

**NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
October 6-7, 2021
Indianapolis, Indiana**

**Resolution No. 20: Home and Community-Based Services and Veteran Choice to Age In Place
Origin: Veterans Affairs & Rehabilitation Commission
Submitted by: Veterans Affairs & Rehabilitation Commission**

WHEREAS, By 2028, the number of Veterans Health Administration (VHA) enrolled veterans aged 75 and older is projected to increase by 46% and require greater dependency or need for assistance with Activities of Daily Living (ADLs); and

WHEREAS, In 1999, the United States Supreme Court ruled in *Olmstead v. L.C.*, that unjustified institutionalization and segregation of people with disabilities violates the *Americans with Disabilities Act*; and

WHEREAS, People with disabilities have a right to live in the most integrated setting possible; thus, prompting the Department of Justice to require states to develop and implement their own Olmstead State Plan to fully integrate people with disabilities into community settings; and

WHEREAS, By 2016, Medicaid's long-term services and supports (LTSS) spending had rebalanced and allocated more towards noninstitutionalized versus institutionalized programs at a 56%-44% ratio, while the Department of Veterans Affairs (VA) obtained a 30%-70% rebalancing ratio; and

WHEREAS, By 2018, despite funding for VA's noninstitutionalized care programs increasing by 66% over a five-year period, 65% of VHA facilities still cited workforce staffing as a barrier to expand its Home-Based Primary Care (HBPC) programs; and

WHEREAS, 90% of veterans have expressed wishes to age in place; and despite being highly touted by the American Association of Retired Persons (AARP), VA's Veteran Directed Care (VDC) program was only available at 66 VA medical centers with just 3,400 veterans enrolled; and

WHEREAS, Despite high satisfaction ratings, VA's Medical Foster Home (MFH) program had only served 1,000 veterans due to high out-of-pocket costs associated with home placement; and

WHEREAS, By 2020, 27% of veterans qualifying and using VA Geriatric and Extended (GEC)'s LTSS were younger veterans under the age of 65, representing a 10% increase from the previous year; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on October 6-7, 2021, That The American Legion urges the Department of Veterans Affairs (VA) to expedite its efforts to rebalance the ratio of funding, resources, and commitments back into VA's noninstitutionalized Home and Community-Based Services (HCBS) to align with the Department of Health and Human Services' Medicaid programs more closely; and, be it further

RESOLVED, That The American Legion strongly supports veterans' choice on where to age in place, so long as the long-term services and supports are provided by an approved and accredited agency; and, be it finally

RESOLVED, That VA defrays or offsets the financial burdens place when a veteran, of any age, chooses to remain in home and community-based care versus institutionalized care.