

Congress of the United States

Washington, DC 20510

March 13, 2024

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

Dear Secretary McDonough,

We write to request an update on the finalization of the proposed rule 88 FR 60417 for eligible veterans to receive per diem domiciliary care payments at state veterans' homes. There is no finalized rule three years after the law was passed and six months since the proposed rule was announced. This delay continues to cause financial harm to our veterans, their families, and Maine Veterans' Homes (MVH), who have continued to serve deserving veterans while waiting for the proper implementation of this law. We urge the quick finalization of this rule without further delay.

As you are aware, the Department of Veterans Affairs (VA) reimbursed this service for 15 years but abruptly changed course in 2019. The bipartisan fix was contained in the Veterans Health Care and Benefits Improvement Act, signed into law on January 5, 2021. Specifically, section 3007 of that law authorizes the VA to waive existing eligibility requirements for a veteran to receive per diem payments for domiciliary care at a state home. Despite the clear mandate of this law, we are still waiting on the finalized rule. This delay is unacceptable and puts veterans at risk.

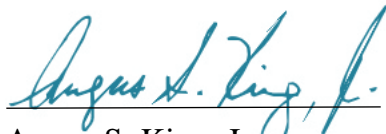
There are currently 118 veteran residents requiring domiciliary care at Maine Veterans' Home. For the 92 veterans not grandfathered in before 2020, they, their families, or Maine Veterans' Home must pay out of pocket for their needed care, which can easily be over \$1,500 a month. This intolerable cost needlessly burdens veterans and Maine Veterans' Homes.

Between January 2020 and November 2023, Maine Veterans' Home lost \$3 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 has lost approximately \$130,000 per month due to denied VA domiciliary care per diem reimbursements. At this rate, Maine Veterans' Home expects to lose \$3.9 million by the end of this fiscal year if nothing is done.

We support the September 2023 proposed rule's retroactive payments back to January 2021 and the expanded eligibility standards for receiving domiciliary care. These important changes will help make veterans and Maine Veterans' Home financially whole. The proposed rule, if finalized, will also allow Maine Veterans' Home to better serve veterans with dementia.

We expect that the Department will act expeditiously in finalizing this rule. We look forward to continuing to support the VA in its efforts to enhance the care of veterans who have served our country.

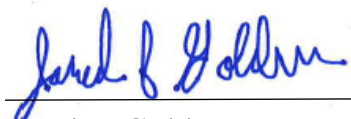
Sincerely,



Angus S. King, Jr.
United States Senator



Susan M. Collins
United States Senator



Jared F. Golden
United States Representative
Representative



Chellie M. Pingree
United States