

117TH CONGRESS
1ST SESSION

S. _____

To amend title 38, United States Code, to establish new requirements for State homes for veterans that receive per diem from the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WARNOCK introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 38, United States Code, to establish new requirements for State homes for veterans that receive per diem from the Secretary of Veterans Affairs, and for other purposes.

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 [“_____ Act of
5 2021”].

1 **SEC. 2. REQUIREMENT THAT STATE HOMES FOR VETERANS**
2 **HAVE GOVERNING BODIES AND ADMINISTRA-**
3 **TORS AND PAYMENTS TO ASSIST STATE**
4 **HOMES IN HIRING INFECTION**
5 **PREVENTIONISTS.**

6 (a) GOVERNING BODIES AND ADMINISTRATORS.—

7 (1) IN GENERAL.—Subchapter V of chapter 17
8 of title 38, United States Code, is amended by in-
9 sserting after section 1741 the following new section:

10 **“§ 1741A. Administration requirements**

11 “As a condition on the receipt of per diem payments
12 under this subchapter, a State home shall—

13 “(1) have a governing body that—

14 “(A) is legally responsible for establishing
15 and implementing policies regarding the man-
16 agement and operation of the State home;

17 “(B) consists of more than one person; and

18 “(C) appoints an administrator or deputy
19 superintendent described in paragraph (2);

20 “(2) employ an administrator or deputy super-
21 intendent who—

22 “(A) is licensed by the State, if required by
23 State law; and

24 “(B) meets standards established by the
25 Secretary of Health and Human Services under
26 sections 1819(f)(4) and 1919(f)(4) of the Social

1 Security Act (42 U.S.C. 1395i-3(f)(4),
2 1396r(f)(4));

3 “(3) employ an infection preventionist (as that
4 term is defined in section 1744A of this title); and

5 “(4) include in information submitted each year
6 to the Secretary—

7 “(A) the name of the infection
8 preventionist employed under paragraph (3);
9 and

10 “(B) an emergency plan, updated annually,
11 in case of a public health emergency or other
12 disaster.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of such subchapter is amend-
15 ed by inserting after the item relating to section
16 1741 the following new item:

“1741A. Administration requirements.”.

17 (b) FUNDING OF INFECTION PREVENTIONISTS.—

18 (1) ESTABLISHMENT.—Such subchapter is fur-
19 ther amended by inserting after section 1744 the fol-
20 lowing new section:

21 **“§ 1744A. Hiring and retention of infection**
22 **preventionists: payments to assist States**

23 “(a) PAYMENT PROGRAM.—The Secretary shall make
24 payments to States under this section for the purpose of

1 assisting State homes in the hiring and retention of infec-
2 tion preventionists.

3 “(b) ELIGIBLE RECIPIENTS.—Payments to a State
4 for a fiscal year under this section shall, subject to submis-
5 sion of an application, be made to any State that during
6 that fiscal year receives per diem payments under this sub-
7 chapter for that fiscal year.

8 “(c) LIMITATIONS ON AMOUNT OF PAYMENT.—A
9 payment under this section may not be used to provide
10 more than 50 percent of the salary or wages for an infec-
11 tion preventionist for a fiscal year.

12 “(d) APPLICATIONS.—(1) A payment under this sec-
13 tion for any fiscal year with respect to any State home
14 may only be made based upon an application submitted
15 by the State seeking such payment with respect to that
16 State home.

17 “(2) Each application under paragraph (1) shall de-
18 scribe the salary or wages of the infection preventionist.

19 “(e) SOURCE OF FUNDS.—Payments under this sec-
20 tion shall be made from funds available for other pay-
21 ments under this subchapter.

22 “(f) DISBURSEMENT.—Payments under this section
23 to a State home shall be made as part of the disbursement
24 of payments under section 1741 of this title with respect
25 to that State home.

1 “(g) USE OF CERTAIN RECEIPTS.—The Secretary
2 shall require as a condition of any payment under this sec-
3 tion that, in any case in which the State home receives
4 a refund payment made by an employee in breach of the
5 terms of an agreement for employee assistance that used
6 funds provided under this section, the payment shall be
7 returned to the incentive program account for the State
8 home and credited as a non-Federal funding source.

9 “(h) ANNUAL REPORT.—(1) Any State home receiv-
10 ing a payment under this section for any fiscal year, shall,
11 as a condition of the payment, be required to agree to pro-
12 vide to the Secretary a report setting forth in detail the
13 use of funds received through the payment.

14 “(2)(A) Each report under paragraph (1) for a fiscal
15 year shall be provided to the Secretary not later than 60
16 days after the end of the fiscal year and shall be subject
17 to audit by the Secretary.

18 “(B) Eligibility for payment under this section for
19 any fiscal year is contingent upon the receipt by the Sec-
20 retary of the annual report under this subsection for the
21 previous fiscal year in accordance with this subsection.

22 “(i) REGULATIONS.—(1) The Secretary shall pre-
23 scribe regulations to carry out this section.

1 “(2) Regulations required under paragraph (1) shall
2 include the establishment of criteria for the award of pay-
3 ments under this section.

4 “(j) INFECTION PREVENTIONIST DEFINED.—In this
5 section, the term ‘infection preventionist’, with respect to
6 a State home, means an individual—

7 “(1) who has primary professional training in
8 nursing, medical technology, microbiology, epidemi-
9 ology, or a related field;

10 “(2) whom the Secretary determines is qualified
11 by education, training, experience, or certification;

12 “(3) who works at least part-time at the State
13 home; and

14 “(4) who has completed specialized training in
15 infection prevention and control.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of such subchapter is amend-
18 ed by inserting after the item relating to section
19 1744 the following new item:

 “1744A. Hiring and retention of infection preventionists: payments to assist
 States.”.

20 (c) COMPTROLLER GENERAL REPORT ON SHIFT IN
21 OPERATION OF HOMES TO DEPARTMENT OF VETERANS
22 AFFAIRS.—

23 (1) IN GENERAL.—Not later than one year
24 after the date of the enactment of this Act, the

1 Comptroller General of the United States shall sub-
2 mit to Congress a report analyzing the feasibility
3 and advisability of the Department of Veterans Af-
4 fairs having control of oversight and operation of
5 homes for veterans disabled by age, disease, or oth-
6 erwise.

7 (2) ELEMENTS.—The report required by para-
8 graph (1) shall analyze—

9 (A) how the shift in operation of homes de-
10 scribed in such paragraph would be accom-
11 plished in consultation with departments of vet-
12 erans affairs of States that are currently re-
13 sponsible for care in such homes and provision
14 of State benefits to veterans;

15 (B) the impact on care for veterans result-
16 ing from such a shift; and

17 (C) the costs and benefits of such a shift.