

106TH CONGRESS
1ST SESSION

S. 1250

To amend title 38, United States Code, to ensure a continuum of health care for veterans, to require pilot programs relating to long-term health care for veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 1999

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to ensure a continuum of health care for veterans, to require pilot programs relating to long-term health care for 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 “Veterans’ Long-Term
5 Care Enhancement Act of 1999”.

6 **SEC. 2. CONTINUUM OF CARE FOR VETERANS.**

7 (a) INCLUSION OF NONINSTITUTIONAL EXTENDED
8 CARE SERVICES IN DEFINITION OF MEDICAL SERV-

1 ICES.—Section 1701 of title 38, United States Code, is
 2 amended—

3 (1) in paragraph (6)(A)(i), by inserting “non-
 4 institutional extended care services,” after “preven-
 5 tive health services,”; and

6 (2) by adding at the end the following new
 7 paragraphs:

8 “(10) The term ‘noninstitutional extended care
 9 services’ includes—

10 “(A) home-based primary care;

11 “(B) adult day health care;

12 “(C) respite care;

13 “(D) palliative and end-of-life care; and

14 “(E) homemaker or home health aide vis-
 15 its.

16 “(11) The term ‘respite care’ means hospital or
 17 nursing home care which—

18 “(A) is of limited duration;

19 “(B) is furnished on an intermittent basis
 20 to an individual who is suffering from a chronic
 21 illness and who resides primarily at home; and

22 “(C) is furnished for the purpose of help-
 23 ing the individual to continue residing primarily
 24 at home.”.

1 (b) ASSISTED LIVING.—Subchapter II of chapter 17
 2 of such title is amended by adding at the end the following
 3 new section:

4 **“§ 1720F. Assisted living**

5 “(a) The Secretary may, subject to subsection (b),
 6 provide assisted living services to a veteran who is eligible
 7 to receive care under section 1710 of this title and to the
 8 spouse of such veteran in connection with the provision
 9 of such services to such veteran.

10 “(b) The Secretary may not provide assisted living
 11 services under this section to a veteran eligible to receive
 12 care under section 1710(a)(3) of this title, or to a spouse
 13 of any veteran, unless such veteran or spouse agrees to
 14 pay the United States an amount equal to the cost, as
 15 determined in regulations prescribed by the Secretary, of
 16 the provision of such services.

17 “(c) For purposes of this section, the term ‘assisted
 18 living services’ means services which provide personal care,
 19 activities, health-related care, supervision, and other as-
 20 sistance on a 24-hour basis within a residential or similar
 21 setting which—

22 “(1) maximizes flexibility in the provision of
 23 such care, activities, supervision, and assistance;

24 “(2) maximizes the autonomy, privacy, and
 25 independence of an individual; and

1 “(3) encourages family and community involve-
2 ment with the individual.”.

3 (c) CONFORMING AMENDMENTS.—(1)(A) Section
4 1720 of such title is amended by striking subsection (f).

5 (B) The section heading of such section is amended
6 by striking “; **adult day health care**”.

7 (2) Section 1720B of such title is repealed.

8 (d) CLERICAL AMENDMENTS.—The table of sections
9 for chapter 17 of such title is amended—

10 (1) in the item relating to section 1720, by
11 striking “; adult day health care”;

12 (2) by striking the item relating to section
13 1720B; and

14 (3) by inserting after the item relating to sec-
15 tion 1720E the following new item:

“1720F. Assisted living.”.

16 **SEC. 3. PILOT PROGRAMS RELATING TO LONG-TERM CARE**
17 **OF VETERANS.**

18 (a) IN GENERAL.—The Secretary of Veterans Affairs
19 shall carry out three pilot programs for the purpose of
20 determining the feasibility and practicability of a variety
21 of methods of meeting the long-term care needs of eligible
22 veterans. The pilot programs shall be carried out in ac-
23 cordance with the provisions of this section.

24 (b) LOCATIONS OF PILOT PROGRAMS.—(1) Each
25 pilot program under this section shall be carried out at

1 two Veterans Integrated Service Networks (VISNs) se-
2 lected by the Secretary for purposes of this section.

3 (2) The Secretary may not carry out more than one
4 pilot program in any given Veterans Integrated Service
5 Network.

6 (c) SCOPE OF SERVICES UNDER PILOT PRO-
7 GRAMS.—(1) The services provided under the pilot pro-
8 grams under this section shall include a comprehensive
9 array of health care services and other services that meet
10 the long-term care needs of veterans, including—

11 (A) inpatient long-term care in intermediate
12 care beds, in nursing homes, and in domiciliary care
13 facilities;

14 (B) noninstitutional long-term care, including
15 hospital-based primary care, adult day care, personal
16 assistance services, respite care, and other commu-
17 nity-based interventions and care; and

18 (C) assisted living services for veterans and
19 their families.

20 (2) As part of the provision of services under the pilot
21 programs, the Secretary shall also provide appropriate
22 case management services.

23 (3) In providing services under the pilot programs,
24 the Secretary shall emphasize the provision of preventive
25 care services, including screening and education.

1 (d) DIRECT PROVISION OF SERVICES.—Under one of
2 the pilot programs under this section, the Secretary shall
3 provide long-term care services to eligible veterans directly
4 through facilities and personnel of the Department of Vet-
5 erans Affairs.

6 (e) PROVISION OF SERVICES THROUGH COOPERA-
7 TIVE ARRANGEMENTS.—(1) Under one of the pilot pro-
8 grams under this section, the Secretary shall provide long-
9 term care services to eligible veterans through a combina-
10 tion (as determined by the Secretary) of—

11 (A) services provided under cooperative ar-
12 rangements with appropriate public and private non-
13 Governmental entities, including community service
14 organizations; and

15 (B) services provided through facilities and per-
16 sonnel of the Department.

17 (2) The consideration provided by the Secretary for
18 services provided by entities under cooperative arrange-
19 ments under paragraph (1)(A) shall be limited to the pro-
20 vision by the Secretary of appropriate in-kind services to
21 such entities.

22 (f) PROVISION OF SERVICES BY NON-DEPARTMENT
23 ENTITIES.—(1) Under one of the pilot programs under
24 this section, the Secretary shall provide long-term care
25 services to eligible veterans through arrangements with

1 appropriate non-Department entities under which ar-
2 rangements the Secretary acts solely as the case manager
3 for the provision of such services.

4 (2) Payment for services provided to veterans under
5 the pilot programs under this subsection shall be as fol-
6 lows:

7 (A) By the medicare program or the medicaid
8 program, but only—

9 (i) if the veterans concerned are entitled to
10 benefits under such programs; and

11 (ii) to the extent that payment for such
12 services is provided for under such programs.

13 (B) By the Department, to the extent that pay-
14 ment for such services is not otherwise provided for
15 under subparagraph (A).

16 (g) DATA COLLECTION.—As part of each pilot pro-
17 gram under this section, the Secretary shall collect data
18 regarding—

19 (1) the cost-effectiveness of such program, in-
20 cluding any savings achieved under such program
21 when compared with the medicare program, med-
22 icaid program, or other Federal program serving
23 similar populations;

24 (2) the quality of the services provided under
25 such program;

1 (3) the satisfaction of participating veterans,
2 non-Department, and non-Government entities with
3 such program; and

4 (4) the effect of such program on the ability of
5 veterans to carry out basic activities of daily living
6 over the course of such veterans' participation in
7 such program.

8 (h) REPORTS.—(1) The Secretary shall annually sub-
9 mit to Congress a report on the pilot programs under this
10 section.

11 (2) Each report under paragraph (1) shall include the
12 following:

13 (A) A detailed description of activities under
14 the pilot programs during the one-year period ending
15 on the date of the report.

16 (B) An evaluation of the data collected under
17 subsection (g) during that period.

18 (C) Any other matters regarding the programs
19 that the Secretary considers appropriate.

20 (i) DURATION OF PROGRAMS.—(1) The Secretary
21 shall commence carrying out the pilot programs required
22 by this section not later than 90 days after the date of
23 the enactment of this Act.

24 (2) The authority of the Secretary to provide services
25 under the pilot programs shall cease on the date that is

1 three years after the date of the commencement of the
2 pilot programs under paragraph (1).

3 (j) DEFINITIONS.—In this section:

4 (1) The term “eligible veteran” means the fol-
5 lowing:

6 (A) Any veteran entitled to hospital care
7 and medical services under section 1710(a)(1)
8 of title 38, United States Code.

9 (B) Any veteran (other than a veteran de-
10 scribed in subparagraph (A)) if the veteran is
11 enrolled in the system of annual patient enroll-
12 ment under section 1705 of title 38, United
13 States Code.

14 (2) The term “long-term care needs” means the
15 need by an individual for any of the following serv-
16 ices:

17 (A) Personal care.

18 (B) Nursing home and home health care
19 services.

20 (C) Habilitation and rehabilitation serv-
21 ices.

22 (D) Adult day care services.

23 (E) Case management services.

24 (F) Social services.

25 (G) Assistive technology services.

- 1 (H) Home and community based services,
- 2 including assistive living.

