

Senate Commerce Committee

Aaron Jones 271-2609

SB 66-FN, relative to third-party veterans' claims assistance and protection.

Hearing Date: January 23, 2025

Time Opened: 10:46 a.m.

Time Closed: 11:09 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy, McGough, Fenton and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill prohibits the receipt of compensation for referring individuals to veterans' benefits advisors, mandates written agreements for paid advisory services, requires specific disclosures, and sets penalties for violations.

Sponsors:

Sen. Lang

Sen. Innis

Sen. Long

Sen. Pearl

Sen. Fenton

Sen. Carson

Rep. Moffett

Rep. Sweeney

Who supports the bill: Senator Tim Lang, Senator Sharon Carson, Senator Daniel Innis, Senator Donovan Fenton, Senator Howard Pearl, John Blomstrom (Veterans Guardian), Peter O'Rourke (National Association for Veteran Rights), Kirsten Koch (Veterans Guardian), Nicole Desilets-Bixler (DMAVS), Eric-Todd Berrien, Benjamin Williams, Nico Couture, Edward Hannigan, Carl Rider, Simon Berrio, Kevin McClay, June Fonteyne, Derick Costa, Robert Gargano, Sarah McCarthy, Steven Seaman

Who opposes the bill: Paul Lloyd (NH VFW/SVAC), Marissa Chase (NHAJ)

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Tim Lang

- Senator Lang said this bill was known as the Safeguarding American Veteran Empowerment (SAVE) Act.
- This bill would enact consumer protections for veterans, while also ensuring they have access to free market choices for their disability benefits.
- Veterans can get their VA benefits by doing it themselves or hiring a service.
- Since there are good and bad actors, this bill would put into place common sense guidelines that businesses must follow.

***John Blomstrom, Manager of Government Relations and Public Affairs,
Veterans Guardian***

- Despite being a seasoned Marine, Mr. Blomstrom said he struggled with the disability claims process due to bureaucracy and a lack of accessible information.
- Mr. Blomstrom said they wanted to ensure every veteran received the benefits they earned.
- In New Hampshire, there are 17 accredited VSOs that serve 94,000 veterans. Since gaps exist, veterans seek assistance elsewhere.
- Mr. Blomstrom said this bill would not impact the ability of law firms in this space from doing their work.
- This bill struck a balance by providing veterans with additional options for assistance, while also implementing safeguards to protect them from predatory actions.
- This bill would cap fees at 5 times the monthly benefit increase, it would ban upfront charges, it would inform veterans of free options like VSOs, it would prohibit aggressive solicitation, and it would mandate transparency and HIPPA compliant handling of data.
- By maintaining a high standard of ethics, this bill would ensure veterans could access help without falling victim to bad actors.

***Nicole Desilets-Bixler, Deputy Adjutant General, Department of Military
Affairs and Veterans Services***

- The Department supported the bill; however, they asked for language on Pages 1 and 2 to be cleaned up.
- In 2019, Governor Sununu wanted the Department to become a one stop shop for all veterans.
- Throughout New Hampshire, there are 2,800 soldiers and airmen. Approximately, 1,100 are stationed at Pease, and 1,700 soldiers are in 17 locations throughout the state.
- The Department has three divisions, including veterans services, community-based military programs, and the Veterans Cemetery.
- The Department does not provide healthcare nor regulate the Veterans Home in Littleton.
- Since their creation, their 12-month average has been about 4,500 activities. Each phone call or email counts as an activity.
- Over 12 months, the Department has scheduled about 220 appointments.
- They have 10 full-time people in the Division of Veterans Services, and 7 of them are full-time VSOs, including the division director, supervisor, and administrative person. In this Division, each veteran handles about 30 claims per month. In total, they have handled 8,252 cases. As of January 21, 2025, there are 1,123 open cases.
- To bring a claim to fruition through the VA, it takes them about 155 days.

- The Department supported the intent of this bill because there are examples of veterans who have dealt with predatory companies.
- **Senator Ricciardi** asked what specific language they were concerned about.
 - **Deputy Adjutant General Desilets-Bixler** said there is some vague terminology used, such as those who lack accreditation by the VA. Despite VSOs being trained by the VA, they have found that some accredited organizations are still predatory in nature. Given the vagueness of some areas, she was unsure if there were loopholes for companies to continue their predatory practices. The state offers free services to veterans, and they are consistently fielding calls on a variety of issues, not just claims.
- **Senator McGough** asked how many veterans have assisted their fellow veterans for a fee, and if this bill would cap their fees and dictate part of their contract terms.
 - **Deputy Adjutant General Desilets-Bixler** stated she did not know of any, but she would ask the Division Director.
- **Senator Innis** asked if the Department could work with Senator Lang to address their concerns.
 - **Deputy Adjutant General Desilets-Bixler** replied yes.

Peter O'Rourke, President, National Association for Veteran Rights

- Mr. O'Rourke said the VA processed about 2.4 million claims; however, there are about 3.6 million claims that are still being worked on.
- While 155 days for claims was great, Mr. O'Rourke said it was still 30 days over what the VA considered a backlog.
- When veterans try to get their disability compensation, they are left with making a choice. Mr. O'Rourke said the process can often be confusing and frustrating.
- It is not against the law for someone to help veterans with their claim, such as a friend or a business. While there are dedicated companies in this space that are run by veterans, this bill would help to establish guardrails.
- Mr. O'Rourke provided an example of a veteran in Georgia who had been fighting for a military sexual trauma and PTSD claim. The VA granted the PTSD claim, but they failed to acknowledge the MSD claim. It took 5 years for the veteran to find out that the VA does not acknowledge the claim with the higher rate. For this veteran, Mr. O'Rourke said it was not about the monetary value; instead, it was about having someone acknowledge that the assault happened to her.

Summary of testimony presented in opposition:

Paul Lloyd, State Quartermaster, New Hampshire VFW

- Mr. Lloyd said they did not support the language of this bill. The biggest issue has been being accredited through the VA. Some individuals or entities do not

want to get accredited because they are unable to charge the veteran a 25 to 40 percent fee from the settlement.

Neutral Information Presented: None

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Date Hearing Report completed: January 27, 2025