

CHOICE Act - Nebraska Draft

1 **Section 1.** Sections 1 to 5 of this act shall be known and may be cited as
2 the Certified Help Options in Claims Expertise for Veterans Act.

3 **Sec. 2.** For purposes of the Certified Help Options in Claims Expertise
4 for Veterans Act:

5 (1) Compensation means any money, thing of value, or economic benefit
6 conferred on, or received by, any person in return for services rendered, or to
7 be rendered, by such person or any other person;

8 (2) Veterans benefits matter means the preparation, presentation, or
9 prosecution of any claim affecting any person who has filed or expressed an
10 intent to file a claim for any benefit, program, service, commodity, function,
11 status, or entitlement for which veterans, their dependents, their survivors,
12 or any other individual are eligible under the laws and regulations administered
13 by the United States Department of Veterans Affairs, the United States
14 Department of Defense, or the Nebraska Department of Veterans' Affairs
15 pertaining to veterans, their dependents or survivors, or any other individual
16 eligible for such benefit, program, service, commodity, function, or status;
17 and

18 (3) Person means any natural person, corporation, trust, partnership,
19 incorporated or unincorporated association, or any other legal entity;

20 **Sec. 3.** (1) Except as permitted under state or federal law, no person
21 shall receive compensation, directly or indirectly, for referring any individual
22 to another person to prepare, present, or prosecute any veterans benefits matter
23 before the United States Department of Veterans Affairs, the United States
24 Department of Defense, or the Nebraska Department of Veterans' Affairs or to
25 advise, consult, or provide assistance regarding any such matter. [Add referral
26 provision related to medical professionals? (HR3132, pg 12-13)]

27 (2) A person shall not receive compensation for any services rendered in
28 connection with any claim in a veterans benefit matter filed within the one-
29 year presumptive period of active-duty release or for any services rendered in
30 connection with any claim in a veterans benefit matter for which a presumption

1 of service connection exists unless the veteran signs a waiver acknowledging
2 that the veteran is choosing to forego free services available to such veteran.

3 (3) (a) A person seeking to receive compensation for advising, assisting,
4 or consulting with any individual in connection with any veterans benefits
5 matter shall, before rendering any services, memorialize the specific terms
6 under which the amount to be paid will be determined in a written agreement
7 signed by both parties.

8 (b) Compensation for services under this section shall be purely
9 contingent upon an increase in benefits awarded, and if successful, compensation
10 shall not exceed the least of the following amounts:

11 (i) Five times the amount of the monthly increase in benefits awarded
12 based on the claim; or

13 (ii) Twelve thousand five hundred dollars. [Is this amount adjusted by
14 CPI in the federal bill? (HR3132, pg 17-18)]

15 (c) A person providing services under this section shall not charge any
16 initial or nonrefundable fee. No interest shall be charged on any payment plans
17 agreed to by the parties. [Add language regarding prohibition on single payment
18 requirement and payment plan increments exceeding the monthly increase? (HR3132,
19 pg 17)]

20 (5) A person seeking to receive compensation for advising, assisting,
21 or consulting with any individual in connection with any veterans benefits
22 matter shall not guarantee, either directly or by implication, a successful
23 outcome or that any individual is certain to receive specific benefits or a
24 specific level, percentage, or amount of benefits.

25 (5) (a) Any person advising, assisting, or consulting on veterans benefits
26 matters for compensation must provide the following disclosure at the outset of
27 the business relationship: "This business is not sponsored by, or affiliated
28 with, the United States Department of Veterans Affairs or the Nebraska
29 Department of Veterans' Affairs, or any other federally chartered veterans
30 service organization. The Nebraska Department of Veterans' Affairs and other
31 organizations, including local veterans service organizations and other

1 federally chartered veterans service organizations, may be able to provide you
2 with this service free of charge. Products or services offered by this business
3 are not necessarily endorsed by any of these organizations. You may qualify for
4 other veterans benefits beyond the benefits for which you are receiving services
5 here."

6 (b) The written disclosure shall appear in at least twelve-point font in
7 an easily identifiable place in the person's agreement with the individual
8 seeking services. The individual shall sign the document in which the written
9 disclosure appears to represent an understanding of these provisions. The person
10 offering services must retain a copy of the written disclosure while providing
11 veterans benefits services for compensation to the individual and for at least
12 one year after the date on which the service relationship terminates.

13 (6) Businesses advising, assisting, or consulting on veterans' benefits
14 matters for a fee shall:

15 (a) Not utilize international data centers for processing veterans'
16 personal information;

17 (b) Not gain direct access to any personal medical, financial, or
18 government benefits login, username, or password information;

19 (c) Ensure that any individual who has access to veterans' medical or
20 financial information undergoes a background check prior to having access to
21 that information. The background check must be conducted by a reputable source
22 and include identity verification and a criminal records check; and

23 (d) Maintain a certification from the National Association for Veterans
24 Rights or an accreditation from the United States Department of Veterans
25 Affairs.

26 (7) This section does not apply to state or county veterans service
27 officers.

28 **Sec. 4.** A violation of this act shall constitute a deceptive trade
29 practice under the Uniform Deceptive Trade Practices Act and shall be subject
30 to any remedies or penalties available for a violation of such act. [\[Any updates](#)
31 [needed to the penalty section?](#)

1 **Sec. 5.** Nothing in this act shall be construed to:

2 (1) Prohibit a division of fees between attorneys that is otherwise proper
3 under Nebraska law and the Nebraska Rules of Professional Conduct; or

4 (2) Apply to, limit, or expand the requirements imposed on agents,
5 attorneys, or other representatives accredited or regulated by the United States
6 Department of Veterans Affairs.

7 **Sec. 6.** (1) Beginning January 1, 2027, any entity seeking to advise,
8 assist, or consult with any individual residing in Nebraska in connection with
9 any veterans benefits matter for compensation shall, before rendering any
10 services, register with the Nebraska Department of Veterans' Affairs.

11 (2) Applications for registration shall be submitted on a form prescribed
12 by the department. Each application shall include:

13 (a) The name, address, and state of organization for the entity;

14 (b) A principal point of contact for the entity and contact information
15 for the point of contact;

16 (c) Information sufficient to establish the entity holds a certification
17 from the National Association for Veterans Rights or an accreditation from the
18 United States Department of Veterans Affairs, as applicable.

19 (3) The Nebraska Department of Veterans' Affairs may publish a list of
20 entities registered under this section on its website.

21 (4)(a) An entity required to register pursuant to this section shall,
22 within one hundred twenty days of receiving a written request from the Nebraska
23 Department of Veterans' Affairs, provide on an annualized basis the following
24 data to the department:

25 (i) Aggregate number of individuals serviced in the state;

26 (ii) Number of claims approved, denied, or pending;

27 (iii) Average claim return time; and

28 (iv) Number of clients who received a successful increase who have a
29 previously assigned agent of record.

30 (b) Data provided under this section shall exclude any items of personal
31 financial, medical, or other data deemed confidential, business privileged, or

1 data protected from disclosure by the federal Health Insurance Portability and
2 Accountability Act of 1996, Public Law 104-191, and regulations promulgated
3 thereunder.

4 (5) The Nebraska Department of Veterans' Affairs may adopt and promulgate
5 rules and regulations to carry out this section.