

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1815
OFFERED BY MS. BROWNLEY OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Expanding Veterans’
3 Options for Long Term Care Act”.

**4 SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PILOT PRO-
5 GRAM ON PROVISION OF ASSISTED LIVING
6 SERVICES TO CERTAIN VETERANS.**

7 (a) PROGRAM.—

8 (1) IN GENERAL.—Beginning not later than
9 two years after the date of the enactment of this
10 Act, the Secretary of Veterans Affairs shall carry
11 out a three-year pilot program to assess—

12 (A) the effectiveness of providing assisted
13 living services to eligible veterans, at the elec-
14 tion of such veterans; and

15 (B) the satisfaction with the pilot program
16 of veterans participating in the pilot program.

17 (2) EXTENSION.—The Secretary may extend
18 the duration of the pilot program under paragraph

1 (1) for an additional three-year period if the Sec-
2 retary, based on the results of the reports submitted
3 under subsection (f), determines that it is appro-
4 priate to do so.

5 (b) PROGRAM LOCATIONS.—

6 (1) VETERANS INTEGRATED SERVICE NET-
7 WORKS.—

8 (A) IN GENERAL.—The Secretary shall se-
9 lect not fewer than six Veterans Integrated
10 Service Networks of the Department of Vet-
11 erans Affairs at which to carry out the pilot
12 program under subsection (a)(1).

13 (B) VETERANS RECEIVING NURSING HOME
14 CARE.—The Secretary shall ensure that not
15 fewer than three Veterans Integrated Service
16 Networks selected under subparagraph (A)
17 serve regions with the top three highest per-
18 centage of veterans who are currently receiving
19 nursing home care through the Department and
20 would be eligible to receive assisted living serv-
21 ices under the pilot program.

22 (2) FACILITIES.—

23 (A) IN GENERAL.—Within the Veterans
24 Integrated Service Networks selected under
25 paragraph (1), the Secretary shall select facili-

1 ties at which to carry out the pilot program
2 under subsection (a)(1).

3 (B) SELECTION CRITERIA.—In selecting
4 facilities at which to carry out the pilot pro-
5 gram, the Secretary shall ensure that—

6 (i) the locations of such facilities are
7 in geographically diverse areas;

8 (ii) not fewer than two such facilities
9 serve veterans in rural or highly rural
10 areas (as determined through the use of
11 the Rural-Urban Commuting Areas coding
12 system of the Department of Agriculture);

13 (iii) not fewer than one such facility is
14 located in each Veterans Integrated Service
15 Network selected under paragraph (1); and

16 (iv) not fewer than two such facilities
17 are State homes.

18 (c) PROVISION OF ASSISTED LIVING SERVICES.—

19 (1) AGREEMENTS.—In carrying out the pilot
20 program under subsection (a)(1), the Secretary may
21 enter into agreements for the provision of assisted
22 living services on behalf of eligible veterans with—

23 (A) a provider participating under a State
24 plan or waiver under title XIX of the Social Se-
25 curity Act (42 U.S.C. 1396 et seq.); or

1 (B) a State home recognized and certified
2 under subpart B of part 51 of title 38, Code of
3 Federal Regulations, or successor regulations.

4 (2) STANDARDS.—The Secretary may not place,
5 transfer, or admit a veteran to any facility for as-
6 sisted living services under the pilot program under
7 subsection (a)(1) unless the Secretary determines
8 that—

9 (A) the facility meets the standards for
10 community residential care established under
11 sections 17.61 through 17.72 of title 38, Code
12 of Federal Regulations, or successor regula-
13 tions, and any additional standards of care as
14 the Secretary may specify; or

15 (B) in the case of a facility that is a State
16 home, the State home meets such standards of
17 care as the Secretary may specify.

18 (3) INSPECTION.—The Secretary shall inspect
19 facilities at which veterans are placed under the pilot
20 program under subsection (a)(1)—

21 (A) with respect to a facility that is a
22 State home, not less frequently than annually
23 and in the same manner as the Secretary con-
24 ducts inspection of State homes under section
25 1742 of title 38, United States Code; and

1 (B) with respect to any other facility, not
2 less frequently than annually and in the same
3 manner as the Secretary conducts inspection of
4 facilities under section 1730 of such title.

5 (4) PAYMENT TO CERTAIN FACILITIES.—

6 (A) STATE HOMES.—In the case of a facil-
7 ity participating in the pilot program under
8 subsection (a)(1) that is a State home, the Sec-
9 retary shall pay to the State home a per diem
10 for each veteran participating in the pilot pro-
11 gram at a rate agreed to by the Secretary and
12 the State home.

13 (B) COMMUNITY ASSISTED LIVING FACILI-
14 TIES.—In the case of a facility participating in
15 the pilot program under subsection (a)(1) that
16 is a community assisted living facility, the Sec-
17 retary shall—

18 (i) pay to the facility an amount that
19 is less than the average rate paid by the
20 Department for placement in a community
21 nursing home in the same Veterans Inte-
22 grated Service Network; and

23 (ii) re-evaluate payment rates annu-
24 ally to account for current economic condi-

1 tions and current costs of assisted living
2 services.

3 (d) CONTINUITY OF CARE.—Upon the termination of
4 the pilot program under subsection (a)(1), the Secretary
5 shall—

6 (1) provide to all veterans participating in the
7 pilot program at the time of such termination the
8 option to continue to receive assisted living services
9 at the site they were assigned to under the pilot pro-
10 gram, at the expense of the Department; and

11 (2) for such veterans who do not opt to con-
12 tinue to receive such services—

13 (A) ensure such veterans do not experience
14 lapses in care; and

15 (B) provide such veterans with information
16 on, and ensure such veterans have the oppor-
17 tunity to receive, other extended care services
18 based on their preferences and best medical in-
19 terest.

20 (e) DETERMINATION OF QUALITY.—The Secretary
21 shall determine a method for assessment of quality of care
22 provided to veterans participating in the pilot program
23 under subsection (a)(1) and shall communicate that meth-
24 od to providers of services under the pilot program.

1 (f) ANNUAL REPORT.—Not later than one year after
2 the initiation of the pilot program under subsection (a)(1),
3 and annually thereafter for each year in which the pilot
4 program is carried out, the Secretary shall submit to the
5 Committee on Veterans' Affairs of the Senate and the
6 Committee on Veterans' Affairs of the House of Rep-
7 resentatives a report on the pilot program, including—

8 (1) an identification of Veterans Integrated
9 Services Networks and facilities of the Department
10 participating in the pilot program and assisted living
11 facilities and State homes at which veterans are
12 placed under the pilot program;

13 (2) the number of participants in the pilot pro-
14 gram, disaggregated by facility;

15 (3) general demographic information of partici-
16 pants in the pilot program, including average age,
17 gender, and race or ethnicity;

18 (4) disability status of participants in the pilot
19 program;

20 (5) an identification of any barriers or chal-
21 lenges to enrolling veterans in the pilot program,
22 conducting oversight of the pilot program, or any
23 other barriers or challenges;

24 (6) the cost of care at each assisted living facil-
25 ity and State home participating in the pilot pro-

1 gram, including an analysis of any cost savings by
2 the Department when comparing that cost to the
3 cost of nursing home care;

4 (7) aggregated feedback from participants in
5 the pilot program, including from veteran resident
6 surveys and interviews; and

7 (8) such other matters the Secretary considers
8 appropriate.

9 (g) FINAL REPORT.—Not later than four years after
10 the initiation of the pilot program under subsection (a)(1),
11 or not later than seven years after the initiation of the
12 pilot program if the pilot program is extended under sub-
13 section (a)(2), the Secretary shall submit to the Com-
14 mittee on Veterans' Affairs of the Senate and the Com-
15 mittee on Veterans' Affairs of the House of Representa-
16 tives a report on the pilot program that—

17 (1) includes the matters required under para-
18 graphs (1) through (8) of subsection (f);

19 (2) includes recommendations on whether the
20 model studied in the pilot program should be contin-
21 ued or adopted throughout the Department; and

22 (3) indicates whether the Secretary requests ac-
23 tion by Congress to make the pilot program perma-
24 nent.

25 (h) REPORT BY INSPECTOR GENERAL.—

1 (1) IN GENERAL.—Not later than three years
2 after the initiation of the pilot program under sub-
3 section (a)(1), the Inspector General of the Depart-
4 ment of Veterans Affairs shall submit to the Sec-
5 retary and the Committees on Veterans' Affairs of
6 the House of Representatives and the Senate a re-
7 port on the pilot program.

8 (2) ELEMENTS.—The report required by para-
9 graph (1) shall include an assessment of—

10 (A) the quality of care provided to veterans
11 at facilities participating in the pilot program,
12 measured pursuant to the method determined
13 under subsection (e);

14 (B) the oversight of such facilities, as con-
15 ducted by the Department, the Centers for
16 Medicare & Medicaid Services, State agencies,
17 and other relevant entities; and

18 (C) such other matters as the Inspector
19 General considers appropriate.

20 (3) FOLLOW-UP.—Not later than 90 days after
21 the submission of the report required by paragraph
22 (1), the Secretary shall submit to the Committees on
23 Veterans' Affairs of the House of Representatives
24 and the Senate a plan to address the deficiencies
25 identified in the report, if any.

1 (i) DEFINITIONS.—In this section:

2 (1) The term “assisted living services” means
3 services of a facility in providing room, board, and
4 personal care for and supervision of residents for
5 their health, safety, and welfare.

6 (2) The term “eligible veteran” means a vet-
7 eran who—

8 (A)(i) is already receiving nursing home
9 level care paid for by the Department;

10 (ii) is eligible to receive nursing home level
11 care paid for by the Department pursuant to
12 section 1710A of title 38, United States Code;
13 or

14 (iii) requires a higher level of care than the
15 domiciliary care provided by the Department
16 but does not meet the requirements for nursing
17 home level care provided by the Department
18 pursuant to such section; and

19 (B)(i) is eligible for assisted living services,
20 as determined by the Secretary; or

21 (ii) meets such additional criteria for eligi-
22 bility for the pilot program under subsection
23 (a)(1) as the Secretary may establish.

1 (3) The term “State home” has the meaning
2 given that term in section 101 of title 38, United
3 States Code.

