

Preserving Lawful Utilization of Services for Veterans Act of 2024 (aka PLUS Act)

Updated July 2024

(a) For the purposes of this section:

(1) “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.

(2) “Veterans’ benefits matter” means the preparation, presentation, or prosecution of any claim affecting any person who has filed or expressed an intent to file a claim for any benefit, program, service, commodity, function, status, or entitlement for which veterans, their dependents, their survivors, or any other individual are eligible under the laws and regulations administered by the United States Department of Veterans' Affairs or the **STATE** Department of Veterans' Affairs.

(3) “Person” means any natural person, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity.

(b) (1) No person may receive compensation for referring any individual to another person to advise or assist the individual with any veterans’ benefits matter.

(2) No person may receive any compensation for any services rendered in connection with any claim filed within the one (1) year presumptive period of active-duty release.

(3) A person seeking to receive compensation for advising, assisting, or consulting with any individual in connection with any veterans' benefits matter must, before rendering any services, memorialize the specific terms under which the amount to be paid will be determined in a written agreement signed by both parties. Compensation must be purely contingent upon an increase in benefits awarded, and if successful, compensation must not exceed five (5) times the amount of the monthly increase in benefits awarded based on the claim, or shall not exceed twelve thousand five hundred dollars, whichever is less. No initial or nonrefundable fee may be charged by a person advising, assisting, or consulting an individual on a veterans’ benefit matter. No interest shall be charged on any payment plans agreed to by the parties.

(4) A person seeking to receive compensation for advising, assisting, or consulting with any individual regarding any veterans’ benefits matter must not employ a medical provider to conduct secondary medical exams.

(5) No person will 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) Any person advising, assisting, or consulting on veterans’ benefits matters for compensation must provide the following disclosure at the outset of the business relationship:

"This business is not sponsored by, or affiliated with, the United States Department of Veterans' Affairs or the **STATE** Department of Veterans' Affairs, or any other federally

chartered veterans' service organization. Other organizations including but not limited to the **STATE** Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here."

The written disclosure must appear in at least twelve (12) point font in an easily identifiable place in the person's agreement with the individual seeking services. The individual must sign the document in which the written disclosure appears to represent understanding of these provisions. The person offering services must retain a copy of the written disclosure while providing veterans' benefits services for compensation to the individual and for at least one (1) year after the date on which the service relations terminate.

(7) Businesses advising, assisting, or consulting on veterans' benefits matters for a fee must abide by the following:

- Must not utilize international call centers or data centers for processing veterans' personal information;
- Must not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information;
- Must ensure that any individual who has access to veterans' 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.

[[d]] (c) (1) A violation of the provisions of this section constitutes an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce under **[Insert STATE Consumer Protection Law Reference]**.

(2) Civil penalties will be in an amount ordered by the District Court in an action brought by the **STATE** Attorney General.

(3) Each day a violation continues is a separate violation.

(IF APPLICABLE AND IF SUCH FUND EXISTS) (4) Any civil penalty collected will be deposited in the **STATE** Veterans Trust Fund.

(5) Notwithstanding this section, an attorney or law firm seeking to receive compensation for advising, assisting, or consulting any individual with any veterans' benefits matter will be governed by the limitations set forth in 38 21 C.F.R. sec. 14.636.