

**NINETY-EIGHTH NATIONAL CONVENTION  
OF  
THE AMERICAN LEGION  
Cincinnati, Ohio  
August 30, 31, September 1, 2016**

**Resolution No. 114: Department of Veterans Affairs Provider Agreements with Non-VA Providers  
Origin: Maryland  
Submitted by: Convention Committee on Veterans Affairs & Rehabilitation**

WHEREAS, Non-VA care is health care provided within the community to eligible veterans when Department of Veterans Affairs (VA) facilities cannot provide needed health care; and

WHEREAS, VA has a long history of purchasing non-VA health care services based on issuing individual authorizations or establishing provider agreements with non-VA geriatrics and extended care facilities, to include (community residential care, medical foster homes, adult family homes, and assisted living) as well as nursing homes such as: community living centers, community nursing homes, and state veterans homes; and

WHEREAS, Federal contracting laws and regulations (including the Federal Acquisition Regulation), requires that federal agencies adhere to such law and regulations, such as 48 Code of Regulations (CFR) Chapters 1 and 8; and

WHEREAS, The Competition in Contracting Act's overriding mandate is for agencies to conduct "full and open competition" in government procurements, which is obtained by competitive procedures as listed in 41 United States Code (USC) 3301(a)(1); and

WHEREAS, Under federal contracting laws and regulations, only a government contracting official can make sole source purchases, under the limited circumstances listed in 41 USC 3304 (a) (1-7); and

WHEREAS, In March of 2015, it was reported that veterans residing at the Madonna Rehabilitation Hospital in Lincoln, Nebraska will no longer be allowed care at VA's expense because VA's Office of General Counsel has issued a ruling that VHA can no longer issue provider agreements, and must adhere to the federal contracting laws and regulations; and

WHEREAS, This change in VHA policy will require VA to make arrangements for the purchase of non-VA health-care service by virtue of federal contracting laws and regulations, which does not take into account the veteran or family member preference; and

WHEREAS, If legislation is not enacted that would allow VA to enter into provider agreements with non-VA providers for necessary health-care service for the care and treatment of eligible veterans, many non-VA providers and nursing homes will be forced to discontinue accepting veterans into their programs; now, therefore, be it

**RESOLVED, By The American Legion in National Convention assembled in Cincinnati, Ohio, August 30, 31, September 1, 2016, That The American Legion supports legislation that would allow the Department of Veterans Affairs (VA) to enter into provider agreements with eligible non-VA providers to obtain needed health-care services for the care and treatment of eligible veterans; and, be it finally**

**RESOLVED, That the VA be authorized to obtain health-care services from non-VA providers that are closer to where the veteran reside.**