

ANGUS S. KING, JR.
MAINE

133 HART SENATE OFFICE BUILDING
(202) 224-5344
Website: <https://www.King.Senate.gov>

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
CHAIRMAN, STRATEGIC FORCES
SUBCOMMITTEE
BUDGET
ENERGY AND
NATURAL RESOURCES
CHAIRMAN, NATIONAL PARKS
SUBCOMMITTEE
INTELLIGENCE
RULES AND ADMINISTRATION

March 21, 2023

Secretary Denis R. McDonough
Department of Veterans Affairs
810 Vermont Ave, NW
Washington, D.C. 20571

Dear Secretary McDonough,

I am writing to again bring to your attention the Department of Veterans Affairs' (VA) delay in implementing a waiver for eligible veterans to receive per diem domiciliary care payments at state veterans' homes. This service was reimbursed by the VA for over 15 years. However, in 2019, the VA abruptly decided that these payments were not legal.

The bipartisan fix for this issue was contained in the Veterans Health Care and Benefits Improvement Act signed into law on January 5th 2021. Section 3007 of the law authorizes the VA to waive existing eligibility requirements for a veteran to receive per diem payments for domiciliary care at a state home. Twenty-sixth months later, the VA has yet to announce a proposed rule, let alone a final rule.

This delay is causing financial harm to our veterans, their families, and to Maine Veterans' Homes (MVH) who have continued to serve deserving veterans while waiting for the proper implementation of this law. There are currently 132 residents requiring domiciliary care at Maine Veterans' Home. For the 78 veterans who were not grandfathered in prior to 2020, they, their families, or Maine Veterans' Home must pay out of pocket for their needed care which can easily be over \$1,500 a month. This is an unacceptable cost that unnecessary burdens veterans and Maine Veterans' Homes.

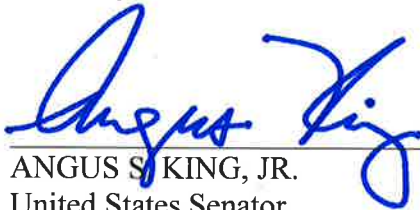
Between January 2020 and March 2023, Maine Veterans' Home lost \$2.5 million caring for their domiciliary care residents. Due to the increasing number of residents requiring this care, and the rising costs of inflation and wages on healthcare costs, Maine Veterans' Homes is losing approximately \$130,000 per month due to denied VA domiciliary care per diem reimbursements.

At this rate, Maine Veterans' Home are expecting to lose a total of \$3.8 million by the end of this fiscal year if nothing is done. That is why it is critical that Section 3007 not only be implemented swiftly, but that it also include retroactive payments from when the law was implemented in January 2021, which the VA has said is allowable under the law.

Maine Veterans' Homes provides world class rehabilitative and care services at six homes in Maine: Augusta, Bangor, Caribou, Machias, Scarborough and South Paris. Most importantly, MVH provides peace of mind for Maine veterans and their families. They have earned the Gold Excellence in Quality certifications through the American Health Care Association/National Center for Assisted Living National Quality Award Program at their Bangor, Scarborough, and Machias locations. These homes are three of only 49 organizations nationwide to reach the Gold status in 25 years— a true testament to their hard work and dedication on behalf of our veterans.

I am asking you to prioritize implementing section 3007 of the Veterans Health Care and Benefits Act, and ensure that the payments are retroactive to the signing of the law. The delay in rulemaking of this law puts Maine Veterans' Homes in jeopardy of making difficult decisions to either close facilities or reduce the quality of care they can provide to veterans. Both options are unacceptable, particularly since the VA has the authorities it needs to provide the needed relief.

Sincerely,



ANGUS S. KING, JR.
United States Senator