

NATIONAL ASSOCIATION OF STATE VETERANS HOMES
LEGISLATIVE UPDATE
October 5, 2010

During the NASVH 2010 Winter Conference, members identified five Legislative Issues to be pursued over the current year. Below is an update relative to our progress on each of these issues:

- 1) **Modification of Mandatory Veteran (70%) Legislation - ALLOWING MORE FLEXIBILITY IN CARING FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES AT STATE VETERANS HOMES AND MORE FLEXIBILITY IN THE RECEIPT OF PAYMENT FOR SUCH SERVICES FROM PAYMENT SOURCES RELATED TO THE MEDICAID AND MEDICARE PROGRAMS.**

S 3583 and HR 4241 have been introduced in the Senate and House Veterans Affairs Committees and are expected to be considered by these respective Committees sometime after the November election. VA continues to be unsure if fixes can be applied through the "rule making process." NASVH has pointed out that the problems we have with the way the Bill was enacted can only be fixed through the legislative process. NASVH leadership has worked with both Senate and House Veterans Affairs Committees to craft acceptable language that should protect and enhance the viability of the Mandatory Veterans Per Diem Program at all state veterans homes, whether they are CMS certified or not. Both of these Bills need cosponsors and NASVH is encouraging its members to contact their Congressional Representatives to solicit their support and sponsorship.

- 2) **Modification of Gold Star Parent Definition in Title 38 USC - TO INDICATE GOLD STAR PARENTS MAY BE ADMITTED TO STATE VETERANS HOMES IF THEY HAVE LOST "A" CHILD TO WARTIME SERVICE RATHER THAN REQUIRING THEY MUST HAVE LOST "ALL" OF THEIR CHILDREN TO WARTIME SERVICE.**

NASVH worked with Senator John Ensign, of Nevada, to get our Gold Star Parents Bill (S 1450) introduced in the Senate. The Bill changed the definition of a Gold State Parent, for admission to a state veterans home, from a parent who must have lost "all" their children in wartime service to a parent who has lost "a" child to wartime service. Senator Ensign solicited the support of Representative Mac Thornberry, of Texas, who introduced a companion Bill in the House (HR 4505). HR 4505 passed the House

on June 30th by a vote of 420 to 0. It passed the Senate on September 20th by Unanimous Consent. The Bill was quietly signed into law, by President Barack Obama, on September 30, 2010. The Bill became Public Law 111-246. For more information, visit <http://www.govtrack.us/congress/bill.xpd?bill=h111-4505>.

3) Full Congressional Funding for State Extended Care Facilities Construction Matching Grant Program.

As we discussed during the Legislative Updates Session at our Summer NASVH Conference in Reno, VA managed to fund all of last year's Priority One construction projects with a combination of last year's appropriation, carry-over funds, and Stimulus money. There were 53 projects in the Priority One category, of which 11 withdrew (presumably because they lost their state match), one never responded to VA's offer, and one failed to meet requirements. Consequently, VA funded 40 Priority One projects, at a cost of approximately \$256 million.

President Barack Obama's Administration is requesting an \$85 million State Home Construction Grant Program appropriation for next year. Both Senate and House MilCon/VA Committees agree with the Administration's \$85 million appropriation request. Since many states are having difficulty coming up with their required 35% match, our membership determined we should support the \$85 million appropriation rather than running the risk of asking for more and then not being able to spend it.

4) Department of Veterans Affairs to Pay its Fair Share of Cost to Provided Care for Veterans in State Veterans Homes.

Per USC Title 38, VA may contribute up to 50% of the cost of care toward caring for a veteran in a state veterans home. Last year, VA contributed an average of 31% toward the care of veterans in 131 state veterans homes. However, this is an average and a review of per diems paid to specific homes indicates a number of homes were approaching their 50% VA maximum.

For the next federal fiscal year, VA has recommended increasing state veterans home per diem payments, from \$77.53 to \$94.59. This needed increase will undoubtedly put VA closer to the percentage they should be paying, while putting some homes over the 50% threshold and forcing them to accept a per diem payment of less than what VA is authorized to pay.

5) Consolidation of Duplicitous External Inspection Surveys for State Veterans Homes by the Department of Veterans Affairs.

Over half of our state veterans homes continue to endure two compliance surveys each year; one from the Department of Veterans Affairs (VA) and one from the Centers for Medicaid and Medicare Services (CMS). These surveys are largely repetitious, resulting in unnecessary duplication and expense to the taxpayer. CMS currently surveys 186 care standards, while VA surveys 158 care standards. All of VA's surveyed standards approximate CMS standards with the exception of eight. NASVH continues to believe VA should accept the CMS survey in lieu of conducting their own, saving hundreds of thousands of dollars each year.

VA maintains "it is solely VA's responsibility to ensure that VA standards are met. Non VA surveys do not cover all VA standards. Additionally, in order to ensure compliance with VA standards, VA must conduct surveys at least on an annual basis. The judgment of VA officials concerning compliance with the standards may be made in part based on reviews of reports of inspections by other entities."

If you have questions or concerns relative to the NASVH Legislative Issues above, or regarding any other legislative issue you would like NASVH's assistance with, please contact Gary Bermeosolo, NASVH Legislative Officer, at bermeosolog@veterans.nv.gov.