

109TH CONGRESS  
2D SESSION

# H. R. 5671

To amend title 38, United States Code, to ensure appropriate payment for the cost of long term care provided to veterans in State veterans homes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2006

Mr. BRADLEY of New Hampshire (for himself, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. NEAL of Massachusetts, Mr. SIMMONS, and Mr. GARRETT of New Jersey) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to ensure appropriate payment for the cost of long term care provided to veterans in State veterans homes, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Veterans Long Term  
5       Care Security Act”.

1 **SEC. 2. INCREASE IN PAYMENT RATES FOR NURSING HOME**  
2 **CARE PROVIDED IN STATE HOMES TO VET-**  
3 **ERANS WITH SERVICE-CONNECTED DISABIL-**  
4 **ITIES.**

5 (a) **COMMUNITY-BASED FACILITY RATE.**—Sub-  
6 chapter V of chapter 17 of title 38, United States Code,  
7 is amended by adding at the end the following new section:  
8 **“§ 1744. Payment for care provided to veterans with**  
9 **service-connected disabilities**

10 “(a) **NURSING HOME CARE.**—(1) The Secretary shall  
11 pay each State home for nursing home care provided (A)  
12 to any veteran in need of such care for a service-connected  
13 disability, and (B) to any veteran who is in need of such  
14 care and who has a service-connected disability rated at  
15 70 percent or more, at the applicable rate payable under  
16 section 1720 of this title for such care furnished in a non-  
17 Department nursing home (as defined in subsection (e)(2)  
18 of such section).

19 “(2) Payment by the Secretary under paragraph (1)  
20 to a State home for nursing home care provided to a vet-  
21 eran described in that paragraph constitutes payment in  
22 full under this title to the State home for such care fur-  
23 nished to that veteran.”.

24 (b) **CONFORMING AMENDMENTS.**—(1) Subsection  
25 (a)(1) of section 1741 of such title is amended by striking  
26 “The” in the matter preceding subparagraph (A) and in-

1 sserting “Except as provided in section 1744 of this title,  
2 the”.

3 (2) Subsection (a)(4) of section 1710 of such title is  
4 amended—

5 (A) by striking “and” before “the requirement  
6 in section 1710B of this title”; and

7 (B) by inserting “, and the requirement in sec-  
8 tion 1744 of this title to provide nursing home care  
9 and prescription medicines to veterans with service-  
10 connected disabilities in State homes” after “a pro-  
11 gram of extended care services”.

12 (c) CLERICAL AMENDMENT.—The table of sections  
13 at the beginning of such chapter is amended by inserting  
14 after the item relating to section 1743 the following new  
15 item:

“1744. Payment for care provided to veterans with service-connected disabili-  
ties.”.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on October 1, 2006, and apply  
18 to care furnished in State homes on or after such date.

19 **SEC. 3. PROVISION OF PRESCRIPTION MEDICINES FOR**  
20 **VETERANS WITH SERVICE-CONNECTED DIS-**  
21 **ABILITIES RECEIVING CARE IN STATE**  
22 **HOMES.**

23 (a) REQUIREMENT TO FURNISH PRESCRIPTION  
24 MEDICINES.—Section 1744 of title 38, United States

1 Code, as added by section 2, is amended by adding at the  
2 end the following new subsection:

3 “(b) **PRESCRIPTION MEDICINES.**—The Secretary  
4 shall furnish such drugs and medicines as may be ordered  
5 on prescription of a duly licensed physician as specific  
6 therapy in the treatment of illness or injury of a veteran  
7 who is provided nursing home care that is payable under  
8 subsection (a) in the case of a veteran—

9 “(1) who is in need of such drugs and medi-  
10 cines for a service-connected disability; or

11 “(2) who is in need of such drugs and medi-  
12 cines and who has a service-connected disability  
13 rated at 50 percent or more.”.

14 (b) **EFFECTIVE DATE.**—The amendment made by  
15 subsection (a) shall take effect on October 1, 2006.

16 **SEC. 4. TEMPORARY AUTHORITY TO TREAT CERTAIN**  
17 **HEALTH FACILITIES AS STATE HOMES.**

18 (a) **AUTHORITY.**—Subchapter III of chapter 81 of  
19 title 38, United States Code, is amended by adding at the  
20 end the following new section:

21 **“§ 8138. Treatment of certain health facilities as State**  
22 **homes**

23 “(a) Subject to subsections (b) through (f), the Sec-  
24 retary may treat a health facility as a State home for pur-

1 poses of subchapter V of chapter 17 of this title if the  
2 facility meets the following requirements:

3           “(1) The facility meets the standards for the  
4           provision of nursing home care that is applicable to  
5           State homes, as prescribed by the Secretary under  
6           section 8134(b) of this title, and such other stand-  
7           ards relating to the facility as the Secretary may re-  
8           quire.

9           “(2) The facility is licensed or certified by the  
10           appropriate State and local agencies charged with  
11           the responsibility of licensing or otherwise regulating  
12           or inspecting such facilities.

13           “(3) The State demonstrates in an application  
14           to the Secretary that, but for the treatment of a fa-  
15           cility as a State home under this subsection, a sub-  
16           stantial number of veterans residing in the geo-  
17           graphic area in which the facility is located who re-  
18           quire nursing home care will not have access to such  
19           care.

20           “(4) The Secretary has made a determination  
21           that the treatment of the facility as a State home  
22           best meets the needs of veterans in the area for  
23           nursing home care.

1           “(5) The Secretary approves the application  
2           submitted by the State with respect to the health fa-  
3           cility.

4           “(b) The Secretary may not treat a health facility as  
5           a State home under subsection (a) if the Secretary deter-  
6           mines that such treatment would increase the number of  
7           beds allocated to the State in excess of the limit on the  
8           number of beds provided for under regulations prescribed  
9           under section 8134(a) of this title.

10          “(c) The number of beds occupied by veterans in a  
11          health facility for which payment may be made under sub-  
12          chapter V of chapter 17 of this title by reason of sub-  
13          section (a) shall not exceed the number of veterans in beds  
14          in State homes that otherwise would be permitted in the  
15          State involved under regulations prescribed under section  
16          8134(a) of this title.

17          “(d) The number of beds in a health facility in a  
18          State that has been treated as a State home under sub-  
19          section (a) shall be taken into account in determining the  
20          unmet need for beds for State homes for the State under  
21          section 8134(d)(1) of this title.

22          “(e) In no case may the aggregate number of beds  
23          in all facilities treated as State homes under subsection  
24          (a) exceed 100.

1       “(f)(1) The authority of the Secretary to treat a  
2 health facility as a State home under subsection (a) shall  
3 terminate on the date that is three years after the date  
4 of the enactment of the Veterans Long Term Care Secu-  
5 rity Act.

6       “(2) Any facility treated as a State home under sub-  
7 section (a) before the date referred to in paragraph (1)  
8 shall continue to be so treated for such time as the facility  
9 meets the requirements of this section.”.

10       (b) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of such chapter 81 is amended by insert-  
12 ing after the item relating to section 8137 the following  
13 new item:

“8138. Treatment of certain health facilities as State homes.”.

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