A BILL FOR

AN ACT [INSERT STATE SPECIFIC INTRODUCTION].

Be it enacted by the People of the State of [INSERT STATE], represented in the [INSERT LEGISLATIVE BODY]:

(a) As used in this Act:

"Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or herself or another.

"Veteran or military benefits services" means any services offered or provided to a veteran, military member, or family member who is entitled to receive benefits under federal, State, or local law, policy, or practice as a result of, at least in part, qualifying military service. Such services include assistance, consulting or coaching in the preparation, presentation, or prosecution of claims or other attempts to obtain benefits, increase benefits, or appeal a decision related to obtaining or increasing benefits.

"Veterans services disclosures" means providing, in upper case type in size at least as large as the type size of the written communication or by voice-over, the following statements:

"THIS BUSINESS IS NOT ENDORSED OR SPONSORED BY, OR AFFILIATED WITH, THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE [INSERT STATE] DEPARTMENT OF VETERANS AFFAIRS, OR ANY FEDERALLY CHARTERED VA ACCREDITED VETERAN SERVICE ORGANIZATION. YOU MAY QUALIFY FOR OTHER VETERANS BENEFITS BEYOND THE BENEFITS FOR WHICH YOU ARE RECEIVING SERVICES HERE.".

"VETERAN AND MILITARY BENEFITS SERVICES ARE AVAILABLE FREE OF CHARGE FROM VA ACCREDITED COUNTY VETERAN SERVICE OFFICERS, REPRESENTATIVES OF THE [INSERT STATE] DEPARTMENT OF VETERANS AFFAIRS, AND THE VETERAN SERVICE OFFICERS OF FEDERALLY CHARTERED VETERAN SERVICE ORGANIZATIONS. TO LEARN MORE, CONTACT THESE ORGANIZATIONS OR THE [INSERT STATE] ATTORNEY GENERAL'S OFFICE."

(b) It is an unlawful practice within the meaning of [INSERT STATE CONSUMER PROTECTION ACT] for any person providing veteran or military benefits services to:

(1) Fail in any advertising to conspicuously disclose veterans services disclosures when veteran or military benefits services are provided in exchange for any financial compensation, benefit or thing of value.

(2) Fail at the outset of the business relationship to clearly provide, both orally and in writing, veterans services disclosures when veteran or military benefits services are provided in exchange for any financial compensation, benefit or thing of value.

(3) Fail to obtain all veteran or military benefits services qualifications, certifications, and accreditations required under State or federal law for the services provided.

(4) Receive compensation for referring any individual to another person to advise or assist the individual with any veterans' benefits matter.

(5) Guarantee, either directly or by implication, a successful outcome or that any individual is certain to receive specific veterans' benefits or that any individual is certain to receive a specific level, percentage, or amount of veterans' benefit.

(6) Fail, when acting as a fiduciary for a veteran receiving benefits, to meet the responsibilities of fiduciaries under 38 CFR 13.140.

(7) Fail, when providing representation before the United States Department of Veterans Affairs, to meet the standards of conduct under 38 CFR 14.632.

(8) For accredited agents and attorneys, charge fees or expenses in violation of 38 CFR 14.636 or 14.637.

(9) When assisting, advising, or consulting with a veteran on a claim, receive any compensation for any services rendered in connection with any claim filed within the one-year presumptive period of active-duty release or any claim for which a presumption of service connection exists, unless the veteran acknowledges by signing a waiver that the veteran is within this period or the claim is subject to such a presumption and is choosing to decline any available free services.

(10) When assisting, advising, or consulting with a veteran on a claim, receive compensation without first memorializing the specific terms under which the amount to be paid will be determined in a written agreement signed by both parties. No initial or nonrefundable fee may be charged by a person advising, assisting, or consulting with a veteran on an initial claim.

(11) When assisting, advising, or consulting with a veteran on a claim for compensation, utilize international call centers or data centers for processing veterans' personal information.

(12) When assisting, advising, or consulting with a veteran on a claim for compensation, use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information.

(13) When assisting, advising, or consulting with a veteran on a claim for compensation, fail to ensure that every individual who has access to the veteran's medical or financial information undergoes a background check prior to having access to that information. The background check must be conducted by a reputable source and include identity verification and a criminal records check.

(14) When advising, assisting, or consulting with a veteran on a claim for compensation, fail to maintain a certification from the National Association for Veterans Rights or an accreditation from the United States Department of Veterans Affairs.

(c) Except for accredited attorneys and agents, fees charged shall be contingent on a successful monetary increase in benefits and shall not exceed the lesser of $12,500 (adjusted annually according to the previous year's Consumer Price Index-U) or 5 times the amount of the monetary increase in monthly benefits. As used in this subsection, "Consumer Price Index-U" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100.

(d) Except as provided in paragraphs (6), (7), and (8) of subsection (b), nothing in this Act applies to agents, attorneys, or other representatives accredited by the United States Department of Veterans Affairs and regulated by that agency. Only agents, attorneys, and other representatives accredited by the United States Department of Veterans Affairs and regulated by that

agency may represent a veteran before Agencies of Original Jurisdiction or the Board of Veterans' Appeals on an appeal from a decision on a benefits claim.

(e) If any provision of this Act or its application to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

(f) Beginning [INSERT IMPLEMENTATION DATE], any person seeking to advise, assist, or consult with any individual residing in [INSERT STATE] in connection with veteran or military benefits services for compensation shall, before rendering any services, register with the [INSERT STATE] Department of Veterans Affairs.

(1) Applications for registration shall be submitted on a form prescribed by the [INSERT RECIPIENT BODY]. Each application shall include:

(A) The name, address, and state of organization for the person;

(B) A principal point of contact for the person and contact information for the point of contact; and

(C) Information sufficient to establish that the person holds a certification from the National Association for Veterans Rights or an accreditation from the United States Department of Veterans Affairs, as applicable.

(2) The [INSERT STATE] Department of Veterans Affairs may publish a list of persons registered under this subsection on its website.

(3) A person required to register pursuant to this subsection shall, within 120 days of receiving a written request from the [INSERT STATE] Department of Veterans Affairs, provide on an annualized basis the following data to the [INSERT RECIPIENT BODY]:

(A) The aggregate number of individuals serviced in this State;

(B) The number of claims approved, denied, or pending;

(C) The average claim return time; and

(D) The number of clients who received a successful increase who have a previously assigned agent of record.

(4) Data provided under this subsection shall exclude any items of personal financial, medical, or other data deemed confidential, business privileged, or data protected from disclosure by the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and regulations promulgated thereunder.

(5) The [INSERT STATE] Department of Veterans Affairs may adopt rules to carry out this subsection.

(6) A violation of this subsection is an unlawful practice within the meaning of [INSERT STATE CONSUMER PROTECTION ACT].