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April 4, 1979

TO: A. JAMES MANCHIN, SECRETARY OF STATE
FROM: THOMAS R. FOREMAN, ASSISTANT DIRECTOR
SUBJECT: PROMULGATION OF RULES AND REGULATIONS
FOR STATE VETERANS' HOME

In accordance with State Regulations, the Department held a public meeting on Friday, March 30, 1979, at 1:00 p.m., at our office located at 605 Atlas Building, Charleston, West Virginia. There were no amendments to the State Veterans' Home Rules and Regulations, and it is our recommendation that they stand as written.

TRF:kw

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9-18-79



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February 28, 1979

TO: A. JAMES MANCHIN
SECRETARY OF STATE
FROM: THOMAS R. FOREMAN *TSF*
ASSISTANT DIRECTOR
SUBJECT: PROMULGATION OF RULES AND REGULATIONS
FOR STATE VETERANS' HOME

In accordance with state regulations, this Department will hold a public hearing on Friday, March 30, 1979, at 1:00 p.m. at its office located at 605 Atlas Building, Charleston, West Virginia, for the purpose of reviewing its proposed Rules and Regulations to cover its Veterans' Home.

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9-18-79

THOMAS R. FOREMAN, ASSISTANT DIRECTOR OF WEST VIRGINIA DEPARTMENT OF VETERANS AFFAIRS ANNOUNCES A PUBLIC HEARING ON PROPOSED RULES AND REGULATIONS FOR ITS STATE VETERANS' HOME. HEARING TO BE HELD MARCH 30, 1979, AT 1:00 P.M. IN ITS ADMINISTRATIVE OFFICE LOCATED AT 605 ATLAS BUILDING, CHARLESTON, WEST VIRGINIA.

WEST VIRGINIA STATE VETERANS HOME

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

Chapter 9A. Veterans Affairs
Article 2. State Homes for Veterans.

THIS DATE 9-18-79

§9A-2-1. State Homes for Veterans.

In consultation with the Governor and other appropriate state agencies, the department of veterans' affairs shall establish and maintain throughout the state a home or homes for qualified veterans. The present Soldiers Home at Weston State Hospital shall be reidentified as Veterans Unit of Weston State Hospital and continued as formerly constituted. As used in this article the term "qualified veteran" means a disabled veteran as rated by the veterans' administration, and as such is eligible for benefits administered by the veterans' administration, Title 38, United States Code, who: (a) Is ambulatory and is able to attend to his personal needs, dress himself and attend a general mess; (b) served in the armed forces of the United States of America or a nation allied therewith during wartime and; (c) is a citizen of the state of West Virginia for one year or more and whose separation from the service was other than dishonorable.

In the event that the veteran served during peacetime and attained the age of sixty-five years, he shall be deemed a qualified veteran if he has met conditions (a) and (c).

§9A-2-2. Funds collected from the federal government; use of funds.

The department of veterans' affairs is hereby authorized and directed to receive from the federal government or any agency thereof, any funds appropriated, expended or disbursed for the purpose of effectuating veterans' benefits or veterans' programs, including, but not limited to improvement and renovation of physical facilities, personal care costs and medical, nursing and dental services.

The money so collected from the governmental agency as federal aid and money appropriated by the Legislature shall be placed in a special fund to be known as the "veterans' fund." This fund shall be administered by the director of the West Virginia department of veterans' affairs. The fund shall be deposited in the state treasury and paid out only on such vouchers as may be authorized and approved by the director of the West Virginia department of veterans' affairs, in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by that department. At the discretion of the West Virginia department of veterans' affairs, these funds may be used as follows: (1) For the erection or the improvement and renovation of suitable buildings for the care of qualified veterans; or (2) in any manner deemed expedient by the director of the West Virginia department of veterans' affairs for the benefit of qualified veterans.

§9A-2-3. Powers of department of veterans' affairs.

The department of veterans' affairs is authorized and empowered to establish rules and regulations providing for the tenure, treatment, eligibility and discharge of eligible veterans which such rules and regulations shall not be inconsistent with the provisions of this article.

FORWARD

The establishment of the West Virginia State Veterans Home was authorized by legislation passed during the regular session of the 1975 State Legislature, which placed the management and supervision of the Home under the West Virginia Department of Veterans' Affairs.

In accordance with the law, the Home is a "domiciliary" type home. The purpose of domiciliary care is to provide a non-institutional community setting for persons, primarily the aged, who require social care, but not medical care. Domiciliary care is provided in a home-like atmosphere. Since domiciliary facilities are not considered medical facilities, Medicare and Medicaid do not provide payments.

Domiciliary facilities provide care to ambulatory patients who, because of financial, age, mental, or health conditions, are dependent on others for their basic needs. Patients in domiciliary facilities may have health impairments, but not to the extent requiring skilled nursing or intermediate care. Domiciliary facilities are not for persons whose physical or mental conditions require care in a medical or psychiatric facility.

It is the expressed desire of Governor John D. Rockefeller IV that this Home be a comfortable and enjoyable place to live, consistent with the appropriations made by the West Virginia State Legislature for its maintenance.

With the privileges extended to the membership of the Home, there is a corresponding obligation on the part of the residents to be courteous and considerate of the mutual rights of each other, and to cooperate with the officials of the Home in the performance of their duties.

The Rules and Regulations published herein are for the information of all concerned.

RULES AND REGULATIONS

MEMBERSHIP

The law authorizing the establishment of the West Virginia State Veterans Home is published on the fly-leaf of this pamphlet.

The membership of the home is divided into two classifications: Permanent and Temporary.

Applications of membership should be filled out in the county in which the veteran resides (preferably by the Deputy Director of the West Virginia Department of Veterans' Affairs Field Office in the county of residence). The application must be accompanied by the veteran's Honorable War Time Service Discharge or a certified copy thereof, and by a statement from a physician as to his physical and mental condition. (The Home may not accept for residence a veteran who is determined to be mentally deranged.) All applications should be mailed in advance, so that the veteran's status may be determined and notification sent him as to acceptance or rejection. All applicants who have not been rejected initially will report upon arrival to the Registrar's office, where their papers will be examined and registered. The veteran will be quartered in the Receiving Section of the Home until the physician has made his examination, and the applicant has been accepted or rejected by the physician based on such examination.

If the Home physician approves and recommends admission, the veteran will report to the Registrar's office and complete his registration, at which time he will be assigned a place of residence.

For readmission, the same procedure applies as for original admission.

A member who has been discharged from the Home for cause (other than at his own request) from this or from any other State or National Home, will not be readmitted within six months from the date of such discharge.

LEAVES OF ABSENCE OR FURLONGHS

Leave of absence (or pass) may be granted by the Superintendent's office for a period not to exceed twenty-four (24) hours.

Furloughs may be granted for good and sufficient reasons for a period not to exceed thirty days. Upon request of the member, a furlough may be extended for an additional fifteen days. Members will be dropped from the rolls if they do not report back after an authorized absence on furlough, unless it has been renewed, or if they do not report back after the expiration of a forty-five day furlough. Exceptions to this policy may be made only by the Superintendent.

No furlough will be granted to a member until after such member has been a resident of the Home for at least sixty days, except in case of emergency, and then only on orders of the Superintendent.

Discharges from the Home are sub-divided into three classifications: Honorable, Without Honor, and Dishonorable.

A member of the Home may obtain an Honorable Discharge from the Home upon application to the Registrar, provided his conduct has been in accordance with existing Rules and Regulations. A member who has been granted an Honorable Discharge from the Home may not be readmitted until the expiration of at least three months from the date of his discharge.

Discharge Without Honor may be imposed for infractions of the Rules and Regulations of the Home, but only upon order of the Superintendent. The minimum time limit for readmission will be six months from the effective date of discharge, for those members given a Discharge Without Honor.

Dishonorable Discharges may be imposed for major infractions of the Rules and Regulations of the Home, but only upon order of the Superintendent. The minimum time limit for readmission will be one year from the effective date of discharge for those members given a Dishonorable Discharge.

DISCIPLINE

The Superintendent, as the Chief Court Officer of the Home, will hear all cases of infractions of the Rules and Regulations, and will pass sentence according to the nature and degree of the offense.

The Superintendent will be assisted in the enforcement of the Rules and Regulations by the Registrar and by one other employee of the Home, who will be selected by the Superintendent.

The authority of the Superintendent will be exercised with firmness and impartiality.

The following offenses will constitute cause for disciplinary action:

- Absence without leave.
- Intoxication.
- Disorderly conduct.
- Gambling in the Home.
- Indecent or profane language in the Home or on the Home grounds.
- Refusal to perform duty to which assigned.
- Assault and Battery (Minor degree).
- Other violations not enumerated above, as determined by the Superintendent.

The following offenses will constitute grounds for dismissal from the Home:

- Absence without leave for more than seven days.
- Bringing alcoholic liquors into, or having possession of same on the Home grounds.

The possession of a firearm or other deadly weapon.
Habitual violations of Rules and Regulations.
Writing or speaking false and slanderous charges against the management or officials of the Home.
Publication or communication of any misrepresentation calculated to create discontent and uneasiness and to disturb the peace, order and discipline of the Home.
Willful and malicious attempts to create or organize sedition in the Home, or to excite other members thereto.
In case of grand larceny, illegal traffic in intoxicating liquors, drugs or narcotics, assault with intent to kill, etc., the accused will be turned over immediately to the Civil authorities and upon conviction of any such offense will be discharged from the Home.

HOME SERGEANTS

A Home Sergeant, who will be a resident of the Home, will be appointed by the Superintendent for a designated area in the Home, and he will have full custody and management of the area to which assigned.

Home Sergeants in command of areas will have immediate charge of members assigned to their area, and shall enforce all Rules and Regulations for the discipline and government of members. They will promptly report all violations of the Rules and Regulations.

They shall report to the Medical Duty Officer at once all cases of sickness or injury of members in quarters that require medical attention.

They shall make daily inspections of their respective area, with special attention given to orderly appearance, cleanliness, sanitary conditions of beds, rooms, closets, and appurtenances, and to the repairs needed in their areas. They shall see that the members keep their clothing and person clean.

Each Sergeant shall prepare and submit reports, and perform such other duties, as may be required by higher authority.

Sergeants shall see that all members in their area take a bath or shower at least two times per week.

A duty roster, which shall be available for inspection by the Registrar, will be maintained by each Sergeant.

Written permission of the Superintendent must be shown by a vendor or solicitor (member or non-member) for selling any article of merchandise or for requesting donations. Sergeants will be responsible for insuring that such vendors or solicitors have the written permission.

Sergeants will insure that all members present are in their rooms, with lights out, at a time designated by the Superintendent.

Sergeants will enforce the rule that all members out on 12:00 p.m. pass shall report upon their return to the Receiving Section to spend the night. This policy is adopted to avoid disturbing the men in the Home who have retired for the night.

An inspection of the Home shall be made each week by the Registrar, accompanied by the Sergeant responsible for the area, and a written report of his inspection shall be furnished to the Superintendent. All members except those authorized to be absent on pass or furlough, must be present in their assigned room while the inspection is being made.

On the occasion of Federal Muster conducted by an official of the Veterans Administration, all members of the Home shall be present. No passes or furloughs will be granted during this period until the veteran has been checked by the Mustering Officer. In cases of extreme emergency, instructions will be issued by the Superintendent.

Each member shall keep the surroundings about and under his bed clean and tidy. On arising, he shall spread his bed clothing and bed furnishings over the foot of the bed. All rooms and beds will be aired during the breakfast period and made up immediately after. Bed linen will be changed at least once each week; however, soiled bed linens will be sent to the laundry immediately.

Sergeants shall report to the Superintendent immediately the name of any member having in his possession any firearm or dangerous weapon.

The drying of laundered wearing apparel within the recreational room or sleeping quarters of the Home is prohibited.

CLOTHING

State clothing will be furnished to members of the Home within 30 days after admission. All clothing will be issued and reissued until no longer usable.

Clothing will be issued in accordance with the following:

(a) Any member in good standing in the Home who is not drawing a pension, or who is drawing a pension or compensation not in excess of \$40 per month, shall be entitled to the following articles of clothing without charge:

- 1 suit
- 1 pair of shoes
- 3 shirts, dress
- 1 pair of khaki trousers
- 4 handkerchiefs
- 4 pairs of socks
- 4 underdrawers
- 4 undershirts
- 1 topcoat

(b) Any member drawing a pension or compensation of more than \$40 per month will not be entitled to draw any State clothing.

(c) Any member being discharged from the Home MUST turn in all State clothing to the Property Office and secure a clearance card. No discharge will be issued until all State clothing has been turned in and the clearance obtained.

(d) A member who deserts the Home, taking with him State clothing or other State property, will not be entitled to membership in the Home again until he makes satisfactory adjustment with the Superintendent.

(e) When State clothing is issued to a Home member, the Home does not lose control or ownership. Clothing cannot be altered or the color changed without permission of the Home Property Officer. Sale of State clothing constitutes a criminal offense, and the veteran selling, disposing of, or purchasing same will be dealt with according to law.

The Home Property Officer will meet from time to time with the Superintendent to hear members requests for adjustment in their clothing.

Two suitcases of clothing is the maximum amount of clothing permitted to be brought into the Home by a veteran.

MEDICAL CARE

A complete clinical and personnel record will be kept under the direction of the Home Physician, and a narrative and statistical report (including dental and optometry) will be rendered to the Superintendent at the end of each calendar month.

Whenever necessary for medical reasons, transfers from the Home to a Veterans or other medical facility for medical or psychiatric treatment will be made at the direction of the Home Physician, or as directed by the Superintendent.

Sick call will be held at 9:00 a.m. daily, except Sundays and holidays. Emergencies will be attended to at any hour.

BURIALS

Bodies of deceased veterans will be sent to an undertaking establishment immediately upon the veteran's demise.

The Home Physician or Superintendent will notify the nearest of kin, and upon a reply they shall notify the Registrar's Office as to the relatives' desires.

The West Virginia State Veterans Home assumes no expenses in the handling of the body or the funeral.

If it is the desire of the nearest of kin that the body be shipped to a certain destination, shipment of the body will be handled by the Funeral Home holding the body.

The expenses of shipping and burial of the body will be claimed by the Funeral Home from the Veterans Administration Burial Allowance Fund.

Personal effects, other than money and articles with an intrinsic value, will be collected by the Registrar and Property Officer. Duplicate lists of the personal effects will be made, to be turned over to the Superintendent's Office where they will be held until claimed by one who has authority to receive or orders its disposal.

Valuable articles and monies will be disposed of only by order of a Court of Jurisdiction.

GENERAL

Personnel responsible for the operation of the Home shall wear the uniform of the Home, including the official cap, at all times when they are on duty. Residents of the Home are forbidden to wear any article of the Home uniform, including the official cap.

Fire drill will be held at least once each calendar month, under the direction of the Chief Engineer.

Members leaving the Home on furlough or discharge shall leave their forwarding address for mail.

A schedule of routine calls will be published by the Superintendent, covering reveille, mess, sick call, work call, etc.

The Superintendent will arrange for nondenominational church services to be held each Sunday. Hours of the Service will be announced.

The loan of money by officers, employees or members of the Home will not be permitted, whether or not interest is charged.

Loans made by anyone which are supposed to be recovered from Government Pension checks cannot be collected, nor can refusal to pay be punished by law.

The Home Treasurer is bonded, and no loss should be sustained to any Home Member who leaves for safekeeping any monies or items of intrinsic value with Treasurer; also, no charge is made for this service.

The Registrar regulates the housing in the West Virginia State Veterans Home.

The West Virginia State Veterans Home, (city) WV (zip), is the official post office address of the Home.

LANDS GRANTED FOR SUPPORT OF VETERANS HOME AND PROCEEDS THEREFROM.

All lands granted by the United States or by this state for the Veterans Home are set apart for the support of the Home. The proceeds from the sales of such lands are pledged as a perpetual fund for the use and benefit of the Home.

FEDERAL AID ACCEPTED FOR VETERANS HOME - RULES AND REGULATIONS GOVERNING HOME SUBMITTED TO WHOM.

The West Virginia Department of Veterans Affairs accepts the conditions imposed by an act of Congress, entitled "An act to provide aid to state or territorial homes for the support of disabled soldiers and sailors in the United States, approved August 27, 1888", and the various amendments thereto.

TREASURER TO RECEIVE AND DEPOSIT FEDERAL AID MONEY.

The state treasurer shall receive and receipt for all money which may become payable to this state by reason of the acceptance of the acts of Congress as provided by law. He shall deposit such money to the credit of the Veterans Home operating fund for the use and benefit of the Veterans Home.

VETERANS HOME OPERATING FUND - MONEYS FOR THE MAINTENANCE OF THE VETERANS HOME TO BE DEPOSITED WITH STATE TREASURER.

A special fund, to be known as the Veterans Home Operating Fund, shall be maintained in the state treasury. Moneys arising from the interest received on money derived from the sale of lands appropriated for the support of the home and from the rental of such lands, moneys received from the United States for the support and maintenance of the home, and all other moneys, income, and collections of public funds arising from any other source or endeavor of the home shall be placed in the Veterans home operating fund for the use and maintenance of the Veterans Home. Moneys derived from the general fund appropriation made by the legislature shall be transferred periodically to the Veterans Home operating fund upon order of the Director of the Department of Veterans Affairs and purchases whenever such operating fund's balance falls so low as to require supplementation.

MEMBERSHIP CONTRIBUTION FOR RESIDENTS OF HOME - CREATION OF SPECIAL FUND.

1. The Director of the Department of Veterans Affairs and the Veterans Home Superintendent may establish a membership contribution to be paid by members of the home. The fee shall be based on the adjusted income of each member, but in no case shall it exceed forty-nine percent of the average daily per-member cost. The membership contribution shall be set under a formula determined by the administrative committee and designed to assure dignity and equity in the charge. The administrative committee may, from time to time, reconsider its action establishing a membership contribution, amend or rescind the contribution charge, or reinstate a contribution charge previously rescinded. The Superintendent shall collect monthly any membership contribution levied.
2. As used in subsection 1, "adjusted income" means all moneys received from any source, including social security benefits, less amounts received or expended as follows;
 - a. Moneys earned by a member through labor performed for the Veterans home.
 - b. Moneys received as service-connected compensation.
 - c. Moneys earned during authorized leaves or furloughs from the Veterans Home.
 - d. Moneys expended by the member for other hospitalization due to illness or injury.
 - e. Moneys expended by the member for other medical care or treatment, or for required medicines.
 - f. Such other receipts or expenditures as the administrative committee may permit to be deducted in individual cases.
3. All moneys received as a result of charging the membership contribution authorized by subsection 1 of this section shall be deposited in a special fund in the state treasury to be known as the "Veterans Home Operating Fund". The fund shall be invested by the state treasurer in the manner provided by law of the State of West Virginia, and all income received, less amounts deducted shall be deposited in, or reinvested for the benefit of, the Veterans Home Operating Fund. Moneys in the Veterans Home improvement fund shall, subject to and following legislative appropriations, be expended only for the operating facilities of the home, for development of new facilities, for enrichment of living conditions, or for additional care for members of the home, as such expansion, development, enrichment, or additional care is deemed necessary by the Home Administrative Committee. All moneys expended from the Veterans Home operating fund shall be paid out on vouchers prepared by the Superintendent of the Home.

DISBURSEMENT OF MONEYS FROM VETERANS HOME OPERATING FUND.

All moneys withdrawn from the Veterans Home operating fund shall be transferred from the operating fund on the basis of an abstract approved by the Superintendent in accordance with policies established by the Director of Veterans Affairs, and approved by the auditing board, containing an enumeration of the names and amounts to be paid each payee by the Superintendent in accordance with the abstract. Warrant-checks drawn upon the state treasurer against the veterans home operating fund for transfer of funds to an account in a state bank for disbursement shall be prepared by the department of accounts and purchases upon approval of the abstract by the Home Superintendent.

SUPERINTENDENT SHALL TAKE CHARGE OF UNCLAIMED ESTATES OF SMALL VALUE.

If a member of the Veterans Home shall die leaving property of the value of three hundred dollars or less, the Superintendent immediately shall take charge of such property. If within one year of the date of death of such member no valid claim of any heir or devisee is made for the property and no application or petition has been filed for issuance of letters of administration, the Superintendent shall convert the property into cash with probate or other proceedings and shall deposit the cash with the state treasurer who shall credit it to the Veterans Home Operating Fund. The Superintendent shall make a report of his action to the administrative committee on veterans affairs, which report shall be audited by, and spread upon the records of, the committee.

INTERSTATE MEMBERS LEAVING ESTATES VALUED IN EXCESS OF THREE HUNDRED DOLLARS - SUPERINTENDENT TO ADMINISTER.

If a member of the Veterans Home shall die leaving property in excess of three hundred dollars in value not disposed of by will, the Superintendent shall be entitled to letters of administration upon such estate. He shall make application to the proper court for letters of administration, qualify as administrator, and distribute and dispose of such estate as is provided by this code. If no valid claim shall be made to such estate by the heirs or the next of kin of the deceased member for a period of one year after the granting of letters of administration, the residue of the estate shall revert to this state for the benefit of the Veterans Home.

SUPERINTENDENT AS ADMINISTRATOR - BOND NOT REQUIRED - FEES - ALLOWANCE OF FEES BY COUNTY COURT

Upon becoming administrator of any estate as provided by the Code of West Virginia, the Superintendent shall not be required to give bond, and he shall not be entitled to charge or receive any compensation for his services as administrator. The county court of the county where the administration proceedings are had shall not make nor allow any charge or fee in connection with the administration proceedings other than the actual disbursements of the administrator.

REPORT OF SUPERINTENDENT TO DEPARTMENT OF VETERANS AFFAIRS

The Superintendent of the Veterans Home shall submit to the Director of the Department of Veterans Affairs a biennial report of all disbursements by the Home, and of other matters pertaining to the general operations of the Home as required by the Director of the Department of Veterans Affairs.

SUPERINTENDENT MAY ACCEPT GIFTS, DONATIONS, OR BEQUESTS.

The Superintendent for and in behalf of the Veterans Home is hereby authorized to accept or receive any donations, gifts, or bequests offered or tendered to, or for the benefit of the Veterans Home. All such moneys received or accepted shall be used for the specific purposes for which they were given or donated. This authority shall apply and be retroactive to any or all gifts, donations, or bequests heretofore tendered, offered, or made.

GENERAL ORDERS

All Home members are required to deposit all monies (except for a maximum of \$5.00) and articles of intrinsic value in the Treasurer's Office.

The Home Treasurer will issue you a receipt for any money or item entrusted to him for safekeeping. Arrangements will be made to withdraw small sums as needed, or when authorized to leave the Home on pass or furlough.

This precaution is taken to protect members from suffering any loss of their valuables while in the Home.

WEST VIRGINIA STATE VETERANS' HOME

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
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The money so collected from the governmental agency as federal aid and money appropriated by the Legislature shall be placed in a special fund to be known as the "veterans' fund." This fund shall be administered by the director of the West Virginia department of veterans' affairs. The fund shall be deposited in the state treasury and paid out only on such vouchers as may be authorized and approved by the director of the West Virginia department of veterans' affairs, in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by that department. At the discretion of the West Virginia department of veterans' affairs, these funds may be used as follows: (1) For the erection or the improvement and renovation of suitable buildings for the care of qualified veterans; or (2) in any manner deemed expedient by the director of the West Virginia department of veterans' affairs for the benefit of qualified veterans.

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