



## RESOLUTION 2010 - 1

### **SUPPORT FOR MORE FLEXIBILITY IN ADMITTING VETERANS WITH SERVICE-CONNECTED DISABILITIES TO STATE VETERANS HOMES AND MORE FLEXIBILITY IN THE RECEIPT OF PAYMENT FOR SUCH SERVICES FROM PAYMENT SOURCES RELATED TO THE MEDICAID AND MEDICARE PROGRAMS**

**WHEREAS**, State Veterans Homes were founded for soldiers and sailors following the American Civil War, and have ably served veterans and some of their immediate dependents and survivors for nearly 150 years; and

**WHEREAS**, currently there are 140 State Veterans Homes in all States and in Puerto Rico, on a daily basis providing hospital, skilled nursing, skilled rehabilitation, long-term care, dementia and Alzheimer's care, domiciliary care, respite care, end of life care, and Adult Day Health Care daily to almost 28,500 veterans and dependents; and

**WHEREAS**, the federal Veterans Benefits, Health Care, and Information Technology Act of 2006, Public Law 109-461, requires the United States Department of Veterans Affairs to reimburse the to State Veterans Homes at a higher rate for the cost of care provided to veterans with a 70% or higher service-connected condition or who require nursing home care for a service-connected reason; and

**WHEREAS**, the VA did not issue regulations to implement the Program until April 29, 2009, approximately 2 ½ years after enactment of the law establishing the program, and the 2 ½ year delay in issuing regulations to implement the Program has caused enormous uncertainty and substantial recordkeeping and administrative problems regarding prior Medicaid payments, Medicare payments, and deceased veterans' estates for those State Veterans Homes seeking retroactive payment adjustments back to March 31, 2007; and

**WHEREAS**, although the VA regulations state that they provide a "higher-per diem rate" for veterans with service-connected disabilities, the regulations actually result in significantly lower total amounts being paid to many State Veterans Homes providing nursing home care to veterans with service-connected disabilities; and

**WHEREAS**, this has threatened the continued financial viability of many State Veterans Homes systems; and

**WHEREAS**, this problem is particularly acute in the 30 States that have Medicare-certified and/or Medicaid-certified State Veterans Homes, and receive payments for the care of veterans with service-connected disabilities under such programs; and

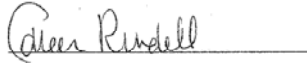
**WHEREAS**, this has caused some States to refrain from admitting some veterans with service-connected disabilities to State Veterans Homes; and

**WHEREAS**, although the new VA per diem program is workable for some States providing nursing home care and domiciliary care to veterans with service-connected disabilities, it is highly problematic for States providing nursing home care to such veterans in Medicaid-certified and Medicare-certified State Veterans Homes systems; and

**WHEREAS**, legislation to rectify this problem is before Congress in H.R. 4241, which would allow for increased flexibility in payments to State Veterans Homes.

**NOW, THEREFORE, BE IT RESOLVED**, that we urge Congress and the President to enact H.R. 4241 to allow States more flexibility in admitting veterans with service-connected disabilities to State Veterans Homes and more flexibility in the receipt of payment for such services from payment sources related to the Medicaid and Medicare programs.

<input checked="" type="checkbox"/>	<b>Adopted</b>
<input type="checkbox"/>	<b>With Change</b>
<input type="checkbox"/>	<b>Rejected</b>



COLLEEN RUNDELL, M.S., LNHA  
President  
National Association of State Veterans Homes

Dated this 30 day of April, 2010