

111TH CONGRESS
2D SESSION

S. 3583

To amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2010

Mrs. MURRAY (for herself, Mr. SANDERS, Ms. SNOWE, and Ms. COLLINS) 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 increase flexibility in payments for State veterans homes, 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. INCREASED FLEXIBILITY IN PAYMENTS FOR**
4 **STATE VETERANS HOMES.**

5 (a) IN GENERAL.—Subsection (a) of section 1745 of
6 title 38, United States Code, is amended to read as fol-
7 lows:

8 “(a)(1) If a State home provides nursing home care
9 to a covered veteran and the cost of such care, as deter-

1 mined under paragraph (3), exceeds the amount paid, if
2 any, to such State home for such care under part A of
3 title XVIII and under title XIX of the Social Security Act
4 (42 U.S.C. 1395c et seq., 1396 et seq.), the Secretary
5 shall pay such State home an amount for such care equal
6 to such excess.

7 “(2) For purposes of this subsection, a covered vet-
8 eran is any veteran as follows:

9 “(A) A veteran in need of nursing home care
10 for a service-connected disability.

11 “(B) A veteran who—

12 “(i) has a service-connected disability rated
13 at 70 percent or more; and

14 “(ii) is in need of nursing home care.

15 “(3) The cost of care determined under this para-
16 graph is an amount equal to the applicable or prevailing
17 rate payable in the geographic area in which the State
18 home is located, as determined by the Secretary, for nurs-
19 ing home care furnished in a non-Department nursing
20 home (as that term is defined in section 1720(e)(2) of this
21 title).

22 “(4)(A) The Secretary shall reimburse a State home
23 for any copayment required of a covered veteran under
24 title XVIII of the Social Security Act (42 U.S.C. 1395

1 et seq.) in connection with nursing home care received by
 2 the covered veteran from the State home.

3 “(B) A State home receiving reimbursement under
 4 subparagraph (A) for a copayment required of a covered
 5 veteran shall apply such reimbursement to the covered vet-
 6 eran’s copayment obligations under such title XVIII.

7 “(5) In lieu of receiving payment under paragraphs
 8 (1), (3), and (4), a State home may elect to receive pay-
 9 ment from the Secretary to furnish nursing home care to
 10 a veteran described in paragraph (2) through an agree-
 11 ment entered into by the Secretary and the State home
 12 under the provisions of section 1720 of this title.

13 “(6) Payments to State homes pursuant to this sec-
 14 tion shall not be considered a liability of a third party,
 15 or otherwise be used to offset or reduce any other payment
 16 made to assist veterans.”.

17 (b) CONFORMING AMENDMENTS.—Subsection (b) of
 18 such section is amended—

19 (1) in paragraph (1), by amending subpara-
 20 graph (A) to read as follows:

21 “(A)(i) is not a veteran described in sub-
 22 section (a)(2); or

23 “(ii) is a covered veteran described in such
 24 subsection but is not receiving nursing home
 25 care from a State home; and”; and

1 (2) in paragraph (2), by amending subpara-
2 graph (B) to read as follows:

3 “(B)(i) is not a veteran described in sub-
4 section (a)(2); or

5 “(ii) is a veteran described in such sub-
6 section but is not receiving nursing home care
7 from a State home; and”.

8 (c) EFFECTIVE DATES.—The amendments made by
9 this Act shall take effect on the date that is 90 days after
10 the date of the enactment of this Act.

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