

United States Senate

WASHINGTON, DC 20510

November 23, 2021

The Honorable Denis McDonough
Secretary of Veterans Affairs
U.S. Department of Veterans Affairs
810 Vermont Ave, NW
Washington, D.C. 20420

Secretary McDonough:

We write to you with concerns about the impacts of COVID-19 federal vaccine mandates on our Missouri veterans in long-term care facilities.

The federal government has required COVID-19 vaccination under Executive Order 14042, which requires federal contractors to receive the vaccine by January 18, 2022, in addition to a mandate issued by the Centers for Medicare and Medicaid Services (CMS) requiring staff at health care facilities to be vaccinated by January 4, 2022. Of Missouri's 1,183 long-term care facilities, 522 participate in CMS programs, and 45 facilities contract with the Department of Veterans Affairs (VA) to provide care for veterans who receive VA benefits.

We are concerned that implementation of these federal vaccine mandates will cause Missouri's long-term care facilities to lose their status as federal contractors with the VA and jeopardize the well-being of our veterans. Additionally, we are concerned that federal vaccine mandates will create staffing shortages in long-term care facilities in Missouri, and that there will not be an open, compliant facility with sufficient staff capacity to accept veteran patients. The Missouri Department of Health and Senior Services issued an emergency rule effective November 5 providing for the temporary emergency closure of skilled nursing and immediate care facilities experiencing staffing shortages as a result of COVID-19 vaccine mandates.

Our specific concerns regarding veterans in long-term care facilities stem from VA communication with long-term care facilities on this matter. According to news reports, email communications from the VA indicated veterans could be removed from facilities that are not compliant with vaccination mandates. The email notes that all federal contractors are covered under Executive Order 14042, and that long-term care facilities are also required to comply with the CMS vaccine mandate.

In light of this information, we request the following information by December 8th, 2021:

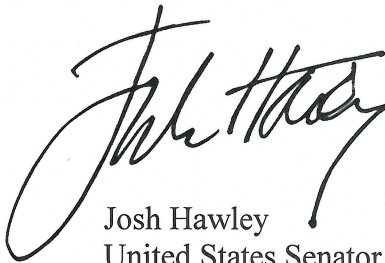
1. Has the VA established a contract termination process for facilities that are not compliant with the federal contractor vaccine mandate in Executive Order 14042, or with the CMS vaccine mandate? Please provide details on the nature of this process.
2. Has the VA made a determination that veterans will be removed from facilities that lose VA contractor status? Alternatively, could veterans at noncompliant facilities be forced to pay out-of-pocket expenses for services previously provided through the VA?
3. Should veterans be removed from noncompliant facilities by the VA, is there a plan to transition veterans to different facilities, and has this possibility been communicated to veterans and their families? What is the plan?
4. As previously mentioned, the VA only contracts with 45 long-term care facilities in the State of Missouri. Would the VA seek contracts with additional long-term care facilities in the area to ensure that veterans are not relocated to facilities far from their families?

Thank you for your prompt attention to this matter.

Sincere regards,



Roy Blunt
United States Senator



Josh Hawley
United States Senator