

117TH CONGRESS  
1ST SESSION

# S. 2852

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the payment of care in non-Department of Veterans Affairs medical foster homes for certain veterans who are unable to live independently, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2021

Ms. SINEMA (for herself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the payment of care in non-Department of Veterans Affairs medical foster homes for certain veterans who are unable to live independently, 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 “Long-Term Care Vet-  
5 erans Choice Act”.

1 **SEC. 2. SECRETARY OF VETERANS AFFAIRS CONTRACT AU-**  
2 **THORITY FOR PAYMENT OF CARE FOR VET-**  
3 **ERANS IN NON-DEPARTMENT OF VETERANS**  
4 **AFFAIRS MEDICAL FOSTER HOMES.**

5 (a) AUTHORITY.—

6 (1) IN GENERAL.—Section 1720 of title 38,  
7 United States Code, is amended by adding at the  
8 end the following new subsection:

9 “(h)(1) During the five-year period beginning on the  
10 date of the enactment of the Long-Term Care Veterans  
11 Choice Act, and subject to paragraph (3)—

12 “(A) at the request of a veteran for whom the  
13 Secretary is required to provide nursing home care  
14 under section 1710A of this title, the Secretary may  
15 place the veteran in a medical foster home that  
16 meets Department standards, at the expense of the  
17 United States, pursuant to a contract, agreement, or  
18 other arrangement entered into between the Sec-  
19 retary and the medical foster home for such purpose;  
20 and

21 “(B) the Secretary may pay for care of a vet-  
22 eran placed in a medical foster home before such  
23 date of enactment, if the home meets Department  
24 standards, pursuant to a contract, agreement, or  
25 other arrangement entered into between the Sec-  
26 retary and the medical foster home for such purpose.

1       “(2) A veteran on whose behalf the Secretary pays  
2 for care in a medical foster home under paragraph (1)  
3 shall agree, as a condition of such payment, to accept  
4 home health services furnished by the Secretary under sec-  
5 tion 1717 of this title.

6       “(3) In any year, not more than a daily average of  
7 900 veterans receiving care in a medical foster home,  
8 whether placed before, on, or after the date of the enact-  
9 ment of the Long-Term Care Veterans Choice Act, may  
10 have their care covered at the expense of the United States  
11 under paragraph (1).

12       “(4) The prohibition under section 1730(b)(3) of this  
13 title shall not apply to a veteran whose care is covered  
14 at the expense of the United States under paragraph (1).

15       “(5) In this subsection, the term ‘medical foster  
16 home’ means a home designed to provide non-institutional,  
17 long-term, supportive care for veterans who are unable to  
18 live independently and prefer a family setting.”.

19               (2) EFFECTIVE DATE.—Subsection (h) of sec-  
20 tion 1720 of title 38, United States Code, as added  
21 by paragraph (1), shall take effect 90 days after the  
22 date of the enactment of this Act.

23               (b) ONGOING MONITORING OF MEDICAL FOSTER  
24 HOME PROGRAM.—

1           (1) IN GENERAL.—The Secretary of Veterans  
2           Affairs shall create a system to monitor and assess  
3           the workload for the Department of Veterans Affairs  
4           in carrying out the authority under section 1720(h)  
5           of title 38, United States Code, as added by sub-  
6           section (a)(1), including by tracking—

7                   (A) requests by veterans to be placed in a  
8                   medical foster home under such section;

9                   (B) denials of such requests, including the  
10                  reasons for such denials;

11                  (C) the total number of medical foster  
12                  homes applying to participate under such sec-  
13                  tion, disaggregated by those approved and those  
14                  denied approval by the Department to partici-  
15                  pate;

16                  (D) veterans receiving care at a medical  
17                  foster home at the expense of the United  
18                  States; and

19                  (E) veterans receiving care at a medical  
20                  foster home at their own expense.

21           (2) REPORT.—Based on the monitoring and as-  
22           sessments conducted under paragraph (1), the Sec-  
23           retary shall identify and submit to Congress a report  
24           on such modifications to implementing section  
25           1720(h) of title 38, United States Code, as added by

1 subsection (a)(1), as the Secretary considers nec-  
2 essary to ensure the authority under such section is  
3 functioning as intended and care is provided to vet-  
4 erans under such section as intended.

5 (3) MEDICAL FOSTER HOME DEFINED.—In this  
6 subsection, the term “medical foster home” has the  
7 meaning given that term in section 1720(h) of title  
8 38, United States Code, as added by subsection  
9 (a)(1).

10 (c) COMPTROLLER GENERAL REPORT.—Not later  
11 than each of three years and six years after the date of  
12 the enactment of this Act, the Comptroller General of the  
13 United States shall submit to Congress a report—

14 (1) assessing the implementation of this section  
15 and the amendments made by this section;

16 (2) assessing the impact of the monitoring and  
17 modifications under subsection (b) on care provided  
18 under section 1720(h) of title 38, United States  
19 Code, as added by subsection (a)(1); and

20 (3) setting forth recommendations for improve-  
21 ments to the implementation of such section, as the  
22 Comptroller General considers appropriate.

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