

3848 VA CONTRACTS WITH COMMUNITY NURSING HOMES
that the Veterans' Administration is not here contracting primarily for professional medical services of the type found exempt under the Service Contract Act. The Veterans' Administration appears to be contracting primarily for convalescent care services which are furnished through the use of service employees.

While there may be a degree of similarity between professional medical care furnished in hospitals and the extended care and skilled nursing home services, it seems clear that on the basis of the contract the services called for here are within the scope of the act.

In the communications received by the Department, it has been requested that if the opinion of March 25, 1968, cannot be reversed that action be taken under section 4(b) of the Service Contract Act to exempt contracts of this type.

We are unable to find on the basis of material submitted that there is sufficient justification before us at present for the granting of the exemption requested. If further data are made available the Department will be pleased to give the matter of exemption further consideration. However, there would be a public hearing on the request for exemption with full opportunity for all interested parties to appear.

A decision then would be made based on the record of the hearing heard.

Mr. EVERETT. I am talking about the nursing home people. That is the group I want to hear first.

All of these people who appear from the service organizations maintain offices here; but these other people have come from Oklahoma and all these other places. It just means another trip back down here for them.

You follow what I am talking about?

Mr. ROBERTSON. Yes, sir.

Mr. DUNCAN. I cannot find anywhere in the act that it says there must be a public hearing. I cannot see why you cannot accept the testimony here as part of the record.

It is very clear that the Secretary can make this decision. To me this would be a waste of time and everything else to even try to hold a hearing because the Secretary certainly does not have to hold one.