

It seems there must be some significance to the use of this term "would not be covered, since 'service employees' as defined in the bill would be performing only incidental functions."

It seems to me that when you deal with the legislative history of the act that the act is totally silent on this subject of medical care with one exception, and that one exception tends to exempt medical patients. Am I in error?

Mr. ROBERTSON. Only that the statement is limited to hospitals.

STAFF DIRECTOR. What do you think the meaning of the word "indigent" is here?

Mr. ROBERTSON. I assume these are people who are public charges.

STAFF DIRECTOR. Then you reason that nursing homes are not in the same sense as Blue Cross or Blue Shield which would bear the expenses if one of their covered policyholders were institutionalized.

STAFF DIRECTOR. How about the medicaid program?

Mr. ROBERTSON. The medicaid program would fall in the same category and the same problem as to whether or not there is a contract with HEW and the institution where the person is housed. We are in the process of exploring this with them, but we have reached no conclusion.

STAFF DIRECTOR. Go ahead. I wanted to interrupt on this point of the legislative history.

Mr. ROBERTSON. In the licensing requirements of the various States and in the Fair Labor Standards Act Amendments of 1966 a clear distinction is made between hospitals and nursing homes. The VA itself recognizes this distinction.

Appendix A, "Minimum Standards for Nursing Home Care for Veterans' Administration Patients," which is incorporated in the Veterans' Administration standard contract for this type of service, contains the following:

A nursing home is defined as a facility or unit operated for accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services, if such nursing care and medical services are prescribed by, or are performed under Administration facility.