

118TH CONGRESS  
1ST SESSION

# H. R. 1815

To require the Secretary of Veterans Affairs to carry out a pilot program to provide assisted living services to eligible veterans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2023

Ms. SLOTKIN (for herself, Mr. STEIL, Mr. TRONE, and Ms. KUSTER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To require the Secretary of Veterans Affairs to carry out a pilot program to provide assisted living services to eligible veterans, 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 “Expanding Veterans’  
5 Options for Long Term Care Act”.

6 **SEC. 2. PILOT PROGRAM ON ASSISTED LIVING SERVICES**  
7 **FOR VETERANS.**

8 (a) PROGRAM.—

1           (1) IN GENERAL.—Beginning not later than  
2 one year after the date of the enactment of this Act,  
3 the Secretary of Veterans Affairs shall carry out a  
4 three-year pilot program to assess—

5           (A) the effectiveness of providing assisted  
6 living services to eligible veterans, at the elec-  
7 tion of such veterans; and

8           (B) the satisfaction with the pilot program  
9 of veterans participating in the pilot program.

10          (2) EXTENSION.—The Secretary may extend  
11 the duration of the pilot program under paragraph  
12 (1) for an additional three-year period if the Sec-  
13 retary, based on the results of the reports submitted  
14 under subsection (f), determines that it is appro-  
15 priate to do so.

16 (b) PROGRAM LOCATIONS.—

17          (1) VETERANS INTEGRATED SERVICE NET-  
18 WORKS.—

19           (A) IN GENERAL.—The Secretary shall se-  
20 lect not fewer than six Veterans Integrated  
21 Service Networks of the Department of Vet-  
22 erans Affairs at which to carry out the pilot  
23 program under subsection (a)(1).

24           (B) VETERANS RECEIVING NURSING HOME  
25 CARE.—The Secretary shall ensure that not

1 fewer than three Veterans Integrated Service  
2 Networks selected under subparagraph (A)  
3 serve regions with the top three highest per-  
4 centage of veterans who are currently receiving  
5 nursing home care through the Department and  
6 would be eligible to receive assisted living serv-  
7 ices under the pilot program.

8 (2) FACILITIES.—

9 (A) IN GENERAL.—Within the Veterans  
10 Integrated Service Networks selected under  
11 paragraph (1), the Secretary shall select facili-  
12 ties at which to carry out the pilot program  
13 under subsection (a)(1).

14 (B) SELECTION CRITERIA.—In selecting  
15 facilities under subparagraph (A), the Secretary  
16 shall ensure that—

17 (i) the locations of such facilities are  
18 in geographically diverse areas;

19 (ii) not fewer than two such facilities  
20 serve veterans in rural or highly rural  
21 areas (as determined through the use of  
22 the Rural-Urban Commuting Areas coding  
23 system of the Department of Agriculture);

- 1 (iii) not fewer than one such facility is  
2 located in each Veterans Integrated Service  
3 Network selected under paragraph (1); and  
4 (iv) not fewer than two such facilities  
5 are State homes.

6 (c) PROVISION OF ASSISTED LIVING SERVICES.—

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

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

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

17 (2) STANDARDS.—The Secretary may not place,  
18 transfer, or admit a veteran to any facility for as-  
19 sisted living services under the pilot program under  
20 subsection (a)(1) unless the Secretary determines  
21 that—

22 (A) the facility meets the standards for  
23 community residential care established under  
24 sections 17.61 through 17.72 of title 38, Code  
25 of Federal Regulations, or successor regula-

1           tions, and any additional standards of care as  
2           the Secretary may specify; or

3           (B) in the case of a facility that is a State  
4           home, the State home meets such standards of  
5           care as the Secretary may specify.

6           (3) INSPECTION.—The Secretary shall inspect  
7           facilities at which veterans are placed under the pilot  
8           program under subsection (a)(1)—

9           (A) with respect to a facility that is a  
10          State home, not less frequently than annually  
11          and in the same manner as the Secretary con-  
12          ducts inspection of State homes under section  
13          1742 of title 38, United States Code; and

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

18          (4) PAYMENT TO CERTAIN FACILITIES.—

19          (A) STATE HOMES.—In the case of a facil-  
20          ity participating in the pilot program under  
21          subsection (a)(1) that is a State home, the Sec-  
22          retary shall pay to the State home a per diem  
23          for each veteran participating in the pilot pro-  
24          gram at a rate agreed to by the Secretary and  
25          the State home.

1 (B) COMMUNITY ASSISTED LIVING FACILI-  
2 TIES.—In the case of a facility participating in  
3 the pilot program under subsection (a)(1) that  
4 is a community assisted living facility, the Sec-  
5 retary shall—

6 (i) pay to the facility an amount that  
7 is less than the average rate paid by the  
8 Department for placement in a community  
9 nursing home in the same Veterans Inte-  
10 grated Service Network; and

11 (ii) re-evaluate payment rates annu-  
12 ally to account for current economic condi-  
13 tions and current costs of assisted living  
14 services.

15 (d) CONTINUITY OF CARE.—Upon the termination of  
16 the pilot program under subsection (a)(1), the Secretary  
17 shall—

18 (1) provide to all veterans participating in the  
19 pilot program at the time of such termination the  
20 option to continue to receive assisted living services  
21 at the site they were assigned to under the pilot pro-  
22 gram, at the expense of the Department; and

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

1           (A) ensure such veterans do not experience  
2           lapses in care; and

3           (B) provide such veterans with information  
4           on, and enroll such veterans in, other extended  
5           care services based on their preferences and  
6           best medical interest.

7           (e) DETERMINATION OF QUALITY.—The Secretary  
8           shall determine a method for assessment of quality of care  
9           provided to veterans participating in the pilot program  
10          under subsection (a)(1) and shall communicate that meth-  
11          od to providers of services under the pilot program.

12          (f) ANNUAL REPORT.—Not later than one year after  
13          the initiation of the pilot program under subsection (a)(1),  
14          and annually thereafter for each year in which the pilot  
15          program is carried out, the Secretary shall submit to the  
16          Committee on Veterans' Affairs of the Senate and the  
17          Committee on Veterans' Affairs of the House of Rep-  
18          resentatives a report on the pilot program, including—

19                (1) an identification of Veterans Integrated  
20                Services Networks and facilities of the Department  
21                participating in the pilot program and assisted living  
22                facilities and State homes at which veterans are  
23                placed under the pilot program;

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

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

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

6           (5) an identification of any barriers or chal-  
7           lenges to enrolling veterans in the pilot program,  
8           conducting oversight of the pilot program, or any  
9           other barriers or challenges;

10          (6) the cost of care at each assisted living facil-  
11          ity and State home participating in the pilot pro-  
12          gram, including an analysis of any cost savings by  
13          the Department when comparing that cost to the  
14          cost of nursing home care;

15          (7) aggregated feedback from participants in  
16          the pilot program, including from veteran resident  
17          surveys and interviews; and

18          (8) such other matters the Secretary considers  
19          appropriate.

20          (g) FINAL REPORT.—Not later than four years after  
21          the initiation of the pilot program under subsection (a)(1),  
22          or not later than seven years after the initiation of the  
23          pilot program if the pilot program is extended under sub-  
24          section (a)(2), the Secretary shall submit to the Com-  
25          mittee on Veterans' Affairs of the Senate and the Com-



1 mittee on Veterans' Affairs of the House of Representa-  
2 tives a report on the pilot program that—

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

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

8 (3) indicates whether the Secretary requests ac-  
9 tion by Congress to make the pilot program perma-  
10 nent.

11 (h) REPORT BY INSPECTOR GENERAL.—

12 (1) IN GENERAL.—Not later than three years  
13 after the initiation of the pilot program under sub-  
14 section (a)(1), the Inspector General of the Depart-  
15 ment of Veterans Affairs shall submit to the Sec-  
16 retary and the Committees on Veterans' Affairs of  
17 the House of Representatives and the Senate a re-  
18 port on the pilot program.

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

21 (A) the quality of care provided to veterans  
22 at facilities participating in the pilot program,  
23 measured pursuant to the method determined  
24 under subsection (e);

1 (B) the oversight of such facilities, as con-  
2 ducted by the Department, the Centers for  
3 Medicare & Medicaid Services, State agencies,  
4 and other relevant entities; and

5 (C) such other matters as the Inspector  
6 General considers appropriate.

7 (3) FOLLOW-UP.—Not later than 90 days after  
8 the submission of the report required by paragraph  
9 (1), the Secretary shall submit to the Committees on  
10 Veterans' Affairs of the House of Representatives  
11 and the Senate a plan to address the deficiencies  
12 identified in the report, if any.

13 (i) DEFINITIONS.—In this section:

14 (1) The term “assisted living services” means  
15 services of a facility in providing room, board, and  
16 personal care for and supervision of residents for  
17 their health, safety, and welfare.

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

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

22 (ii) is eligible to receive nursing home level  
23 care paid for by the Department pursuant to  
24 section 1710A of title 38, United States Code;

25 or

1           (iii) requires a higher level of care than the  
2           domiciliary care provided by the Department  
3           but does not meet the requirements for nursing  
4           home level care provided by the Department  
5           pursuant to such section; and

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

8           (ii) meets such additional criteria for eligi-  
9           bility for the pilot program under subsection  
10          (a)(1) as the Secretary may establish.

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

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