting;

(6) Feeding oneself due to loss of coordination of upper extremities, extreme weakness, inability to swallow, or the need for a non-oral means of nutrition; or

(7) Mobility (walking, going up stairs, transferring from bed to chair, etc.).

j. Institutionalization. For purposes of PCAFC, institutionalization refers to being institutionalized in a setting outside the home residence to include a hospital, rehabilitation facility, jail, prison, assisted living facility, medical foster home, nursing home or other similar setting.

k. Intimate Partner Violence. For purposes of PCAFC, intimate partner violence (IPV) refers to any violent behavior including, but not limited to, physical or sexual violence, stalking, or psychological aggression (including coercive acts or economic harm) by a current or former intimate partner that occurs on a continuum of frequency and severity which ranges from one episode that might or might not have lasting impact to chronic and severe episodes over a period of years. IPV can occur in heterosexual or same-sex relationships and does not require sexual intimacy or cohabitation.

l. Joint Application. For purposes of PCAFC, joint application means an application that has all fields within the application completed, including signature and date by all applicants, with the following exceptions: social security number or tax identification number, middle name, sex, email, alternate telephone number, and name of facility where the Veteran last received medical treatment, or any other field specifically indicated as optional.

m. Legacy Applicant. For purposes of PCAFC, a legacy applicant is a Veteran or Service member who submits a joint application for PCAFC that is received by VA before October 1, 2020 and for whom a Family Caregiver(s) is approved and designated on or after October 1, 2020 so long as the Primary Family Caregiver approved and designated for the Veteran or Service member on or after October 1, 2020 pursuant to such joint application (as applicable) continues to be approved and designated as such. If a new joint application is received by VA on or after October 1, 2020 that results in approval and designation of the same or a new Primary Family Caregiver, the Veteran or Service member would no longer be considered a legacy applicant.

n. Legacy Participant. For purposes of PCAFC, legacy participant refers to an eligible Veteran whose Family Caregiver(s) was approved and designated by VA under 38 C.F.R. part 71 as of the day before October 1, 2020 so long as the Primary Family Caregiver approved and designated for the eligible Veteran as of the day before
October 1, 2020 (as applicable) continues to be approved and designated as such. If a new joint application is received by VA on or after October 1, 2020 that results in approval and designation of the same or a new Primary Family Caregiver, the Veteran or Service member would no longer be considered a legacy participant.

o. **Legal Services.** For purposes of PCAFC, legal services means assistance with advanced directives, power of attorney, simple wills, and guardianship; educational opportunities on legal topics relevant to caregiving; and referrals to community resources and attorneys for legal assistance or representation in other legal matters. These services would be provided only in relation to the personal legal needs of the eligible Veteran and the Primary Family Caregiver. This definition excludes assistance with matters in which the eligible Veteran or Primary Family Caregiver is taking or has taken any adversarial legal action against the United States government, and disputes between the eligible Veteran and Primary Family Caregiver.

p. **Monthly Stipend Rate.** For purposes of PCAFC, monthly stipend rate means the Office of Personnel Management (OPM) General Schedule (GS) Annual Rate for grade 4, step 1, based on the locality pay area in which the eligible Veteran resides, divided by 12.

q. **Need for Supervision, Protection, or Instruction.** For purposes of PCAFC, need for supervision, protection, or instruction means an individual has a functional impairment that directly impacts the individual’s ability to maintain his or her personal safety on a daily basis.

r. **Overpayment.** For purposes of PCAFC and PGCSS, overpayment means a payment made by VA pursuant to 38 C.F.R. part 71 to an individual in excess of the amount due, to which the individual was not eligible, or otherwise made in error. An overpayment is subject to collection action.

s. **Personal care services.** For purposes of PCAFC and PGCSS, personal care services means care or assistance of another person necessary in order to support the eligible veteran's health and well-being, and perform personal functions required in everyday living ensuring the eligible veteran remains safe from hazards or dangers incident to his or her daily environment.

t. **Primary Care Team.** For purposes of PCAFC, primary care team means one or more medical professionals who care for a patient based on the clinical needs of the patient. Primary care teams must include a VA primary care provider who is a physician, advanced practice nurse, or a physician assistant.

u. **Revocation and Discharge.** The bases and criteria for revocation and discharge of a Family Caregiver from PCAFC are set forth in 38 C.F.R. § 71.45. **NOTE:** For additional information, please refer to the standard operating procedures located in Appendix A.
v. **Serious Injury.** For purposes of PCAFC, serious injury means any service-connected disability that:

(1) Is rated at 70 percent or more by VA; or

(2) Is combined with any other service-connected disability or disabilities, and a combined rating of 70 percent or more is assigned by VA.

w. **Unable to Self-Sustain in the Community.** For purposes of PCAFC, unable to self-sustain in the community means that an eligible Veteran (1) requires personal care services each time he or she completes three or more of the seven activities of daily living (ADL) listed in the definition of an inability to perform an activity of daily living in 38 C.F.R. § 71.15, and is fully dependent on a caregiver to complete such ADLs; or (2) has a need for supervision, protection, or instruction on a continuous basis.

x. **Undergoing medical discharge.** For purposes of PCAFC, undergoing medical discharge means that the Service member has been found unfit for duty due to a medical condition by their Service's Physical Evaluation Board, and a date of medical discharge has been issued.

y. **Wellness Contacts.** For purposes of PCAFC, wellness contacts are conducted to review the eligible Veteran’s well-being, adequacy of personal care services being provided by the Family Caregiver(s), and the well-being of the Family Caregiver(s). This wellness contact will occur, in general, at a minimum of once every 120 days, and at least one visit must occur in the eligible Veteran’s home on an annual basis. Failure of the eligible Veteran and Family Caregiver to participate in any wellness contacts pursuant to 38 C.F.R. § 71.40(b)(2) will result in revocation pursuant to 38 C.F.R. § 71.45, Revocation and Discharge of Family Caregivers.
The following sets forth the requirements for approval and designation of Primary and Secondary Family Caregivers under the Program of Comprehensive Assistance for Family Caregivers (PCAFC). This does not apply to caregivers under the Program of General Caregiver Support Services.

1. APPLICATION REQUIREMENTS.

a. Individuals who wish to be considered for designation by VA as Primary or Secondary Family Caregivers must submit a joint application, along with the Veteran or Service member. Individuals interested in serving as Family Caregivers must be identified as such on the joint application, and no more than three individuals may serve as Family Caregivers at one time for an eligible Veteran, with no more than one serving as the Primary Family Caregiver and no more than two serving as Secondary Family Caregivers.

b. Upon receiving such application, VA (in collaboration with the primary care team to the maximum extent practicable) will perform the evaluations required to determine the eligibility of the applicants under 38 C.F.R. part 71, and if eligible, determine the applicable monthly stipend amount under 38 C.F.R. § 71.40(c)(4). NOTE: See Standard Operating Procedure, titled “Application Processing” for more information. Notwithstanding the first sentence of this paragraph, VA will not evaluate a Veteran’s or Service member's eligibility under 38 C.F.R. § 71.20 when a joint application is received to add a Secondary Family Caregiver for an eligible Veteran who has a designated Primary Family Caregiver.

c. Individuals who apply to be Family Caregivers must complete all necessary eligibility evaluations (along with the Veteran or Service member), education and training, and the initial home-care assessment (along with the Veteran or Service member) so that VA may complete the designation process no later than 90 days after the date the joint application was received by VA. If such requirements are not complete within 90 days from the date the joint application is received by VA, the joint application will be denied, and a new joint application will be required. VA may extend the 90-day period based on VA's inability to complete the eligibility evaluations, provide necessary education and training, or conduct the initial home-care assessment, when such inability is solely due to VA's action.

d. Except as provided in this paragraph, joint applications received by VA before October 1, 2020 will be evaluated by VA based on 38 C.F.R. §§ 71.15, 71.20, and 71.25 in effect on December 31, 2019, available at https://www.ecfr.gov/cgi-bin/textidx?SID=ad915703367095c9e8d841f89dcdbde&pitr=20191231&node=pt38.2.71&rgn
e. Joint applications received by VA on or after October 1, 2020 will be evaluated by VA based on the provisions of 38 C.F.R. part 71 in effect on or after October 1, 2020.

(1) VA will deny any joint application of an individual described in 38 C.F.R. § 71.20(a)(2)(ii), if such joint application is received by VA before the date published in a future Federal Register document (Information Technology system certification date) that is specified in such section. A Veteran or Service member seeking to qualify for PCAFC pursuant to 38 C.F.R. § 71.20(a)(2)(ii) should submit a joint application that is received by VA on or after the date published in a future Federal Register document that is specified in 38 C.F.R. § 71.20(a)(2)(ii).

(2) VA will deny any joint application of an individual described in 38 C.F.R. § 71.20(a)(2)(iii), if such joint application is received by VA before the date that is two years after the date published in a future Federal Register document that is specified in 38 C.F.R. § 71.20(a)(2)(ii). A Veteran or Service member seeking to qualify for PCAFC pursuant to 38 C.F.R. § 71.20(a)(2)(iii) should submit a joint application that is received by VA on or after the date that is two years after the date published in a future Federal Register document that is specified in 38 C.F.R. § 71.20(a)(2)(ii).

2. PRIMARY OR SECONDARY FAMILY CAREGIVER ELIGIBILITY

An applicant to be a Primary or Secondary Family Caregiver must meet all of the following to qualify for PCAFC:

a. Be at least 18 years of age.

b. Be the eligible Veteran’s spouse, son, daughter, parent, step-family member, or extended family member; or be someone who lives with the eligible Veteran full time or will do so if designated as a Family Caregiver.

c. There is no determination by VA of abuse or neglect of the eligible Veteran by the applicant.

d. Meet the requirements of paragraph 3. below and any other applicable requirements of 38 C.F.R. part 71.

3. ASSESSMENT, EDUCATION, AND TRAINING OF APPLICANTS

Before VA approves an applicant as a Primary or Secondary Family Caregiver, the applicant must:

a. Be initially assessed by VA as being able to complete caregiver education and training. Such assessment will consider any relevant information specific to the needs of the eligible Veteran; whether the applicant can communicate and understand the required personal care services and any specific instructions related to the care of the
eligible Veteran (accommodation for language or hearing impairment will be made to the extent possible and as appropriate); and whether the applicant will be capable of performing the required personal care services without supervision, in adherence with the eligible Veteran’s treatment plan in support of the needs of the eligible Veteran.

b. Complete caregiver training and demonstrate the ability to carry out the required specific personal care services, the core competencies specified in 38 C.F.R. § 71.25(d), and additional care requirements.

4. INITIAL HOME-CARE ASSESSMENT

VA will visit the eligible Veteran’s home to assess the eligible Veteran’s well-being and the well-being of the caregiver, as well as the caregiver’s competence to provide personal care services at the eligible Veteran’s home.

5. APPROVAL AND DESIGNATION

VA will approve the joint application and designate Primary and/or Secondary Family Caregivers, as appropriate, if the applicable requirements of 38 C.F.R. part 71 are met. Approval and designation is conditioned on the eligible Veteran and designated Family Caregiver(s) remaining eligible for Family Caregiver benefits under 38 C.F.R. part 71, the Family Caregiver(s) providing the personal care services required by the eligible Veteran, and the eligible Veteran and designated Family Caregiver(s) complying with all applicable requirements of 38 C.F.R. part 71, including participating in reassessments pursuant to 38 C.F.R. § 71.30 and wellness contacts pursuant to 38 C.F.R. § 71.40(b)(2). Refusal to comply with any applicable requirements of 38 C.F.R. part 71 will result in revocation from the program pursuant to 38 C.F.R. § 71.45, Revocation and Discharge of Family Caregivers.
PROGRAM OF COMPREHENSIVE ASSISTANCE FOR FAMILY CAREGIVERS:
ELIGIBILITY CRITERIA FOR VETERANS AND SERVICE MEMBERS

In order to be eligible for a Family Caregiver under the Program of Comprehensive Assistance for Family Caregivers (PCAFC), a Veteran or Service member must meet the criteria in paragraph (a), (b), or (c) below, subject to any limitations set forth in such paragraphs:

a. A Veteran or Service member is eligible for a Primary or Secondary Family Caregiver if he or she meets all of the following requirements:

(1) The individual is either:

(a) A Veteran; or

(b) A member of the Armed Forces undergoing a medical discharge from the Armed Forces.

(2) The individual has a serious injury incurred or aggravated in the line of duty in the active military, naval, or air service:

(a) On or after September 11, 2001;

(b) Effective on the date specified in a future Federal Register document (Information Technology system certification date), on or before May 7, 1975; or

(c) Effective two years after the date specified in a future Federal Register document as described in paragraph (b), after May 7, 1975 and before September 11, 2001.

(3) The individual is in need of personal care services for a minimum of six continuous months based on any one of the following:

(a) An inability to perform an activity of daily living; or

(b) A need for supervision, protection, or instruction.

(4) It is in the best interest of the individual to participate in the program.

(5) Personal care services that would be provided by the Family Caregiver will not be simultaneously and regularly provided by or through another individual or entity.

(6) The individual receives care at home or will do so if VA designates a Family Caregiver.

(7) The individual receives ongoing care from a primary care team or will do so if VA designates a Family Caregiver.
b. For one year beginning on October 1, 2020, a Veteran or Service member is eligible for a Primary or Secondary Family Caregiver if he or she is a legacy participant.

c. For one year beginning on October 1, 2020, a Veteran or Service member is eligible for a Primary or Secondary Family Caregiver if he or she is a legacy applicant.
PROGRAM OF GENERAL CAREGIVER SUPPORT SERVICES

The establishment of the Program of General Caregiver Support Services (PGCSS) is required by 38 U.S.C. § 1720G(b), and rules governing its operation are set forth in 38 C.F.R. part 71. This is a program of support services for caregivers of covered Veterans who are enrolled in the VA health care system, including caregivers who are not family members and do not reside with the Veteran. A General Caregiver is not a Primary or Secondary Family Caregiver, but provides personal care services to a covered Veteran who meets the eligibility criteria in paragraph a of this appendix.

a. Eligibility Criteria for the Program of General Caregiver Support Services

(1) For purposes of this program, a covered Veteran is any Veteran who is enrolled in the VA health care system and needs personal care services because the Veteran either:

(a) Is unable to perform an activity of daily living; or

(b) Needs supervision or protection based on symptoms or residuals of neurological or other impairment or injury.

(2) No formal application or clinical evaluation is required to obtain benefits as a General Caregiver.

b. General Caregiver Benefits. Veterans or General Caregivers may request any of the benefits listed below, as needed, from the appropriate providers and staff at their local VA medical facility:

(1) Education, Training and Technical Support. Online and in-person education and training offerings and educational sessions are available for General Caregivers. Referrals to VA-provided and non-VA community services and supports are made and information concerning such services is provided as clinically indicated.

(2) Telehealth. Use of telehealth and other available technologies.

(3) Teaching. Teaching techniques, strategies, and skills for caring for a Veteran.

(4) Respite Care. Respite care provided to Veterans is medically and age appropriate for the Veteran (including 24-hour per day in-home care).

(5) Counseling.

(a) VA provides consultation, professional counseling, marriage and family counseling, training, and mental health services to a General Caregiver when necessary in connection with the treatment of a disability for which the Veteran is receiving treatment through VA. NOTE: Provision of a benefit is “in connection with the treatment”
of a Veteran’s disability if, in the clinical judgment of a VA medical professional who is providing treatment to the Veteran, the provision of the benefit to the General Caregiver would further the objectives of the Veteran’s medical treatment plan. For further guidelines on the provision of these benefits, see 38 C.F.R. § 71.50(a).

(b) In addition to General Caregivers, the following individuals are eligible for counseling described in paragraph b.(5)(a) and 38 C.F.R. § 71.50:

1. A person related to the Veteran by birth or marriage who lives with the Veteran or has regular personal contact with the Veteran;

2. The Veteran’s legal guardian or surrogate;

3. A Primary or Secondary Family Caregiver; or

4. The individual in whose household the Veteran has certified an intention to live.

(c) When a VA provider believes that medical care or services are needed for a General Caregiver or other individual listed in paragraph b.(5)(b) but cannot provide benefits because the need is not necessary in connection with the Veteran’s treatment, VA may refer the individual to an appropriate provider in the community, so that the individual may obtain care through other health coverage, including care for which a Primary or Secondary Family Caregiver may be eligible.