



DEPARTMENT OF VETERANS AFFAIRS
Under Secretary for Health
Washington DC 20420

June 17, 2016

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The Honorable Tammy Baldwin
United States Senate
Washington, DC 20510

Dear Senator Baldwin:

Thank you for your April 21, 2016, letter to the Department of Veterans Affairs (VA) regarding conditions at the Wisconsin Veterans Home at King. I am responding on behalf of the Department.

Although State Veterans Homes (SVH) are owned and operated by the States, and VA does not have any legal authority to manage or intervene in SVH facility operations, VA does provide oversight by conducting annual surveys at all SVHs to review administrative, fiscal, clinical, and life safety standards to ensure SVHs meet VA standards in 38 Code of Federal Regulations Part 51.

A for-cause survey is an unannounced survey to review a specific incident, or a series of incidents, complaints, deficiencies, or events that may jeopardize the health or safety of residents. An annual survey is an unannounced survey performed yearly to determine an SVH's compliance with VA standards to achieve certification in order for the SVH to receive continued per diem payment. VA conducted the last annual survey of the King SVH on June 2-5, 2015, during which the survey team found no deficiencies. The next regularly scheduled annual survey of the King SVH will be conducted in late June 2016 and will determine compliance with all regulatory standards. Upon request, VA can provide the results of the June survey.

During the annual survey, VA will review standards on per diem payments and the management and protection of personal funds. VA does not assess how the facility spends their funds or their hiring practices as VA standards do not cover these areas. However, VA will review nursing services, to include ensuring that the King SVH provides direct care nurse staffing of no less than 2.5 hours per patient per 24 hours, 7 days per week in the portion of any building providing nursing home care. Additionally, the annual survey assesses the quality of resident care through medical record reviews; interviews with staff, Veterans, and their families; and review of the King SVH policies and procedures; incident reports; and observation of direct care. Other standards to be reviewed include the physical environment and infection control, to ensure that facility management is maintaining the health and safety of residents, personnel, and the public.

If any SVH requires infrastructure updates, VA offers assistance to the States through our construction grant program. States are encouraged to apply for these grants if updates are needed, and VA prioritizes applications for life or safety projects where a facility has been cited as threatening to the lives or safety of one or more residents. The

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King SVH has applied and received over \$7.3 million in construction grants for renovation projects since fiscal year 2014. One of these grants included renovating their water heating and softener system. This application was submitted due to aging equipment issues but also addressed the Legionella concerns when the State completed this project in September 2014.

VA is grateful for your continuing support of Veterans and appreciates your efforts to pass legislation enabling VA to provide Veterans with the high-quality care they have earned and deserve. As the Department focuses on ways to help provide access to health care in your district or state and across the country, we have identified a number of necessary legislative items that require action by Congress in order to best serve Veterans.

Flexible budget authority would allow VA to avoid artificial restrictions that impede our delivery of care and benefits to Veterans. Currently, there are over 70 line items in VA's budget that dedicate funds to a specific purpose without adequate flexibility to provide the best service to Veterans. These include limitations within the same general areas, such as health care funds that cannot be spent on health care needs and funding that can be used for only one type of Care in the Community program, but not others. These restrictions limit the ability of VA to deliver Veterans with care and benefits based on demand, rather than specific funding lines.

VA also requests your support for the Purchased Health Care Streamlining and Modernization Act. This legislation would allow VA to contract with providers on an individual basis in the community outside of Federal Acquisition Regulations, without forcing providers to meet excessive compliance burdens. Already, we have seen certain nursing homes not renew their agreements with VA because of these burdens, requiring Veterans to find new facilities for residence. VA further requests your support for our efforts to recruit and retain the very best clinical professionals. These include, for example, flexibility for the Federal work period requirement, which is not consistent with private sector medicine, and special pay authority to help VA recruit and retain the best talent possible to lead our hospitals and health care networks.

Should you have any questions, please contact Ms. Mandy Hartman, Congressional Relations Officer, at (202) 461-6416 or by email at Mandy.Hartman@va.gov.

Thank you for your support of our Nation's Veterans.

Sincerely,

A handwritten signature in blue ink that reads "David J. Shulkin, M.D." The signature is fluid and cursive, with the first name "David" being the most prominent.

David J. Shulkin, M.D.