

**Department of
Veterans Affairs**

Memorandum

Date: January 27, 2022

From: Assistant Deputy Under Secretary for Health for Patient Care Services/Chief Nursing Officer (12)
Assistant Under Secretary for Health for Clinical Services/Chief Medical Officer (CMO) (11)

Subj: Provision of Mental Health Services for State Veterans Home (SVH) Residents (VIEWS 6346902)

To: Veterans Integrated Service Network (VISN) Directors (10N1-23)
VISN CMOs
VISN CNOs
VISN Chief Mental Health Officers
VISN Rehabilitation and Extended Care Integrated Clinical Community Leads

1. The Department of Veteran Affairs Medical Centers (VAMC), Veterans Health Administration Procurement and Logistics Office, Medical Sharing/Affiliate Office as well as the National Association of State Home Administrators requested guidance on what mental health services VAMCs of jurisdiction may provide and fund for SVH residents, in the Nursing Home and Domiciliary levels of care, without the need for a selling sharing agreement between the VAMC of jurisdiction and SVH.

2. The Offices of Geriatrics and Extended Care and Mental Health and Suicide Prevention have consulted with the Office of General Counsel (OGC) to obtain an official interpretation of regulations regarding SVH Nursing Home care (38 CFR Part 51, Subpart D) and Domiciliary care (38 CFR Part 51, Subpart E).

3. Federal regulations require that SVH Nursing Homes provide or obtain specialized rehabilitative services, such as mental health services if such services are required in the resident's comprehensive care plan. If SVH Nursing Home cannot provide any of the required specialized rehabilitative services, such as mental health services it must obtain such services from an outside resource, from a provider of specialized rehabilitative services. If SVH requests services be provided by VAMC within their jurisdiction, a written selling sharing agreement is required. There are no specified "specialty" mental health services that the VAMC may provide to eligible residents without a signed written sharing agreement with the SVH.

4. Federal regulations requires SVHs provide Domiciliary care to eligible residents with the primary care necessary to enable them to attain or maintain

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the highest practicable physical, mental, and psychosocial well-being. SVH Domiciliary programs are not required to provide mental health services that are outside the scope of primary care. If the SVH seeks mental health services that fall outside the scope of primary care for a Domiciliary resident, the SVH may request such services from a VAMC, without need for a selling sharing agreement between the SVH and VAMC.

5. The Mailbox Questions regarding SVH Nursing Home Mental Health Services and SVH Domiciliary Mental Health Services are attached. The questions and answers provide details and have been approved by OGC.

6. For questions, please contact Valarie Delanko, RDN, LDN, CPHQ, Chief, State Veterans Homes at Valarie.Delanko@va.gov for questions on interpretation of title 38, Code of Federal Regulations Part 51 that governs SVHs or the attached Mailboxes. Questions related to sharing agreements should be addressed to the Medical Sharing/Affiliate Office at VHACOMSOG@va.gov. Questions related to VHA Geriatric Mental Health services can be addressed to Dr. Michele Karel at Michele.Karel@va.gov.

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Attachments