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United States Senate

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September 13, 2023

The Honorable Denis R. McDonough
Secretary of Veterans Affairs
810 Vermont Ave. NW
Washington, DC 20420

Dear Secretary McDonough,

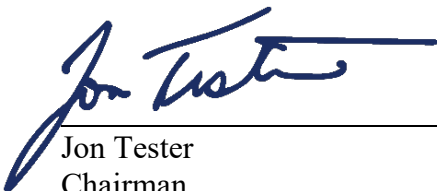
We write today to share our concerns with how the Centers for Medicare and Medicaid Services' (CMS) proposed rule (88 Fed. Reg. 61352, published September 6, 2023) establishing minimum staffing standards for long-term care facilities will affect care for our nation's veterans. Over the previous months, as CMS was considering this staffing mandate, we remained concerned about the dire impact this mandate could have on long-term care facilities, especially those in rural America. Now that this proposed rule has been released, we are concerned this mandate is overly burdensome, including for many of the State Veterans Homes and Community Nursing Homes serving our nation's veterans.

To gain a clearer picture of how this mandate will impact the long-term care needs of our nation's veterans, we encourage the Department of Veterans Affairs (VA) to undertake an analysis of the effects this proposed rule will have on all State Veterans Homes, Community Nursing Homes currently contracted with VA, and VA Community Living Centers. In addition, we also encourage the Department to conduct proactive outreach to facilities that may be impacted by this mandate, and to provide them with any resources available to ensure veterans do not lose access to the long-term care they have earned and deserve.

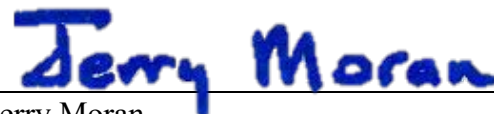
In conducting this analysis and outreach, we urge the Department to pay particular attention to facilities located in rural and highly rural areas and on Tribal lands, to determine whether VA will be able to adequately meet the long-term needs of veterans in these areas after the full implementation of the proposed rule. Rural facilities are particularly vulnerable to staffing shortages and will be disproportionately affected by this one-size-fits-all staffing mandate – potentially leaving rural veterans with fewer options for where to receive their long-term care. The Department must ensure it is prepared to continue meeting the long-term care needs of veterans, especially those living in rural areas, in light of this burdensome mandate.

Thank you for your attention to this critical matter, and we look forward to receiving your response.

Sincerely,



Jon Tester
Chairman
Senate Committee on Veterans' Affairs



Jerry Moran
Ranking Member
Senate Committee on Veterans' Affairs