

Mr. ROBERTSON. No; but apparently he has made a decision in this  
~~I think anyone who has been here today would say you are impair-~~  
 ing the conduct of Government business. I think you are duty bound  
 to give some cooperation in this matter.

Mr. EVERETT. You do have the right to exempt these people if you  
 so desire, do you not?

Mr. ROBERTSON. The Secretary of Labor has that right.

Mr. EVERETT. Suppose we change the names of these nursing homes  
 to "hospitals." Would they be covered then?

Mr. ROBERTSON. Sir, I think they would have to do more than  
 change the names to qualify as hospitals under the laws of the various  
 States.

Mr. EVERETT. Such as what?

Mr. ROBERTSON. Provide resident physicians, operating rooms, vari-  
 ous technical requirements of the various States.

Mr. ROBERTS. If these people do not comply, it is the fault of the  
 committee, Congress, or the Veterans' Administration. Certainly they  
 are not at fault. They were not attempting to make more money  
 because they can fill the same bed with patients from the medicaid  
 program.

It is obvious that the assumption of custodial care has to be in  
 error because, if he is a custodial patient, he would be in a VA cus-

~~Mr. ROBERTSON. There is the continuing discrepancy in rate.~~

Mr. ROBERTS. Yes; that we can worry about later. How are we  
 going back to correct this letter of March 25 or this ruling as it affects  
 these people who are trying to perform a service and trying to save  
 the Government some money? How are we going to get them out  
 of this mess?

You all are technicians in this field. How are we going to get them  
 out of it? If it takes an act, the Veterans' Affairs Committee passes  
 many of the bills through this Congress, most of them by 400 votes.  
 We should not try to spank somebody. I think it would be wrong on  
 our part and I think it would be bad business on everybody's part.  
 How are we going to remedy this?

Mr. ROBERTS. I think they can work it out. If they tell us we have