Urge the U.S. Department of Veterans Affairs to Release the Final Provider Agreement Rule

The American Health Care Association/National Center for Assisted Living (AHCA/NCAL) is the nation’s largest association of long term and post-acute care providers. The association advocates for quality care and services for the frail, elderly, and individuals with disabilities. Our members provide essential care to millions of individuals – including our nation’s veterans – in more than 12,000 not for profit and for profit member facilities.

AHCA/NCAL, its affiliates, and member providers advocate for the continuing vitality of the long term care provider community. We are committed to developing and advocating for public policies which balance economic and regulatory principles to support quality of care and quality of life. Therefore, AHCA/NCAL was pleased to comment in support of the VA’s proposed rule on Provider Agreements when it was released for comment in February of 2013.

AHCA/NCAL worked collaboratively with the VA for many years on this important rule which, among other things, increases the opportunity for veterans to obtain non-VA extended care services from local providers that furnish vital and often life-sustaining medical services. This rule is an example of how government and the private sector can effectively work together for the benefit of people who need long term and post-acute care.

It is long-standing policy that Medicare (Parts A and B) or Medicaid providers are not considered to be federal contractors. However, if a provider currently has VA patients, they are considered to be a federal contractor. Under the new VA Provider agreement, providers would not be considered federal contractors, and would therefore not have to follow complex federal contracting and reporting rules.

Federal contracts come with extensive reporting requirements to the Department of Labor on the demographics of contractor employees and applicants, which have deterred providers, particularly smaller ones, from VA participation. The use of provider agreements for extended care services would facilitate services from providers who are closer to veterans’ homes and community support structures. It is anticipated that when the final rule is in place, the number of providers serving veterans will increase in most markets, expanding the options among veterans for nursing center care and home- and community-based services. Services covered as extended care under the proposed rule include: nursing center care, geriatric evaluation, domiciliary services, adult day health care, respite care, and palliative care, hospice care, and home health care when they are “non-institutional alternatives to nursing home care.”

Once the final rule is in place, the nation’s VA Medical Centers will be the hub for providers that want to serve veterans. Nursing care centers will submit their minimum data set (MDS) information to a VA Medical Center for payment processing.

AHCA/NCAL is awaiting the release of the final VA Provider Agreement rule from the VA. We urge members of Congress to contact Angela Prudhomme in the VA Office of Congressional and Legislative Affairs at Angela.Prudhomme@va.gov requesting the final rule be released as soon as possible. The final VA Provider Agreement rule will help to ensure that those veterans who have served our nation so bravely have access to quality health care. If you have further questions on this matter, please contact AHCA’s Senior Director of Not for Profit & Constituent Services, Dana Halvorson, at dhalvorson@ahca.org or 202-898-2822.