

Perhaps you have already heard of the action of one or two Field Examiners in the Wage and Hour Administration. However, I believe it necessary that I inform you of our request for a ruling.

Respectfully yours,

JOHN K. PICKENS, *General Counsel.*

AMERICAN NURSING HOME ASSOCIATION,
Washington, D.C., January 29, 1968.

Mr. CLARENCE LUNDQUIST,

Director, Home and Home and Public Contracts Division, Department of
"guard, watchman, and any person engaged in a recognized trade or craft, or
other skilled mechanical craft, or in unskilled, semi-skilled manual labor occupa-
tions." The legislative history shows that "Included in coverage under the bill
would be janitorial, custodial, maintenance, laundry, dry cleaning, hauling, pest
extermination, clothing and equipment repair and cleaning service employees."
The legislative history also shows that the Act was not intended to cover a
contract by the D.C. General Hospital with the Federal Government to care
for welfare patients (Title XIX patients) (Hearing before Special Subcommit-
tee of Committee on Education and Labor on August 5, 1965 on H.R. 10238, 1st
Sess. 89th Cong.).

II. VETERANS' ADMINISTRATION PROGRAM

The VA Program initiated 3 years ago authorizes the administrator to trans-
fer veteran patients from veterans hospitals to skilled nursing homes. Recent
statistics show that approximately $\frac{1}{3}$ of those transferred were rehabilitated
and sent back to the community, approximately $\frac{1}{3}$ had to be sent back to the
hospital and approximately $\frac{1}{3}$ expired. In most instances these last cases were
terminal cases at the time of their transfer. Under the Veterans Administra-
tion Program the Administrator is limited by law and cannot place a veteran
patient in a nursing home for more than 6 months. So it can readily be seen
that the program is intended only for the chronically ill or convalescing veteran
and is not intended to be for custodial or personal care.

Initially, the Veterans Administration selected those nursing homes which
had been accredited by the National Council on Accreditation of Nursing Homes
(merged with the Joint Commission on Accreditation of Hospitals (JCAH) on
January 1, 1966) or approved under the Approval Program of the American
Medical Association participating hospitals in the VA program.

- (1) primarily provides skilled nursing services for persons requiring
medical or nursing care or rehabilitation services;
- (2) has policies which are developed with advice of and periodically
reviewed by professional group (including at least one physician and at
least one registered professional nurse to govern services provided;
- (3) has physician, registered professional nurse or medical staff re-
sponsible for execution of such policies;