

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

Mr. TESTER (for himself, Mr. MORAN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on

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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 subsections (e) and (f), determines that it is  
15 appropriate 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 areas with the highest percentage of vet-  
4 erans who are currently receiving nursing home  
5 care through the Department and would be eli-  
6 gible to receive assisted living services under the  
7 pilot program.

8 (2) FACILITIES.—

9 (A) IN GENERAL.—Within each Veterans  
10 Integrated Service Network 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 the standards for  
5 care established under subpart E of part 51 of  
6 title 38, Code of Federal Regulations, or suc-  
7 cessor regulations, and any additional standards  
8 of care as the Secretary may specify.

9 (3) INSPECTION.—The Secretary shall inspect  
10 facilities at which veterans are placed under the pilot  
11 program under subsection (a)(1)—

12 (A) with respect to a facility that is a  
13 State home, not less frequently than annually  
14 and in the same manner as the Secretary con-  
15 ducts inspection of State homes under section  
16 1742 of title 38, United States Code; and

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

21 (4) PAYMENT TO CERTAIN FACILITIES.—

22 (A) STATE HOMES.—In the case of a facil-  
23 ity participating in the pilot program under  
24 subsection (a)(1) that is a State home, the Sec-  
25 retary shall pay to the State home a per diem

1 for each veteran participating in the pilot pro-  
2 gram at the State home that is—

3 (i) greater than the per diem for  
4 domiciliary care at the State home, if ap-  
5 plicable; and

6 (ii) less than the per diem for nursing  
7 home care at the State home.

8 (B) COMMUNITY ASSISTED LIVING FACILI-  
9 TIES.—In the case of a facility participating in  
10 the pilot program that is a community assisted  
11 living facility, the Secretary shall pay to the fa-  
12 cility an amount that is less than the average  
13 rate paid by the Department for placement in  
14 a community nursing home in the same Vet-  
15 erans Integrated Service Network.

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

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

24 (2) for such veterans who do not opt to con-  
25 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 participants in, other long-term  
5 care options based on their preferences and best  
6 medical interest.

7 (e) ANNUAL REPORT.—

8 (1) IN GENERAL.—Not later than one year  
9 after the initiation of the pilot program under sub-  
10 section (a)(1), and annually thereafter for each year  
11 in which the pilot program is carried out, the Sec-  
12 retary shall submit to the Committee on Veterans'  
13 Affairs of the Senate and the Committee on Vet-  
14 erans' Affairs of the House of Representatives a re-  
15 port on the pilot program, including—

16 (A) an identification of Veterans Inte-  
17 grated Services Networks and facilities of the  
18 Department participating in the pilot program  
19 and assisted living facilities and State homes at  
20 which veterans are placed under the pilot pro-  
21 gram;

22 (B) the number of participants in the pilot  
23 program, disaggregated by facility;

1 (C) general demographic information of  
2 participants in the pilot program, including av-  
3 erage age, gender, and race or ethnicity;

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

6 (E) an identification of any barriers or  
7 challenges to enrolling veterans in the pilot pro-  
8 gram, conducting oversight of the pilot pro-  
9 gram, or any other barriers or challenges;

10 (F) the cost of care at each assisted living  
11 facility and State home participating in the  
12 pilot program, including an analysis of any cost  
13 savings by the Department when comparing  
14 that cost to the cost of nursing home care;

15 (G) aggregated feedback from participants  
16 in the pilot program; and

17 (H) such other matters the Secretary con-  
18 siders appropriate.

19 (2) FINAL REPORT.—As part of the final report  
20 submitted under paragraph (1), the Secretary shall  
21 include recommendations on whether the model  
22 studied in the pilot program should be continued or  
23 adopted throughout the Department.

24 (f) REPORT BY INSPECTOR GENERAL.—

1           (1) IN GENERAL.—Not later than two 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, the Committee on Veterans' Affairs of the  
6 Senate, and the Committee on Veterans' Affairs of  
7 the House of Representatives a report on the pilot  
8 program.

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

11                   (A) the quality of care provided to veterans  
12 at facilities participating in the pilot program;

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

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

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

1 (g) DEFINITIONS.—In this section:

2 (1) ASSISTED LIVING SERVICES.—The term  
3 “assisted living services” means—

4 (A) services of a facility in providing room,  
5 board, and personal care for and supervision of  
6 residents for their health, safety, and welfare;  
7 and

8 (B) a level of care more intensive than  
9 domiciliary care and less intensive than nursing  
10 home care.

11 (2) ELIGIBLE VETERAN.—The term “eligible  
12 veteran” means a veteran who—

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

15 (ii) is eligible to receive nursing home level  
16 care paid for by the Department; or

17 (iii) exceeds the requirements for domi-  
18 ciliary care paid for by the Department but  
19 does not meet the requirements for nursing  
20 home level care paid for by the Department;  
21 and

22 (B) is eligible for assisted living services,  
23 as determined by the Secretary.

1           (3) STATE HOME.—The term “State home” has  
2           the meaning given that term in section 101(19) of  
3           title 38, United States Code.