



Communicator

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The COMMUNICATOR is the official publication of the California Association of County Veterans Service Officers (CACVSO). Opinions expressed are those of contributing writers and do not necessarily reflect opinions or policies of CACVSO officers, members, or the editorial staff. The newsletter reserves the right to edit, amend, or reject any contribution submitted for publication.

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President's Message

(Solano CVSO Ted Puntillo, President)

Happy Summer to all. As you know the subvention reports were due July 31. I will be getting together with Cal Vet to monitor the submissions and help anyone who is late. Cal Vet and your Exec Team are also working on the Cal Vet report to the Legislature. Last year's report had some inaccuracies and we are working together to make sure that all numbers are agreed to and come from the same source. I have a preliminary report and it shows some disparities in what the different counties are doing in regards to servicing their veterans. Some counties do many 10-10's while others do very little. This is a category that Cal Vet will track in the future.

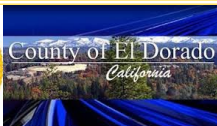
I would attribute this difference in the number of 10-10's to work habits, or lack of proper work habits and training. I will be giving a class on interview techniques and the questions to ask all veterans that sit down at your desk. I will give you a short version of the training. When a veteran comes in you should listen to what they say and ask what can we do to help them. Then ask them when they were in the service.

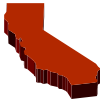
This will give you an idea about war time service for pension, or Vietnam Service for the presumptive conditions. Then ask them what branch of service they were in and whether they served in Vietnam or any other combat situation. I would then ask them if they injured themselves in any way during their service time. It is also important to offer them the following: 1. Get a copy of their DD-214 & service treatment records, and medals and decorations, 2. Get them a COE if they don't have it already, 3. Determine if they are eligible for VA Health Care and get them a 10-10 if they are, 4. If they are 20% disabled or more offer them Voc Rehab, 5. If they are 30% or more verify that they are getting paid for their dependents, if any, 6. Veteran with 60% for one common disability or 70% with one disability at 40% or more and are not working should be offered IU, 7. Offer the veteran the Driver's License designation on his or her license.

These are just some of the issues that need to be discussed with every vet who comes into your office. This can be done quickly while you are putting in their information into Vet Pro. I will have a complete list of everything that should be discussed with your veteran community when they come in to see you and your vet reps. Have a great August!

This Month's Featured County

El Dorado County, officially the **County of El Dorado**, is a county located in the U.S. state of California. As of the 2010 census, the population was 181,058. The county seat is Placerville. El Dorado County is included in the Sacramento-Roseville-Arden-Arcade, CA Metropolitan Statistical Area. It is located in the historic Gold Country in the Sierra Nevada. The population of El Dorado County has grown as Greater Sacramento has expanded into the region. In the unique Lake Tahoe area of the county, environmental awareness and environmental protection initiatives have grown along with the population since the 1960 Winter Olympics, hosted at Squaw Valley Ski Resort in neighboring Placer County.





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 Capitol Plaza, 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 # 212

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

Every now and again someone asks me if a veteran can get a temporary total disability rating because a temporary flare-up of a SC disability prevents him or her from working for some period of time. Generally, the answer is “No,” because VA disability ratings are predicated on an expectation that the level of disability assigned should be fairly stable, and are supposed to take into account occasional exacerbations. See 38 CFR § 4.1. However, there are three specific temporary total disability ratings that may be assigned in appropriate circumstances. I’ll briefly describe each, in reverse order. The statutory basis for these ratings is 38 US Code § 1156, **Temporary Disability Ratings**.

First, **Paragraph 30*** (38 CFR § 4.30) provides that when a veteran undergoes surgical treatment of a SC condition (whether as an inpatient or as an outpatient), or has therapeutic immobilization by cast of one or more joints for treatment of a SC condition, and such treatment requires 30 days or more of convalescence, a temporary 100% rating may be assigned for that condition without regard to any other provision of the rating schedule, from the date of hospital admission or the date the outpatient treatment began, and continuing for a period of one, two, or three months of convalescence. If evidence is received that a longer convalescence is required, the convalescent rating may be extended for an additional one, two, or three months, and, with the concurrence of the VSCM, in some cases even beyond that—up to a total of twelve months. Termination of this rating does not require the due process provisions of 38 CFR § 3.105(e). This is by far the most common and most frequently used of the temporary total disability provisions.

Next, **Paragraph 29*** (38 CFR § 4.29) provides that when a veteran is hospitalized for more than 21 consecutive days for observation or treatment of a SC condition, a temporary 100% rating may be assigned for that condition without regard to any other provision of the rating schedule, beginning from the date of hospital admission, or, if the veteran was originally admitted for some other (NSC) condition, the date inpatient hospital treatment for the SC disability began, and continuing to the end of the month of hospital discharge. If a post-hospital convalescence is required, the temporary total rating may be extended for a period of one, two, or three months after the month of hospital discharge. Again, termination of this rating does not require the due process provisions of 38 CFR § 3.105(e). Ratings under Paragraph 29 are very rarely seen these days, because hospitals very seldom keep an inpatient for such an extended length of time any more.

Finally, **Paragraph 28*** (38 CFR 4.28), also called a “pre-stabilization rating,” is intended for application whenever a person is discharged from service while in a convalescent status, whether from disease or from unhealed or incompletely healed wounds or injuries. Either a 50% rating (if material impairment of employability is likely) or a 100% rating (if substantially gainful employment is not feasible or advisable) may be assigned. This is always an initial rating, and differs from other ratings in that rather than separately listing and evaluating each SC condition, all of the SC conditions claimed and noted are listed together in a single group, with one single percentage of 50% or 100% assigned. The rating is effective from the day after discharge from service, and is intended to run for at least the first 12 months after discharge. A VA examination to determine the proper permanent evaluation of each listed SC condition is mandatory, not earlier than 6 months after date of discharge from service and not later than 12 months after service discharge. The pre-stabilization rating terminates and permanent evaluation (s) are assigned from either the end of the 12-month period or from the date of completion of the due process procedures under 38 CFR § 3.105(e) for reduction of compensation payments, whichever is the later date. If the evidence warrants, a schedular rating equal to or greater than the pre-stabilization rating may be assigned at any time. If there is also entitlement to special monthly compensation (SMC), it is assigned from the date the SMC entitlement arises.

* These regulations date from at least the original 1945 *Schedule for Rating Disabilities* (April 1, 1946), and possibly even earlier. Prior to the codification of 38 CFR in 1961, they were numbered paragraphs in the rating schedule, but they were still Federal Regulations. It is much easier to say “Paragraph 30” than it is to say “38 Code of Federal Regulations 4.30,” and it still means the same thing.

LEGISLATIVE ADVOCATE REPORT

(By Pete Conaty and Dana Nichol, Legislative Advocates)

CACVSO
Communicator Newsletter
Legislative Advocate's Report
July 2016

By Pete Conaty:

Update, 2015-16 Legislative Session

The State Legislature is on Summer Recess from July 1 to July 31. July 1 was also the last day for bills to be heard in the second house policy committees. When the Legislature reconvenes on August 1, the bills that are still alive will begin to be heard in the Appropriations committees. August 12 is the last day for a bill to make it past the Appropriations committees. From August 15 until August 31 the bills that survived the fiscal committees will be heard on the floors of their respective houses.

This 30-day period of time gets very hectic because all surviving legislation is funneling through a few locations at once. Legislation can also be amended on the floor, special hearings can be heard off the floor with a moment's notice, and bills can be gutted and amended to some entirely new subject. All of these proceedings must be carefully monitored.

Bills that pass through this process by August 31 will proceed to the Governor for his approval or veto. The Governor has until September 30 to complete this process. This period of time is also when lobbyists actively lobby and educate the Governor's staff on the merits or negative aspects of the legislation on his desk.

The election is in November and new legislators are sworn in on December 5. The 2017-18 Legislative Session gets underway in January, new legislation is introduced, and the whole 2-year process starts over again.

The new term limit law in which legislators can serve for 12 years has somewhat stabilized the turnover and there will be less brand new legislators than in years past. However, those CVSO's in counties that will be getting new Assemblymembers or Senators, should make every effort to introduce themselves and explain the value of CVSO's. This is also a time for CVSO's to visit their current legislators and update them on what your office is working on.

2017-18 Legislation

During the Fall and Winter, I will be working with the Legislative Committee to formulate the Association's legislative strategy for next year. One bill concept that will be undertaken by the Veterans Service Organizations (VSO') will be pursuing state grant funding for veterans outreach and federal veterans claims assistance for VSO's. The Association supported AB 1596-Mathis, which was the 2016 bill to do this. The bill died in the Appropriations Committee. The Association has made a commitment to support the VSO's in this quest for funding.

Hannah Williamson, Veteran of the Year

The 9th Annual California State Assembly Veterans of the Year Recognition Luncheon was held on June 29 at the Sacramento Convention Center. Assemblymembers each chose a veteran from their district to be honored for their service to veterans in the community. Assemblyman James Gallagher (R-Plumas Lake) chose Butte County CVSO Hannah Williamson to be the 3rd Assembly District's Veteran of the Year. Congratulations to Hannah for a job well done and raising the visibility of CVSO's and the great work you all do!



Assemblyman Gallagher, Hannah, & Butch Frederickson VVA - at the Veterans Luncheon

At the time of this writing, SB 980 by Senator Jim Nielsen (R-Gerber), is currently in the Assembly Appropriations Committee where it will be heard when the Legislature reconvenes from Summer Recess in August.

Other CVSO's have been honored at past Veterans of the Year Luncheons:

- ◇ Ted Puntillo-Solano County
- ◇ Floyd Martin-Amador County (retired)
- ◇ Joe Wright-Kings County (retired)



President and Kathy Puntillo at Veterans Luncheon

Association President Ted Puntillo also represented the CACVSO which was a sponsor at this event of 360 people. Most of the Assembly participated, the Assembly Speaker Anthony Rendon was in attendance, and Cal-Vet Secretary Dr. Vito Imbasciani M.D. was the keynote speaker. In addition to the CACVSO, the event was also sponsored by the major VSO organizations, Cal-Vet, and corporate donors.

SB 980-Nielsen; Veterans Homes

At the time of this writing, SB 980 by Senator Jim Nielsen (R-Gerber), is currently in the Assembly Appropriations Committee where it will be heard when the Legislature reconvenes from Summer Recess in August.

SB 980 is sponsored by the Association and seeks to standardize policies and procedures between all of the veterans homes. Many of these policies and procedures were written when Yountville was the only state veterans home. The state now operates 8 veterans homes from Redding to Chula Vista and the current policies and procedures are not consistent. The devil is in the details and this unglamorous, yet very important task was undertaken by Senator Nielsen, who is the Chair of the Senate Committee on Veterans Affairs. I have been working closely with the author, the Veterans Committee consultant, Cal-Vet, and each of the committees the bill was heard in to craft amendments to keep the bill moving through the process. I have been greatly assisted by Association Budget Consultant Jack Kirwan in this endeavor.



LEGISLATIVE ITEMS FOR DISCUSSION AT OCTOBER CONFERENCE

1. Pick Legislators of the Year for 2016. If you have any nominations, send them to Scot and Pete:
 - ◇ Scott Holwell scott.holwell@co.kings.ca.us
 - ◇ Pete Conaty pconaty@sbcglobal.net
2. Develop Legislative Platform for 2017-18 Legislative Session.
Submit ideas to Scott and Pete.



Curtis R. Hodge,
has been appointed to
the position of
County Veterans Service Officer
for
Yolo County

Congratulations!

WORD SEARCH OF THE MONTH

The Military

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ADJUTANT

AIRCRAFT

AIR FORCE

ARMY

ATTACK

BOMB

CAMP

CARRIER

COAST GUARD

COMMANDER

CONVOY

DUTY

ENLIST

FIGHT

HERO

INSURGENT

JOIN

MARINES

MEDICAL

MILITANT

MINE

MISSION

NAVY

OBEY

OFFICER

PILOT

RADIO

RANGE

RECRUIT

RESCUE

RISK

ROCKET

RULES

SKILL

SKIPPER

SPY

STAFF

STRATEGY

TANK

TARGET

TASK

TERRORIST

TRUCK

UNIFORM

VETERAN

WAR

WEAPON

WOUND

THIS IS TOO EASY!

VA Schedules 2 Million Appointments Using Veterans Choice Program

WASHINGTON – The Department of Veterans Affairs’ (VA) Veterans Choice Program (VCP) has reached a key milestone in improving access to health care for Veterans. More than two million appointments have been scheduled through the program.

“While two million appointments have been scheduled using the Choice Program and we are making progress, we will not rest until *all* Veterans who choose VA to be their healthcare provider are receiving the care they need, when they need it,” said VA Secretary Robert McDonald. “We will continue to make strides towards an integrated care network, and I urge Congress to enact our Plan to Consolidate Community Care so we can continue to build upon our progress.”

The Choice Act, which included the VCP, was passed in August 2014 to help Veterans access timely health care both within VA and the community. VA was required to implement a new, national program in just 90 days, with new requirements that complicated the way VA provides community care. VA recognized many of these challenges very early in the implementation of the program and VA and all our stakeholders have been working together to make needed changes while implementing this new nationwide program.

VA has outlined a path to improve community care and create a program that is easy to understand, simple to administer, and meets the needs of Veterans, community providers, and VA staff. VA submitted this plan to Congress in October 2015.

Within the Plan are several legislative proposals that VA and Congress need to work on together to improve the experiences for Veterans and community providers.

- The first proposal would increase Veterans’ access to community care providers by allowing VA to enter into agreements with local community providers.
- The second would streamline when and how much VA pays for health care services by having VA be the primary payer.
- The third fix would allow VA to more accurately account for healthcare purchased in the community.
- Finally, the last request is for funding and funding flexibility to improve access to care, reimburse the cost of emergency treatment, and create value-based payment models to best serve Veterans that need community care.

“VA is developing innovative ideas and solutions to enhance the Veterans experience and strengthen partnerships with community providers” said Dr. Baligh Yehia, Assistant Deputy Undersecretary for Health, Community Care. “The Choice Program of today is a very different program than the one rolled out in November 2014. Many improvements have been made and we continue to work to deliver care to Veterans where and when they need it.”

DATES OF INTEREST



JULY 2016

- 4 Independence Day
- 24 Parent's Day

AUGUST 2016

- 7 Friendship Day
- 7 Purple Heart Day
- 19 National Aviation Day
- 21 Senior Citizens Day
- 26 Women's Equality Day



Freedom isn't Free



Support Our Troops

