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Communicator

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President's Message

(Solano CVSO Ted Puntillo, President)

Hello Everyone:

I am looking forward to seeing all of you at the Santa Rosa Conference.

Some of issues we will be tackling will relate to preparing for the National Conference in San Diego in June 2017. Our new Executive Director, Tom Splitgerber will make a presentation on what he has been doing in the first 3 weeks on the job. He will present the CACVSO staffing and salary survey. Tom and Jack Kirwan worked extremely hard on it, and it will be presented at the conference. It shows where the inequities and problem areas are for both staffing and what you get paid. Hopefully it will give you ammunition to negotiate with your county leadership if you are on the short end of the stick. It will feature both CVSO salaries, and whether they have their own department or not. The ratio of vets to vet reps will be also shown along with vet rep salaries.

Another major issue will be to address the counties that continually send in their subvention reports late. We will consider corrective action with these counties that could include a letter from Cal Vet to your CAO and for very late counties, financial sanctions. The delay in even one county getting this simple report in delays all 56 counties in getting their payments.

Another issue will be rules for the hospitality suite. We have formulated them and they will be passed out at the conference. Insurance for the organization against law suits will also be proposed and voted on. The by-laws committee of Pat Jolly, Charles Hunnicutt and Jonn Melrose worked on updating the by-laws and make them more understandable and up to date.

Hopefully all counties will have their dues paid by October 1 to avoid having to pay non-member rates at the conference and possibly not being able to vote.

I personally thank Chris Bingham for hosting this event. It takes a lot of work and resources, and he and his staff have done a wonderful job.

Grant Gatushe, CVSO Riverside County is on the mend, and hopes to make a full recovery in a couple of months. Please pray for his speedy recovery.

See you in Santa Rosa.

Ted



TIME & PLACE COMMITTEE

(Kern County—CVSO Dick Taylor, Chair)

Dates & Locations of Upcoming Conferences



October 2—7, 2016

Flamingo Conference Resort & Spa
Santa Rosa, CA



February 27—March 3, 2017

Holiday Inn, Sacramento CA



June 11—16, 2017

Town & Country Resort & Convention Ctr.
San Diego, CA

NewsLetter DEADLINE

**Last Thursday of the Month
Unless Notified Otherwise!**

OUT OF THE NORM—ISSUE # 214

(A feature of the Education Committee by Mr. Norm Gillett, CACVSO Training Consultant)

Last month I gave a very brief description of the Federal Tort Claims Act (FTCA, 28 US Code 1346(b)) and its application to injury or death suffered as a result of VA malpractice. This is not a veteran's or survivor's only recourse in such a circumstance, however. The FTCA is a general law, but there is also a specific law for VA malpractice—compensation or DIC under 38 US Code 1151 for additional disability or death as a result of VA examination, hospitalization, or medical or surgical treatment, *as if* it was service-connected. A veteran or survivor may choose to pursue either or both of these avenues, although again, the advice and counsel of an attorney is highly recommended.

In certain respects, the requirements of the two laws are similar: both must be for personal injury or death due to a negligent or wrongful act or omission, which must have been committed by a government (VA) employee in a government (VA)-controlled facility, who was acting within the scope of his/her employment. An injury or death caused by the action or inaction of an independent contractor, such as treatment in a civilian nursing home as a VA beneficiary, will not confer entitlement under either law.

There are also several significant differences in the two laws—for FTCA, whether an act was negligent is determined by the law of the state where it occurred, whereas entitling considerations under 38 USC 1151 are specified in the statute and the implementing regulations (see 38 CFR 3.361 and 3.800), and are uniform throughout the country. Under FTCA it is not required that a claimant be present at the facility for a specific reason; he/she could be an innocent passer-by when the entitling event occurred, so long as he/she suffers an injury or death as a result. On the other hand, 38 USC 1151 and the implementing regulations specifically require that the veteran be at the VA facility for the purpose of hospitalization or to receive examination or medical or surgical treatment; simply coincidentally being at a VA facility when a potentially compensable event occurs will not in and of itself establish entitlement to benefits.

An award under FTCA is a one-time payment, whereas compensation or DIC under 38 USC 1151 is paid monthly. A claim under FTCA may be settled or compromised for all or some part of the sum being claimed, but an award under 38 USC 1151 may only be for the rate of compensation specified by the Rating Schedule for that particular condition at that level of severity (in other words, all or nothing).

FTCA has a statute of limitations—the claim *must* be filed within the specified time or it will be dismissed. There is no time limit for a claim under 38 USC 1151, although the beginning date of entitlement is determined by whether or not the claim was filed within one year of the compensable event—if more than one year later, entitlement will begin from the date VA receives the claim. Finally, a monetary award under FTCA is taxable income, while *all* VA monetary benefits, on any basis, are tax-free.

Although there are some exceptions, there is a general prohibition against dual compensation—that is, payments from two or more (Federal) sources for the same service or for the same disability. This applies also when a claimant receives an award, settlement or compromise under FTCA and has established (or will establish) entitlement to compensation or DIC under 38 USC 1151 for the same disability or death. In such cases, the compensation or DIC payments for the compensable disability or death are withheld until the full amount of the FTCA award, settlement or compromise has been recovered. (This does not apply if the disability or death which is the basis of the FTCA claim is *actually* service-connected, rather than simply being compensable *as if* service-connected under 38 USC 1151.)

To sum up, a claim under the FTCA for disability or death arising from VA malpractice is *not* a veterans' benefits issue, and the VSO is well-advised to stay as far away from the matter as possible. If a client raises the issue, he/she should be furnished a Standard Form 95 and referred to his/her attorney (or to the local Bar Association or Legal Aid Society if he/she does not have an attorney). On the other hand, a claim under 38 USC 1151 is specifically a veterans' benefits issue, and should be handled the same as any other veterans' benefits claim.

This Month's Featured County

Glenn County is a county in the U.S. state of California. As of the 2010 census, the population was 28,122. The county seat is Willows. It is located in the California Central Valley. Glenn County was formed in 1891 from parts of Colusa County. It was named for Hugh J. Glenn, who was the largest wheat farmer in the state during his lifetime, and a man of great prominence in political and commercial life in California.



LEGISLATIVE ADVOCATE REPORT

(By Pete Conaty and Dana Nichol, Legislative Advocates)

2015-16 LEGISLATIVE SESSION ENDS STATUS OF BILLS SENT TO THE GOVERNOR

CALIFORNIA ASSOCIATION OF COUNTY VETERANS SERVICE OFFICERS

The 2015-16 California Legislative Session ended on August 31st. Legislation that was passed during the last weeks of the legislative session are now on the Governor's desk awaiting a signature or veto. There are 789 of these bills and the Governor has until September 30 to take such action.

The bills listed below are bills your organization sponsored, supported, or watched that have been signed into law (ENACTED), vetoed, or are still awaiting decision on these final 2 days.

To access the Legislature's website which has the language, status, votes, and analyses of all legislation from 1999 to the present, go to: <https://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

If you have any questions, please contact:

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AB 2085 **AUTHOR:** Irwin [D]
DISPOSITION: VETOED
SUMMARY:

Creates the Office of Military Legal Assistance within the Military Department to assist current service members who require legal assistance by providing access to educational and informational resources and providing referral services to available legal assistance programs, including reduced fee services, pro bono services, and self-help services. Authorizes the areas of legal services assistance the Office may provide.

AB 2254 **AUTHOR:** Achadjian [R]
DISPOSITION: ENACTED
SUMMARY:

Revises the list of armories to be made available for providing temporary shelter to homeless persons to include the Atascadero armory in San Luis Obispo County.

The Summit

F I J T I M M U S U U O H M T
A D L D P E R S P E C T I V E
U E K E N V M V S P A R K L D
Q A A E O Z U N E S A V C R W
D S M A I N U S P M J O Y D V
Y X A H T A M X O R L C E G L
R Y R R A Y R E H P I R E P U
J T O G N I K N I H T L R H P
R I N O I T A R E D I S N O C
U L A L G K H J N R B M K J R
T A P T A I A W R E Q P K M U
N E L W M A T U H A X M R I W
Z R E T I K R U Q M J E I B S
O U T B I J H O N O I S I V O
R N Y H O R I Z O N A R U Z B

SUMMIT
IMAGINATION
IDEAS
THINKING
AHA
CONSIDERATION
PERSPECTIVE
PERIPHERY
HORIZON
PANORAMA
REALITY
HOPE
SPARK
VISION
DREAM

CVSO Happenings

WELCOME
ABOARD



Dean Kaufman

County Veterans Service Officer

Santa Cruz County

AB 2273	AUTHOR: Irwin [D]
	DISPOSITION: ENACTED
	SUMMARY: Prohibits a member of the active militia, including the National Guard, from being prosecuted for a military crime based on an attempt to kill himself or herself. Requires the Adjutant General to ensure that any member of the active militia that attempts to kill himself or herself is referred to the Behavioral Health Liaison Program to receive assistance, counseling, or referral to other appropriate available services.
AB 2562	AUTHOR: Veterans Affairs Cmt
	DISPOSITION: ENACTED
	SUMMARY: Relates to military service benefits. Deletes references to the date a reservist is called to active duty, both the definition of a reservist and payment deferral provisions, thereby making benefits available to any reservist who otherwise meets the definition.
SB 294	AUTHOR: Pan [D]
	DISPOSITION: ENACTED
	SUMMARY: Requires the Board of Administration of the Public Employees' Retirement System to provide a form to be used by a member to receive credit for his or her military service with employer-paid employee and employer contributions. Requires employers to inform the member his or her rights to receive credit within certain number of days of the member's return to state service by utilizing that form. Requires employer to provide letters or electronic communications to all employees informing them of those rights.
SB 543	AUTHOR: Wolk [D]
	DISPOSITION: ENACTED
	SUMMARY: Amends existing law that establishes Veteran's Home of California in Barstow, Chula Vista, Lancaster, Ventura and Yountville. Provides for an administrator for each home or homesite. Provides funding for designing and constructing veterans' homes. Requires each home to establish a Morale, Welfare, and Recreation Operating Fund to administer quality of life activities for the general welfare of residents. Provides for funding.
SB 866	AUTHOR: Roth [D]
	DISPOSITION: ENACTED
	SUMMARY: Authorizes a housing developer or service provider that provides housing or services pursuant to the Veterans Housing and Homeless Prevention Bond Act of 2014, to provide housing or services to veterans and their children in women-only facilities in limited instances.

SB 905 **AUTHOR:** Bates [R]
DISPOSITION: ENACTED
SUMMARY:
 Defines a club for purposes of the qualification for a on-premises liquor license for members of a club and their guests. Includes a nonprofit umbrella organization established to provide a central meeting location, and services for veterans, including those on active duty, and that owns or leases, operates, and maintains a facility for these purposes. Requires the organization to serve a minimum number of veteran organizations.

SB 1012 **AUTHOR:** Nguyen [R]
DISPOSITION: ENACTED
SUMMARY:
 Requires any Flag of the United State or the Flag of the State purchased by the State or any local government agency be made in the United States.

SB 1059 **AUTHOR:** Monning [D]
DISPOSITION: ENACTED
SUMMARY:
 Relates to the State Approving Agency for Veterans Education. Includes as a qualifying institution for federal Title 38 awards, an institution that has been accredited by the Committee of Bar Examiners, if the institution complies with specified disclosure and compliance requirements.

SB 1180 **AUTHOR:** Jackson [D]
DISPOSITION: ENACTED
SUMMARY:
 Requires that a certificated or classified employee who is a military veteran with a specified military service-connected disability rating be entitled to a specified number of days leave of absence with pay for the purpose of undergoing disability-related medical treatment.

SB 1227 **AUTHOR:** Lara [D]
DISPOSITION: ENACTED
SUMMARY:
 Requires the California Conservation Corps to collaborate with the Department of Veterans Affairs and the Employment Development Department to assist any corps member who is a veteran of the United States Armed Forces, in obtaining employment after participating in the corps program. Provides that such collaboration efforts shall include providing access to veterans supportive services and workforce services.



COUNTY OF LOS ANGELES – DEPARTMENT OF MENTAL HEALTH ADULT SYSTEM OF CARE

VALOR PROGRAM SUMMARY

The Los Angeles County Department of Mental Health (LACDMH) began providing specialized services for veterans in 2010. Recognizing the needs of this underserved population, LACDMH began to conduct targeted outreach to homeless veterans. The Veterans and Loved Ones Recovery (VALOR) program, part of LACDMH's Adult Services Bureau, was born from these efforts. In 6 years, the VALOR program has grown to include a small cadre of clinical and administrative staff. The 20 VALOR staff is headquartered at Bob Hope Patriotic Hall, where any Veteran, regardless of their Military Discharge status and eligibility for Veterans Affairs (VA) benefits, will be seen. The rapid growth and formal organizational status signifies the importance and high priority given to this population by the County and Department management.

The VALOR program's goal is to bring opportunities for hope, wellness, and recovery to Los Angeles County veterans and their families who need mental health services. VALOR staff recognizes they must start by helping veterans fulfill basic needs. Consequently, there is a strong emphasis on reducing homelessness among veterans, increasing housing linkages and mental health services, and building partnerships with veteran's service providers.

The VALOR Program provides outreach and engagement for homeless veterans and their families with serious mental illnesses and/or co-occurring issues. Outreach and engagement efforts focus on veterans living in encampments, on the streets, and by underpasses, parks, libraries, emergency rooms, and other locations frequented by homeless persons. Clients are surveyed to determine if they already have or may be eligible for veteran's benefits, and are linked with programs such as mental health treatment, substance abuse treatment, health care for chronic medical conditions, benefits establishment or others depending on their specific needs. VALOR staff has fostered positive relationships with local veteran's affairs facilities and help clients gain access to these resources as appropriate. Staff also works closely with the County's Department of Military and Veterans Affairs (DMVA) to ensure mental health counseling and treatment, veteran benefits and entitlements, and housing options are available to veterans who contact this resource. On January 1, 2016, the VALOR program transitioned into a FSP program serving homeless veterans who may not qualify for VA Healthcare Benefits. Finally, VALOR staff is an integral part of LACDMH's implementation of the County-wide SB-82 Mobile Crisis Response Teams. These teams are deployed by Service Planning Area.

Costs for the VALOR program are currently covered by using existing federal and state funding. Federal SAMHSA PATH grant funds are used for outreach, engagement, and initial case management services for homeless veterans. Clinical services, including individual, family, and group counseling, ongoing case management, and crisis intervention are funded using the Department's Prevention and Early Intervention (PEI) and Community Services and Supports (CSS) funds available through state MHSA funding. The VALOR Program was also awarded a Federal HUD-VASH grant to house 64 homeless veterans, while providing case management services.

VA Announces \$3.4 Million in Funding to Help the Homeless

Funds will enhance services for special needs homeless Veterans.

WASHINGTON – Today, Secretary of Veterans Affairs Robert A. McDonald announced the award of \$3.4 million in grant funding offered through the Grant and Per Diem (GPD) Program to 16 community agencies that provide enhanced services for homeless Veterans with special needs.

The GPD Program promotes the development and provision of supportive housing and services to help homeless Veterans to have stable residences, increase their skills and income, and achieve independence. Specifically, GPD special need grant funding assists with additional operating costs of transitional housing and services for special need groups such as women, chronically mental ill, frail elderly, terminally ill, and those with minor dependents.

"GPD Special Need Grants exemplify VA's response to the wide range of needs of subpopulations of homeless Veterans," said VA Secretary McDonald. "These 16 grants strengthen the continuum of VA services to help the most vulnerable Veterans become stably housed and achieve greater self-determination."

As a result of these and other efforts, the number of U.S. Veterans experiencing homelessness has been cut nearly in half since 2010. As of September 16, 2016, 29 communities and two states have confirmed and publicly announced that they have effectively ended Veteran homelessness, serving as models for others across the nation.

More information about VA's homeless programs is available at www.va.gov/homeless. Community organizations seeking details and/or more information may visit VA's National Grant and Per Diem Program website www.va.gov/homeless/GPD.ASP.

DATES OF INTEREST

SEPTEMBER 2016

- 5 Labor Day
- 11 Patriot Day
- 16 Constitution Day and Week
- 16 National POW/MIA Day
- 23 Native American Day
- 25 Gold Star Mothers Day

OCTOBER 2016

- 3 Child Health Day
- 9 Leif Erikson Day
- 10 Columbus Day Observed
- 13 Navy Birthday
- 17 National Boss Day
- 23 Festival of Lights Day
- 23 Mother-In-Law Day
- 24 United Nations Day
- 25 Indigenous People's Day



Freedom isn't Free



Support Our Troops

