

**STATE HOME CONSTRUCTION GRANT APPLICATIONS FOR PROJECTS THAT
REMEDY CONDITIONS THREATENING THE LIVES OR SAFETY OF STATE HOME
RESIDENTS**

1. REASON FOR ISSUE: This Veterans Health Administration (VHA) directive revises VHA policy for reviewing State Home Construction Grant Program (SHCGP) applications for projects to remedy a condition or conditions in existing State Veterans Homes (SVH) that have been cited as threatening to the lives or safety of one or more SVH residents or program participants.

2. SUMMARY OF MAJOR CHANGES: Major changes include:

a. The addition of responsibilities for the SHCGP Manager and VA Life Safety Engineer in paragraph 4.

b. The addition of reference to 38 U.S.C. §§ 8131-8138 in paragraph 8.

c. The change of responsible office from Director, Office of Capital Asset Management and Support to Executive Director, Office of Geriatrics and Extended Care.

3. RELATED ISSUES: None.

4. RESPONSIBLE OFFICE: The Executive Director, Office of Geriatrics and Extended Care (12GEC), is responsible for the contents of this directive. Questions may be addressed to 202-461-6750.

5. RESCISSIONS: VHA Directive 2012-028, State Home Construction Grant Applications for Projects that Remedy Conditions Threatening the Lives or Safety of State Home Residents, dated October 1, 2012, is rescinded.

6. RECERTIFICATION: This VHA directive is scheduled for recertification on or before the last working day of September 2028. This VHA directive will continue to serve as national VHA policy until it is recertified or rescinded.

**BY DIRECTION OF THE OFFICE OF
THE UNDER SECRETARY FOR HEALTH:**

/s/ M. Christopher Saslo
DNS, ARNP-BC, FAANP
Assistant Under Secretary for Health
for Patient Care Services/CNO

September 6, 2023

VHA DIRECTIVE 4091

NOTE: *All references herein to VA and VHA documents incorporate by reference subsequent VA and VHA documents on the same or similar subject matter.*

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STATE HOME CONSTRUCTION GRANT APPLICATIONS FOR PROJECTS THAT REMEDY CONDITIONS THREATENING THE LIVES OR SAFETY OF STATE HOME RESIDENTS

1. PURPOSE

This VHA directive provides policy for reviewing State Home Construction Grant Application Program (SHCGP) applications for projects to remedy a condition or conditions in existing State Veterans Homes (SVH) that have been cited as threatening to the lives or safety of one or more SVH residents or program participants. This is necessary to ensure that life or safety projects receive priority for funding in the VHA SHCGP, as appropriate. **AUTHORITY:** 38 U.S.C. § 8135(c)(2)(B); 38 C.F.R. § 59.50(a)(1)(i).

2. BACKGROUND

Pursuant to 38 C.F.R. § 59.50(a)(1)(i), VHA gives highest priority for SHCGP applications with certified state matching funds, and that remedy a condition or conditions at an existing facility that have been cited as threatening to the lives or safety of one or more of the residents or program participants in the facility by a VA safety office, VA engineering office, or other VA office with responsibility for lives and safety inspections; a State or local government agency (including a Fire Marshal); or an accrediting institution (including The Joint Commission).

3. POLICY

a. It is VHA policy that all SHCGP applications must be reviewed to ensure that those with certified state matching funds, and which propose to remedy a condition or conditions cited as threatening to the lives or safety of one or more of the residents or program participants in the facility by a VA safety office, VA engineering office, or other VA office with responsibility for life or safety inspections, a State or local government agency, or an accrediting institution (i.e., life or safety project) are designated and ranked as priority group 1, subpriority 1, on the VHA SHCGP priority list. SHCGP applications for life or safety projects that do not have certified state matching funds will be designated and ranked as priority group 2.

b. A VA Life Safety Engineer can enter a SVH at the invitation of SVH leadership to perform an assessment when the SVH indicates in their application that their project is a life or safety project and does not have adequate citation documentation. The VA Life Safety Engineer would conduct an assessment of the life or safety condition(s) indicated in the application, and if appropriate, cite the condition or conditions as threatening to the lives or safety of one or more residents or program participants in the facility. An assessment can also be triggered by the Office of Geriatrics and Extended Care requesting through the VISN or Medical Center that a Life and Safety Engineer perform such an assessment. If the life or safety condition(s) indicated on the application are found to be threatening to the lives or safety of one or more residents or program participants in the facility upon the assessment, the VA Life Safety Engineer will issue a

written citation stating that the condition or conditions are threatening to the life or safety of one or more residents or program participants in the facility.

4. RESPONSIBILITIES

a. **Under Secretary for Health.** The Under Secretary for Health is responsible for ensuring overall VHA compliance with this directive.

b. **Assistant Under Secretary for Health for Operations.** The Assistant Under Secretary for Health for Operations, is responsible for:

(1) Communicating the contents of this directive to each of the Veterans Integrated Services Networks (VISN).

(2) Ensuring that each VISN Director has the sufficient resources (including a qualified VA staff member to perform the functions of a Life Safety Engineer) in all VA medical facilities within that VISN to fulfill the terms of this directive if that VISN has an existing SVH within its jurisdiction.

(3) Providing oversight of VISNs to ensure compliance with this directive.

c. **Assistant Under Secretary for Health for Patient Care Services/Chief Nursing Officer.** The Assistant Under Secretary for Health for Patient Care Services/Chief Nursing Officer (CNO) is responsible for supporting the Office of Geriatrics and Extended Care with implementation and oversight of this directive.

d. **Executive Director, Office of Geriatrics and Extended Care.** The Executive Director, Office of Geriatrics and Extended Care, or designee, is responsible for:

(1) Administering the VHA SHCGP.

(2) If the required documentation of citation of a condition(s) threatening the lives or safety of one or more residents or program participants from the State or local government agency or accrediting institution is inadequate, initiating a request to the VISN Director or VA Medical Center Director for a Life Safety Engineer to conduct an assessment and, if appropriate, provide a written citation that the condition or conditions the project proposes to remedy threatens the lives or safety of one or more residents or program participants in the SVH.

e. **Veterans Integrated Services Networks Director.** Each VISN Director is responsible for ensuring that its VISN has sufficient resources to fulfill the terms of this directive for all existing SVHs within the VISN's jurisdiction.

f. **State Home Construction Grant Application Program Supervisor.** The SHCGP Supervisor is responsible for:

(1) Reviewing SHCGP applications for projects that propose to remedy a condition or conditions which have been cited as threatening to the lives or safety of one or more residents or program participants in the SVH.

(2) For each such application, determining if all of the requested funds would be used for a life or safety project, or if the majority of the requested funds would be used for a life or safety project if the estimated cost of the life or safety project is under \$400,000. This is necessary for designation and ranking as a life or safety project in accordance with 38 C.F.R. § 59.50(a)(1)(i).

(3) For each such application, ensuring that the application includes documentation of a citation, by a State or local government agency, an accrediting institution, or a VA safety office, VA engineering office, or other VA office with responsibility for life and safety inspections; a State or local government agency (including a Fire Marshal); or an accrediting institution (including The Joint Commission), that the indicated condition(s) threaten the lives or safety of one or more residents or program participants in the SVH.

(4) Reviewing VA Life Safety Engineer assessments and/or citations.

(5) Ensuring that when a SVH has been cited by a VA safety office, VA engineering office, or other VA office with responsibility for life and safety inspections; a State or local government agency (including a Fire Marshal); or an accrediting institution (including The Joint Commission) for conditions that threaten the lives or safety of one or more of the residents or program participants in the facility, the State includes in any application, or its updates to such application, its plan to address all such citations.

(6) Determining whether the plan to address all such citations does address such citations in a reasonable period of time. If it is determined that the State's plan fails to set forth how it will address such citations in a reasonable period of time, then all applications of such State will be prioritized in accordance with 38 C.F.R. § 59.50(e).

(7) For those SHCGP applications that meet the requirements for a life or safety project, ensuring those projects (with certified state matching funds) are placed in priority group 1, subpriority 1, and ensuring that those projects are further prioritized pursuant to 38 C.F.R. § 59.50(a)(1)(i)(A)-(H). For those SHCGP applications that meet the requirements for a life or safety project, ensuring those projects (without certified state matching funds) are placed in priority group 2, and ensuring that those projects are further prioritized the same as in 38 C.F.R. § 59.50(a)(1)(i)(A)-(H).

g. **VA Life Safety Engineer.** The VA Life Safety Engineer is responsible for:

(1) Conducting assessments to determine if proposed projects remedy a condition, or conditions, at an existing facility that threaten the lives or safety of one or more of the residents or program participants in the facility when the SVH indicates in their grant application that their application is for a life or safety project and does not have adequate citation documentation.

(2) If appropriate, preparing written documentation (i.e., citation) citing the condition or conditions, indicated by the SVH in its application, as threatening to the life or safety of one or more residents or program participants in the facility.

(3) Providing the written documentation (i.e., citation) to the SHCGP and SVH Manager.

5. DEFINITIONS

Life Safety Engineer. A VA staff member from a VA safety office, VA engineering office, or other VA office with responsibility for life and safety inspections.

6. TRAINING

There are no additional training requirements associated with this directive.

7. RECORDS MANAGEMENT

All records regardless of format (e.g., paper, electronic, electronic systems) created by this directive must be managed as required by the National Archives and Records Administration (NARA) approved records schedules found in VHA Records Control Schedule 10-1. Questions regarding any aspect of records management should be addressed to the appropriate Records Officer.

8. REFERENCES

- a. 38 U.S.C. §§ 8131-8138.
- b. 38 C.F.R. § 59.