

197.6091 Compensation for Services Related to Veterans' Benefits Matters

Subdivision 1. Definitions.

- (a) The definitions in this subdivision apply to this section.
- (b) **Advertising or advertisement** means any printed or recorded communication made to solicit business for veterans benefits services or veterans benefits appeal services.
- (c) **Claimant** means a veteran, dependent, or other appropriate person with a claim for benefits from the United States Department of Veterans Affairs.
- (c) **Compensation** means payment of money, a thing of value, or a financial benefit.
- (d) **Person** means an individual, agency, government or governmental subdivision, government employee, veterans service organization, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, instrumentality, or any other legal or commercial entity.
- (e) **Practice of law** means legal representation, legal services, legal advice, legal consultations, preparation of legal documents, or other legal activities provided by a licensed attorney.
- (f) **Veterans benefits services** means the preparation, presentation, or prosecution of an initial claim before the United States Department of Veterans Affairs for a veteran, dependent, or other appropriate person seeking benefits.
- (g) **Veterans benefits appeal services** means services provided after an initial claim decision is made by the United States Department of Veterans Affairs. The agency requires claimants to use the decision review request process using prescribed forms including a supplemental claim, higher-level review, or formal appeal form.
- (h) **VA accreditation** means the federal credentialing process required pursuant 38 U.S.C. § 5904 by the United States Department of Veterans Affairs for representatives of veterans at the agency. Accreditation is not required for representation in federal courts.
- (i) **VA-accredited representative** means a person recognized by the United States Department of Veterans Affairs under **38 C.F.R. § 14.629**, including, but not limited to, VA-accredited attorneys, claims agents, government employees, and representatives of veterans service organizations.

Subdivision 2. Prohibitions.

A person shall not:

- (1) Advertise veterans benefits services or veterans benefits appeal services, except where the advertisement is by a VA-accredited representative, licensed attorney, or other person where such services are provided under state and federal law.
- (2) Receive compensation for the preparation, presentation, or prosecution for veterans benefits services or veterans benefits appeal services before the United States Department of Veterans Affairs, or for advising, consulting, or assisting a claimant directly, except as permitted under state and federal law.
- (3) Guarantee, directly or by implication, that an individual will receive specific veterans benefits or a specific level, percentage, or amount of veterans benefits.
- (4) Engage in the practice of law where it concerns veterans the preparation, presentation, or prosecution for veterans benefits before the United States Department of Veterans Affairs, except if the person is a VA-accredited representative.
- (5) Provide veterans benefits services or veterans benefits appeal services before the United States Department of Veterans Affairs without being VA-accredited.
- (6) Make a referral for compensation of a claimant for veterans benefits services or veterans benefits appeal services, except as permitted under state and federal law.
- (7) Delegate veterans benefits services or veterans benefits appeal services to any third party, without the veteran's written consent specifying the identity of the person authorized to act on their behalf such as on a valid VA Form 21-22 or VA Form 21-22a.

Subdivision 3. Memorialization of Terms.

A person seeking to receive compensation for the preparation, presentation, or prosecution of a veterans benefits matter, or for advising, consulting, or assisting a claimant with such a matter, shall, before rendering any services, memorialize all terms regarding payment of fees in a written agreement signed by both parties. The contents of the agreement must comply with all criteria specified in **38 C.F.R. § 14.636 (2025)**.

Subdivision 4. Veterans Representation Transparency.

(a) The commissioner shall take steps to increase transparency and awareness of all representation options available to veterans, including VA-accredited attorneys and claims agents, appellate attorneys, veterans service officers, and county veterans service officers by:

(i) Promoting awareness of all representative types for initial claims and appeals equally, without regard to whether the representative is government-funded, nonprofit, or for-profit.

(ii) Ensuring that state regulations and licensing provisions do not unreasonably restrict the ability of VA-accredited attorneys and claims agents to offer their services within Minnesota.

(iii) Enhancing collaborative opportunities between veterans organizations, private attorneys and claims agents, bar associations, and advocacy groups to increase accessibility to private representation outside of government-affiliated service officers.

(iv) Creating a memorandum for government and government-affiliated service officers in the state to provide potential claimants seeking federal benefits to educate about VA-accredited representation types.

(v) Creating a written consent form for claimants to grant informed consent any VA-representative or organization can transfer or convey power of attorney to another entity including Minnesota Department of Veterans Affairs. The consent form must disclose:

1) The identity of the entity assuming power of attorney;

2) Explain the reason for the arrangement;

3) Inform the claimant of their right to not accept the transfer or conveyance of power of attorney;

4) Comply with the Privacy Act and any other federal or state requirements prior to accessing any confidential system of records;

(b) Nothing in this section shall be construed to limit the availability of free services provided by veterans service organizations.

Subdivision 5. Penalty.

(a) A violation of this section, subdivision 2 and subdivision 3, is an unlawful practice under **section 325F.69, subdivision 1.**

(b) A violation of this section, subdivision 2 or subdivision 3, is engaged in the unauthorized practice of law under **section 481.02, subdivision 8.**

Subdivision 6. Nonapplicability.

(a) This section does not apply to licensed attorneys providing legal services in Minnesota under state and federal law.

(b) This section does not apply to any benefits under the jurisdiction of the United States Department of Defense.

(c) This section does not apply to the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated.