

119TH CONGRESS
1ST SESSION

S. _____

To amend titles XVIII and XIX of the Social Security Act to streamline the certification process for State Veterans Homes by allowing certain facilities certified by the Department of Veterans Affairs to be deemed in compliance with specified Medicare and Medicaid requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRAPO (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend titles XVIII and XIX of the Social Security Act to streamline the certification process for State Veterans Homes by allowing certain facilities certified by the Department of Veterans Affairs to be deemed in compliance with specified Medicare and Medicaid requirements, 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 “State Veterans Homes
5 Inspection Simplification Act”.

1 **SEC. 2. DEEMING OF STATE VETERANS HOMES CERTIFIED**
2 **BY THE DEPARTMENT OF VETERANS AFFAIRS**
3 **AS MEETING MEDICARE CONDITIONS OF PAR-**
4 **TICIPATION.**

5 (a) MEDICARE DEEMING AUTHORITY.—Section 1819
6 of the Social Security Act (42 U.S.C. 1395i–3) is amended
7 by adding at the end the following new subsection:

8 “(1) SPECIAL RULE FOR STATE VETERANS
9 HOMES.—

10 “(1) DEEMED COMPLIANCE.—

11 “(A) IN GENERAL.—A State home (as de-
12 fined in section 101 of title 38, United States
13 Code) that is inspected and certified by the De-
14 partment of Veterans Affairs (in this subsection
15 referred to as the ‘VA’) in accordance with
16 standards approved by the Secretary shall be
17 deemed to meet the requirements of subsections
18 (b) through (i) of this section if the Secretary
19 determines that the following requirements are
20 met:

21 “(i) The VA provides the Secretary,
22 upon request, with documentation of in-
23 spection and certification, including survey
24 findings, statements of deficiencies, and re-
25 lated corrective actions.

1 “(ii) Not less than once every 2 years,
2 the VA submits its State home survey
3 standards and inspection procedures for
4 joint review with the Centers for Medicare
5 & Medicaid Services to confirm continued
6 alignment with Medicare Conditions of
7 Participation, including oversight meth-
8 odologies.

9 “(B) REQUIREMENTS FOR APPROVAL OF
10 STANDARDS.—In approving standards under
11 subparagraph (A), the Secretary shall—

12 “(i) consult with the Secretary of Vet-
13 erans Affairs; and

14 “(ii) ensure that the inspection and
15 certification process used by the VA, in-
16 cluding both standards and enforcement
17 practices—

18 “(I) includes, as a minimum, the
19 survey protocols and enforcement ex-
20 pectations of the Centers for Medicare
21 & Medicaid Services; and

22 “(II) upholds, at a minimum, the
23 same standards of resident care, safe-
24 ty, transparency, and accountability
25 required under this section.

1 “(2) OVERSIGHT AND ENFORCEMENT.—Noth-
2 ing in paragraph (1) shall preclude the Secretary
3 from doing any of the following:

4 “(A) Conducting complaint investigations
5 or targeted surveys of any State home.

6 “(B) Imposing remedies under subsection
7 (h), including civil monetary penalties or termi-
8 nation of participation under this title.

9 “(C) Revoking deemed status under para-
10 graph (1) if the VA certification process is
11 found to be inconsistent with Federal standards
12 of transparency, data quality, or enforcement.

13 “(3) PUBLIC REPORTING.—Survey and certifi-
14 cation data from VA inspections deemed valid under
15 this subsection shall be reported publicly through the
16 Nursing Home Care Compare website under sub-
17 section (i) or another publicly accessible platform in
18 a format determined by the Secretary, in consulta-
19 tion with the Secretary of Veterans Affairs.”.

20 (b) MEDICAID CONFORMING AMENDMENT.—Section
21 1919 of the Social Security Act (42 U.S.C. 1396r) is
22 amended by adding at the end the following new sub-
23 section:

24 “(l) SPECIAL RULE FOR STATE VETERANS
25 HOMES.—The provisions of section 1819(l) shall apply

1 with respect to a nursing facility that is a State home (as
2 defined in section 101 of title 38, United States Code)
3 and that is inspected and certified by the Department of
4 Veterans Affairs in the same manner and to the same ex-
5 tent as such provisions apply under title XVIII.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the date that is 90 days
8 after the date of enactment of this Act.

9 **SEC. 3. ALIGNMENT OF DATA FOR PUBLIC REPORTING.**

10 (a) VA SURVEY DATA ON NURSING HOME CARE
11 COMPARE.—The Secretary of Health and Human Services
12 shall coordinate with the Secretary of Veterans Affairs to
13 ensure that inspection findings, deficiency statements, and
14 quality metrics from Department of Veterans Affairs-cer-
15 tified State homes (as defined in section 101 of title 38,
16 United States Code) are incorporated into the Nursing
17 Home Care Compare website (or a successor website), to
18 the extent feasible and consistent with section 1819(g)(5)
19 of the Social Security Act (42 U.S.C. 1395i–3(g)(5)).

20 (b) HARMONIZATION OF SURVEY PROCESSES.—Not
21 later than 180 days after the date of enactment of this
22 section, the Secretary of Health and Human Services, in
23 consultation with the Secretary of Veterans Affairs, shall
24 issue guidance to align certification and data reporting
25 processes to ensure consistency and transparency in the

6

- 1 public reporting of quality and compliance information for
- 2 State homes (as so defined).