

GAO Highlights

Highlights of [GAO-23-105167](#), a report to congressional addressees

Why GAO Did This Study

Many aging veterans rely on nursing home care to meet their daily needs. In fiscal year 2021, VA paid about \$1.5 billion for veteran nursing home care provided in state veterans homes.

GAO was asked to provide information on VA's oversight of state veterans homes, and the joint explanatory statement accompanying the Consolidated Appropriations Act, 2021, contained a provision for GAO to review the relationship between VA and these homes. This report (1) describes the oversight of state veterans homes to ensure compliance with quality standards; (2) examines available data about deficiencies cited during inspections; and (3) examines how VA could enhance its oversight of state veterans homes.

GAO conducted a nationwide survey to collect information on the 153 state veterans homes providing nursing home care. GAO analyzed data from VA's annual inspections for 2019 and 2021. (Data were not available for 2020 because inspections were suspended due to the COVID-19 pandemic.) GAO also reviewed relevant statutes, regulations, and VA documents, and interviewed federal and state officials and organizations involved with veteran care.

What GAO Recommends

GAO is making four recommendations to VA, including that it identify additional enforcement tools to ensure state veterans home compliance with quality standards, and seek legislative authority for them, as appropriate. VA agreed with the recommendations.

View [GAO-23-105167](#). For more information, contact Sharon M. Silas at (202) 512-7114 or silass@gao.gov.

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VA NURSING HOME CARE

Opportunities Exist to Enhance Oversight of State Veterans Homes

What GAO Found

The Department of Veterans Affairs (VA) is the only federal entity that oversees all 153 state veterans homes, which provide nursing home care to roughly 14,500 veterans. While these homes are owned and operated by states, VA helps pay for care for eligible veterans and is required to ensure the homes meet VA's quality standards. To do this, VA conducts regular inspections, and homes that do not meet standards can be cited for deficiencies. The Centers for Medicare & Medicaid Services (CMS) also conducts inspections in the nearly 76 percent of state veterans homes that receive Medicare or Medicaid payments and, like VA, can cite deficiencies. In response to GAO's national survey of state agencies that operate state veterans homes, 43 states reported also inspecting homes for compliance with state-specific regulations or on a for-cause basis.

GAO's analysis of VA's available annual inspection data for 2019 and 2021 found increases in both the number and the severity of deficiencies cited. For example, the total number of deficiencies increased from 424 in 2019 to 766 in 2021. A majority of the increase was in the quality of care and infection control categories, which cover accidents and staff hand hygiene. Additionally, GAO found that, for those homes with annual inspection data available in both 2019 and 2021, many were cited for deficiencies in the same standard.

GAO found that VA could enhance oversight by, among other things, an expansion of the tools it has to bring these homes into compliance with quality standards. According to VA officials, compared to CMS, VA lacks a range of enforcement actions to use to bring state veterans homes into compliance (see figure). Specifically, VA's only enforcement action is to withhold payment to compel homes to come into compliance. VA considers this action too severe for most situations. VA officials said they are considering seeking legislative authority to take additional enforcement actions to ensure compliance with quality standards. Having such tools would strengthen VA's ability to better ensure that veterans receive quality care in these homes.

Available Enforcement Actions for Department of Veterans Affairs and Centers for Medicare & Medicaid Services

VA ENFORCEMENT ACTIONS

- Withhold payment for daily veteran care

SELECTED CMS ENFORCEMENT ACTIONS

- Civil monetary penalties (fines for each day or instance of noncompliance)
- Denial of payment for all newly admitted eligible residents
- State monitoring (on-site monitor to achieve and maintain compliance)
- Termination from the Medicare and Medicaid programs

Source: GAO analysis of VA information and 42 U.S.C. §§ 1395i-3(h), 1396r(h); 42 C.F.R. § 488.406 (2021). | GAO-23-105167