

**Department of  
Veterans Affairs**

# Memorandum

Date: May 31, 2022

From: Assistant Under Secretary for Health for Patient Care Services/Chief Nursing Officer (12)

Subj: Establishing an Additional Delegation of Authority for State Veterans Homes Under Title 38 Code of Federal Regulation (CFR) Part 51 (VIEWS 7463682)

To: Deputy Under Secretary for Health, Performing the Delegable Duties of the Under Secretary for Health (10)

1. The Office of Geriatrics & Extended Care (GEC) received approval of an Executive Decision Memo (EDM) to modernize the State Veterans Homes (SVH) program's oversight and monitoring. One initiative of the approved EDM is to centralize quality and safety oversight to the GEC program office. GEC has created an infrastructure wherein the program office is accountable for the SVH survey and oversight process in place of the VA medical center (VAMC) Directors of jurisdiction. To continue to build that level of accountability and centralize all functions of the SVH survey process to the program office, GEC recommends the Under Secretary for Health add additional authority to the Executive Director/designee of GEC to schedule surveys, request corrective action plans from SVH, make recommendations on recognition of SVH and provide certification to SVH because of a VA survey.

2. Pursuant to 38 CFR § 51.20, if a state requests recognition of a home for purposes of per diem under the SVH program, VA will survey the home in accordance with § 51.31 to determine whether the facility and program of care meet the applicable requirements and standards. The Director of the VAMC of jurisdiction will then submit to the Under Secretary for Health a written recommendation for or against recognition. To fully implement modernization, GEC recommends the Executive Director/designee of GEC be authorized in addition to the Director of the VAMC of jurisdiction to formulate and submit the recognition recommendation under § 51.20 to the Under Secretary for Health along with notification to the VAMC Director of that recommendation. This process will not interfere with the SVH's right to submit a response, including any additional evidence, to the Under Secretary for Health, no later than 30 calendar days after the date of the notification of a recommendation to deny recognition.

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3. Pursuant to § 51.30(b)(d)(e), after a state home receives recognition, VA must survey the State Home to be certified as a SVH under the SVH program. A State Home must be certified no later than 450 calendar days after the State Home is recognized, and certifications expire 600 calendar days after the date of issuance. Currently, the Director of the VAMC of jurisdiction certifies a State Home based on a survey conducted at least once every 270-450 calendar days, at VA's discretion, and notifies the state official authorized to oversee operations of the State Home of the decision regarding certification. In certain circumstances, the VAMC Director must issue a provisional certification, when the State Home provides and agrees to a corrective action plan that the Director considers reasonable and timely. The Director can also issue in writing a notice of a decision denying certification that sets forth the specific standard(s) not met from a VA survey. With implementation of SVH modernization, a full survey is conducted at each State Home by the vendor contracted by GEC. The GEC National SVH Program Managers for Quality and Oversight prepare all State Home survey reports and letters for certification to the VAMC Directors. To fully implement modernization, GEC recommends adding the Executive Director/designee of GEC in addition to the Director of the VAMC of jurisdiction to review all State Home survey reports, sign all letters requesting that SVH management submit a reasonable and timely corrective action plan, issue provisional certifications, issue any necessary denials of certifications, and sign all letters for full certification when CAP is fully implemented.

4. In summary, GEC is requesting an additional delegation of the responsibilities assigned to the Directors of the VAMCs of jurisdiction under § 51.20, and § 51.30, be granted to the Executive Director/designee of GEC. These same authorities will continue to remain with the Directors of the VAMC of jurisdiction. The delegation of authority will not remove these authorities from the Directors of the VAMC of jurisdiction. GEC has begun to work collaboratively with VHA's Office of Regulations, Appeals, and Policy to revise rules under title 38, CFR Part 51.

5. EFFECTIVE DATE. The additional delegation of authority process described herein is effective upon signature of the Under Secretary for Health.

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6. Should you require additional information regarding this request, please contact Ms. Lisa Minor, RN, BSN, MSSSL, Director, Facility Based Care, Office of Geriatrics and Extended Care, at 202-632-8320 or [Lisa.Minor3@va.gov](mailto:Lisa.Minor3@va.gov).

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Beth Ann Taylor, DHA, RN, FAAN, NEA-BC

**Approve**/Disapprove



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Steven L. Lieberman, M.D.

June 2, 2022

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Date