

April 23, 2015

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The Honorable Dan Benishek M.D.
Chairman, Subcommittee on Health
House Committee on Veterans' Affairs
335 Cannon House Office Building
Washington, DC 20515

Congressman Benishek:

I serve as the president and chief executive officer of the American Health Care Association (AHCA), 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 in more than 12,000 not for profit and for profit member facilities.

AHCA, 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, I appreciate the opportunity today to submit a statement on behalf of AHCA for the hearing record in strong support of the Veterans Access to Extended Care Act (H.R. 1369/S. 739), which would grant the U.S. Department of Veterans Affairs (VA) the legislative authority to enter into Provider Agreements for extended care services.

The VA released a proposed rule, RIN 2900-A015, on Provider Agreements in February of 2013. This important rule, 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 veterans who depend on long term and post-acute care. Last Congress, close to half of the U.S. Senate chamber and 109 U.S. House members signed onto a letter to the VA encouraging the release of the final VA provider agreement rule. It was determined that the VA needs the legislative authority to enter into these agreements, which the Veterans Access to Extended Care Act provides.

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 and under the Service Contract Act (SCA). The Veterans Access to Extended Care Act would ensure that providers could enter into VA Provider Agreements, and would therefore not have to follow complex federal contracting and reporting rules that come with being deemed a federal contractor or under the SCA.

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. Once providers can enter into Provider Agreements, 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.

AHCA endorses H.R. 1369/S. 739, and applauds Congresswomen Jackie Walorski (R-IN-2nd) and Tulsi Gabbard (D-HI-2nd) and Senators John Hoeven (R-ND) and Joe Manchin (D-WV) for introducing this important legislation that will ensure that those veterans who have served our nation so bravely have access to quality health care. Thank you again for the opportunity to comment on this important matter.

Sincerely,



Mark Parkinson
AHCA/NCAL President & CEO