

118TH CONGRESS  
2D SESSION

# S. 3841

To require the Secretary of Veterans Affairs to submit a report on the impact of a proposed rule submitted by the Centers for Medicare & Medicaid Services on access of veterans to long-term care facilities.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2024

Mr. KING (for himself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To require the Secretary of Veterans Affairs to submit a report on the impact of a proposed rule submitted by the Centers for Medicare & Medicaid Services on access of veterans to long-term care facilities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “VA Report on Pro-  
5       posed CMS Staffing Ratios Act”.

1 **SEC. 2. REPORT ON IMPACT OF PROPOSED RULE ON AC-**  
2 **CESS OF VETERANS TO LONG-TERM CARE FA-**  
3 **CILITIES.**

4 (a) IN GENERAL.—Not later than 60 days after the  
5 date of the enactment of this Act, the Secretary of Vet-  
6 erans Affairs shall submit to the Committee on Veterans’  
7 Affairs of the Senate and the Committee on Veterans’ Af-  
8 fairs of the House of Representatives a report on the im-  
9 pact of the proposed rule submitted by the Centers for  
10 Medicare & Medicaid Services relating to “Medicare and  
11 Medicaid programs; minimum staffing standards for long-  
12 term care facilities and Medicaid institutional payment  
13 transparency reporting” (88 Fed. Reg. 61352; published  
14 September 6, 2023) on the access of veterans to long-term  
15 care facilities under the laws administered by the Sec-  
16 retary, which shall include the following:

17 (1) The number of State homes at which cur-  
18 rent staffing would not meet the threshold for min-  
19 imum staffing outlined in such proposed rule.

20 (2) The number of veterans who reside in a  
21 State home described in paragraph (1).

22 (3) The number of community nursing homes  
23 currently contracted with the Department of Vet-  
24 erans Affairs that would not meet the threshold for  
25 minimum staffing outlined in such proposed rule.

1           (4) The number of veterans who reside in a  
2 community nursing home described in paragraph  
3 (3).

4           (5) An assessment of whether or not such pro-  
5 posed rule would have any impact on community liv-  
6 ing centers of the Department.

7           (6) An analysis of whether the Department will  
8 be able to adequately meet the long-term care needs  
9 of veterans after the full implementation of such  
10 proposed rule, including veterans in—

11                   (A) rural and highly rural areas;

12                   (B) medically underserved areas;

13                   (C) territories of the United States; or

14                   (D) Tribal areas.

15           (7) Such other matters as the Secretary con-  
16 siders appropriate.

17           (b) STATE HOME DEFINED.—In this section, the  
18 term “State home” has the meaning given that term in  
19 section 101(19) of title 38, United States Code.

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