

March 15, 2016

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United States Senate Committee on Veterans' Affairs  
Russell Senate Building – Room 412  
Washington, D.C. 20510-6050

Chairman Isakson:

I serve as the Senior Vice President of Government Relations at the American Health Care Association (AHCA), the nation's largest association of long term and post-acute care providers. The association advocates for quality care and services for the frail, elderly, and individuals with disabilities. Our members provide essential care to millions of individuals in more than 13,000 not for profit and for profit member facilities.

AHCA, its affiliates, and member providers advocate for the continuing vitality of the long term care provider community. We are committed to developing and advocating for public policies which balance economic and regulatory principles to support quality of care and quality of life. Therefore, I appreciate the opportunity today to submit a statement on behalf of AHCA for the hearing record in strong support of the Veterans Choice Improvement Act of 2016 (S. 2646), which would grant the U.S. Department of Veterans Affairs (VA) the legislative authority to enter into Provider Agreements for extended care services. Furthermore, and very importantly, it ensures that our centers are able to care for veterans in their communities. Our facilities already meet very strict compliance guidelines under the Medicare and Medicaid programs. Adding additional regulations on top of this is simply inefficient, redundant and takes staff time away from these veterans at the bedside.

As you know, the VA released a proposed rule, RIN 2900-A015, on Provider Agreements in February of 2013. This important rule, among other things, increases the opportunity for veterans to obtain non-VA extended care services from local providers that furnish vital and often life-sustaining medical services. This rule is an example of how government and the private sector can effectively work together for the benefit of veterans who depend on long term and post-acute care. Last Congress, close to half of the U.S. Senate chamber and 109 U.S. House members signed onto a letter to the VA encouraging the release of the final VA provider agreement rule. It was determined that the VA needs the legislative authority to enter into these agreements, which the Veterans Choice Improvement Act provides.

It is long-standing policy that Medicare (Parts A and B) or Medicaid providers are not considered to be federal contractors. However, if a provider currently has VA patients, they are considered to be a federal contractor and under the Service Contract Act. The Office of Federal Contracting Compliance Programs (OFCCP) has administered onerous reporting requirements and regulations, which have dissuaded long term care facilities from admitting VA patients. This limits the care available to veterans needing long term care in their local communities. Our veterans should not have to choose between obtaining the long term care services they need and remaining near loved ones in their community. Conversely, the same facilities contracting with the Centers for Medicare and Medicaid Services (CMS) are not subject to the OFCCP regulations. This legislation would make the VA requirements for providers the same as they are for CMS. It's also important to note that the Veterans Access, Choice and Accountability Act of 2014 waived the OFCCP federal contracting requirements. S. 2646 includes the same OFCCP exemption for VA provider agreements.

The use of Provider Agreements for extended care services would facilitate services from providers who are closer to veterans' homes and community support structures. Once providers can enter into Provider Agreements, the number of providers serving veterans will increase in most markets, expanding the options among veterans for nursing center care and home and community-based services.

AHCA endorses S. 2646, and applauds Senators Richard Burr (R-NC), Kelly Ayotte (R-NH), Steve Daines (R-MT), John Hoeven (R-ND), Thom Tillis (R-NC), John Boozman (R-AR) and Jerry Moran (R-KS) for introducing this important legislation that will ensure that those veterans who have served our nation so bravely have access to quality health care. Thank you again for the opportunity to comment on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clifton J. Porter II', written in a cursive style.

Clifton J. Porter II  
Senior Vice President of Government Relations

cc: The Honorable Richard Blumenthal

**For Immediate Release**  
March 9, 2016

**Contact:** [AHCAPressOffice@ahca.org](mailto:AHCAPressOffice@ahca.org)  
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## **AHCA Commends Veterans Choice Improvement Act**

**Washington, D.C.** — Clifton J. Porter II, Senior Vice President of Government Relations at the American Health Care Association (AHCA), made the following statement regarding S. 2646, the [\*Veterans Choice Improvement Act of 2016\*](#), introduced by Senators Richard Burr (R-NC), Kelly Ayotte (R-NH), Steve Daines (R-MT), John Hoeven (R-ND), Thom Tillis (R-NC), John Boozman (R-AR) and Jerry Moran (R-KS).

“The American Health Care Association strongly supports the *Veterans Choice Improvement Act*. The legislation includes a provision that allows the VA to enter into provider agreements with local providers. Furthermore, it ensures that extended care providers are only subject to the same rules and regulations as Medicare and Medicaid providers.

“Currently, the Office of Federal Contracting Compliance Programs (OFCCP) has administered onerous reporting requirements and regulations, which have dissuaded long term care facilities from admitting VA patients. This limits the care available to veterans needing long term care in their local communities. Our veterans should not have to choose between obtaining the long term care services they need and remaining near loved ones in their community.

“Conversely, the same facilities contracting with the Centers for Medicare and Medicaid Services (CMS) are not subject to the OFCCP regulations. This legislation would make the VA requirements for providers the same as they are for CMS.”

AHCA will be providing written testimony for the Senate Committee on Veterans’ Affairs Hearing that will be discussing this legislation on March 15, 2016 at 2:30 PM.