

116TH CONGRESS
2D SESSION

H. R. 8901

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 HOUSE OF REPRESENTATIVES

DECEMBER 8, 2020

Mr. KENNEDY (for himself and Mr. NEAL) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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 “Holyoke Veterans
5 Act”.

1 **SEC. 2. STATE HOMES FOR VETERANS: GOVERNING BOD-**
2 **IES; ADMINISTRATORS; INFECTION**
3 **PREVENTIONISTS.**

4 (a) IN GENERAL.—Section 1741 of title 38, United
5 States Code, is amended by adding at the end the fol-
6 lowing new subsection:

7 “(g) A State home shall—

8 “(1) have a governing body that—

9 “(A) is legally responsible for establishing
10 and implementing policies regarding the man-
11 agement and operation of the State home;

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

13 “(C) appoints an administrator or deputy
14 superintendent described in paragraph (2);

15 “(2) employ an administrator or deputy super-
16 intendent who—

17 “(A) is licensed by the State, if required by
18 State law; and

19 “(B) meets standards established by the
20 Secretary of Health and Human Services under
21 subsection (f)(4) of sections 1819 and 1919 of
22 the Social Security Act (42 U.S.C. 1395i–3,
23 1396r);

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

1 “(4) include in information submitted each year
2 to the Secretary—

3 “(A) the name of the infection
4 preventionist under paragraph (3); and

5 “(B) an emergency plan, updated annually,
6 in case of public health emergency or other dis-
7 aster.”.

8 (b) FUNDING OF INFECTION PREVENTIONISTS.—

9 (1) ESTABLISHMENT.—Chapter 17 of title 38,
10 United States Code, is amended by inserting after
11 section 1744 the following new section:

12 **“§ 1744a. Hiring and retention of infection**
13 **preventionists: payments to assist States**

14 “(a) PAYMENT PROGRAM.—The Secretary shall make
15 payments to States under this section for the purpose of
16 assisting State homes in the hiring and retention of infec-
17 tion preventionists.

18 “(b) ELIGIBLE RECIPIENTS.—Payments to a State
19 for a fiscal year under this section shall, subject to submis-
20 sion of an application, be made to any State that during
21 that fiscal year receives per diem payments under this sub-
22 chapter for that fiscal year.

23 “(c) LIMITATIONS ON AMOUNT OF PAYMENT.—A
24 payment under this section may not be used to provide

1 more than 50 percent of the salary or wages for an infec-
2 tion preventionist for a fiscal year.

3 “(d) APPLICATIONS.—A payment under this section
4 for any fiscal year with respect to any State home may
5 only be made based upon an application submitted by the
6 State seeking the payment with respect to that State
7 home. Any such application shall describe the salary or
8 wages of the infection preventionist.

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

12 “(f) DISBURSEMENT.—Payments under this section
13 to a State home shall be made as part of the disbursement
14 of payments under section 1741 of this title with respect
15 to that State home.

16 “(g) USE OF CERTAIN RECEIPTS.—The Secretary
17 shall require as a condition of any payment under this sec-
18 tion that, in any case in which the State home receives
19 a refund payment made by an employee in breach of the
20 terms of an agreement for employee assistance that used
21 funds provided under this section, the payment shall be
22 returned to the State home’s incentive program account
23 and credited as a non-Federal funding source.

24 “(h) ANNUAL REPORT FROM PAYMENT.—(1) Any
25 State home receiving a payment under this section for any

1 fiscal year, shall, as a condition of the payment, be re-
2 quired to agree to provide to the Secretary a report setting
3 forth in detail the use of funds received through the pay-
4 ment, including the emergency plan under subsection (g)
5 of section 1741 of this title.

6 “(2) The report for any fiscal year shall be provided
7 to the Secretary within 60 days of the close of the fiscal
8 year and shall be subject to audit by the Secretary. Eligi-
9 bility for a payment under this section for any later fiscal
10 year is contingent upon the receipt by the Secretary of
11 the annual report under this subsection for the previous
12 fiscal year in accordance with this subsection.

13 “(i) REGULATIONS.—The Secretary shall prescribe
14 regulations to carry out this section. The regulations shall
15 include the establishment of criteria for the award of pay-
16 ments under this section.

17 “(j) INFECTION PREVENTIONIST DEFINED.—In this
18 section, the term ‘infection preventionist’ means an indi-
19 vidual—

20 “(1) who has primary professional training in
21 nursing, medical technology, microbiology, epidemi-
22 ology, or a related field;

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

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

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

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of such chapter is amended
7 by inserting, after the item relating to section 1744,
8 the following new item:

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

9 (c) GAO STUDY.—Not later than one year after the
10 date of the enactment of this Act, the Comptroller General
11 of the United States shall submit a report to Congress
12 containing the results of a study regarding how to improve
13 oversight of State homes by the Secretary.

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