

Title 86
~~Legislative Rules~~
Procedural Rules

CW
MR

WEST VIRGINIA DEPARTMENT OF VETERANS' AFFAIRS

BARBOURSVILLE VETERANS HOME

Chapter 9-A^e
Section III^{e 81}

SECTION I: GENERAL (LEGISLATIVE)

1.01. SCOPE - These regulations establish general rules for the operation of the State Veterans Home at Barboursville, West Virginia.

1.02. AUTHORITY - These regulations are issued under authority of West Virginia Code, Chapter 9A, Article 2, Section III.³

1.03. FILING DATE - These regulations are promulgated on the 19th day of January, 1979 and filed on the 19th day of January, 1979 in the Secretary of State's Office.

1.04. EFFECTIVE DATE - These regulations become effective on the 18 day of February, 1979

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SECTION II: GENERAL PLAN OF FILING

2.01. GENERAL PURPOSES - The general purpose of these rules is to establish rules and procedures for the operation of the State Veterans Home located at Barboursville, West Virginia and to ensure that these rules and regulations are accessible to interested persons.

BARBOURSVILLE VETERANS HOME

RULES AND REGULATIONS

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SECTION III: BARBOURSVILLE VETERANS HOME RESIDENTS (~~Procedural~~) *e*

- 3.01. The law authorizing the establishment of the West Virginia State Veterans Home is published in the forward of this Section.
- 3.02. Applications of residents must be filled out by the Deputy Director of the West Virginia Department of Veterans' Affairs Field Office (or its itinerary point) nearest the veteran's residence. The application must be accompanied by the veteran's Honorable Discharge or General Discharge under Honorable Conditions, or a certified copy thereof, and by a statement from a physician as to his physical and mental condition. The Home Administrative Committee, with approval of the Director of the West Virginia Department of Veterans' Affairs, may not accept for admission a veteran who is determined to be unsuitable because of a physical or mental condition. Unsuitability means that the veteran is not able to feed, dress, bathe, eat cafeteria style, or make and clean around his bed without assistance of another person, or because of a mental condition is incompatible with domiciliary style of living as determined by the Veterans Administration or Veterans Home Physician. 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 as approved by the Director of the West Virginia Department of Veterans' Affairs. 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 Station of the Home until the physician has made his examination, and the applicant has been accepted or rejected as recommended by the physician based on such examination.

- 3.03. The veteran must make application at the Field Office (or its itinerary point) of the West Virginia Department of Veterans' Affairs which is nearest to his or her place of residence. The veteran may contact and consult with the nearest Field Office (or its itinerary point) of the West Virginia Department of Veterans' Affairs, before preparing the application in order that all aspects of qualification and eligibility are completely covered and understood.
- 3.04. Each person will be required to contribute to the cost of their care as a resident in the Home. This contribution can be as much as 50% of the resident's monthly incoming moneys, as determined by the Home Administrative Committee.

- a. - It is then necessary that the veteran make application at the Field Office (or its itinerary point) of the West Virginia Department of Veterans' Affairs, nearest the veteran's place of residence because of certain validations that office must make on the veteran's application before it can be forwarded to the Admissions Board for appropriate consideration and action. The veteran must provide proof of service when making application. VA Forms 10-10 and 10-10M, which includes a physical examination on the veteran must be submitted with the application. To apply for re-admission, the same procedure applies as for an original admission.

- 3.05. A resident who has been discharged from the Home for cause (other than at his own request) from this or any other State or National Home, will not be readmitted within six months from the date of such discharge except in the case of a Dishonorable Discharge from the Veterans Home, in which case, readmission may not be approved for one year.

SECTION IV: LEAVES OF ABSENCE OR FURLOUGHS (Procedural)

- 4.01. Leave of absence (or pass) may be granted by the Commandant's Office of a period not to exceed twenty-four (24) hours.
- 4.02. Furloughs may be granted for good and sufficient reasons for a period not to exceed thirty (30) days. Upon request of the resident, a furlough may be extended for an additional fifteen (15) days. Residents will be dropped from the rolls if they do not report back after an authorized absence or furlough, unless it has been renewed, or if they do not report back after the expiration of a forty-five (45) day furlough. Exceptions to this policy may be made only by the Commandant.
- 4.03. No furlough will be granted to a resident until after such resident has been a resident of the Home for at least sixty (60) days, except in the case of emergency, and then only on orders of the Commandant.
- 4.04. Discharges from the Home are sub-divided into three classifications: Honorable, Without Honor, and Dishonorable.
- 4.05. A resident 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 resident 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, if there is no waiting list, otherwise when reached on such list.

4.06. Discharge Without Honor may be imposed for infractions of the Rules and Regulations of the Home, but only upon order of the Commandant. The minimum time limit for readmission will be six months from the effective date of discharge for those residents given a Discharge Without Honor, if there is no waiting list, otherwise when reached on such list.

4.07. Dishonorable Discharges may be imposed for major infractions of the Rules and Regulations of the Home, but only upon order of the Commandant. The minimum time limit for readmission will be one year from the effective date of discharge for those residents given a Dishonorable Discharge, if there is no waiting list, otherwise when reached on such list.

SECTION 4.5: DISCIPLINE (Procedural)

5.01. The Commandant, as the Chief 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, such as restrictions on passes and furloughs, or discharges as provided in ^{Section 4.4} paragraph 2.07 above. The resident may appeal to the Director, West Virginia Department of Veterans' Affairs, within ten days of the Commandant's final decision.

5.02. The Commandant 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 Commandant.

5.03. The authority of the Commandant will be exercised with firmness

and impartiality.

5.04. The following offenses will constitute cause for disciplinary action:

- a. Absence without leave up to seven days
- b. Intoxication
- c. Disorderly conduct
- d. Gambling in the Home
- e. Indecent or profane language in the Home or the Home grounds
- f. Refusal to perform duty to which assigned
- g. Assault and Battery (Minor Degree)
- h. Other violations not enumerated above, as determined by the Commandant
- i. Habitual failure to keep clean and presentable

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

- a. Absence without leave for more than seven days
- b. Bringing alcoholic liquors into, or having possession of same on the Home grounds
- c. The possession of a firearm or other deadly weapon
- d. Habitual violations of Rules and Regulations
- e. Writing or speaking false and slanderous charges against the management or officials of the Home
- f. Publication or communication of any misrepresentation calculated to create discontent and uneasiness and to disturb the peace, order and discipline of the Home

- g. Willful and malicious attempts to create or organize sedition in the Home, or to incite other residents thereto
- h. 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. Readmission to the Home is possible if the resident is found innocent.

SECTION VI: GROUP LEADERS (Procedural)

- 6.01. A Group Leader, who will be a resident of the Home, will be appointed by the Commandant for a designated area in the Home, and he will have full custody and management of the area to which assigned, as authorized by the Commandant.
- 6.02. Group Leaders, in command of areas, will have immediate charge of residents assigned to their area, and shall enforce all Rules and Regulations for the discipline and government of residents. They will promptly report all violations of the Rules and Regulations.
- 6.03. They shall report to the Nurse at once all cases of sickness or injury of residents in quarters that require medical attention.
- 6.04. 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 residents keep their clothing and person clean.
- 6.05. Each Group Leader shall prepare and submit reports, and perform such other duties, as may be required by higher authority.
- 6.06. Group Leaders shall see that all residents in their area take a

bath or shower at least two times per week.

- 6.07. A duty roster, which shall be available for inspection by the Registrar, will be maintained by each Group Leader.
- 6.08. Written permission of the Commandant must be shown by a vendor or solicitor (resident or non-resident) for selling any article of merchandise or for requesting donations. Group Leaders will be responsible for insuring that such vendors or solicitors have the written permission.
- 6.09. Group Leaders will insure that all residents present are in their rooms, with lights out, at a time designated by the Commandant.
- 6.10. Group Leaders will enforce the rule that all residents 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.
- 6.11. An inspection of the Home shall be made each week by the Registrar, accompanied by the Group Leader responsible for the area, and a written report of his inspection shall be furnished to the Commandant. All residents except those authorized to be absent on pass or furlough, must be present in their assigned room while the inspection is being made.
- 6.12. On the occasion of Federal Muster, conducted by an official of the Veterans Administration, all residents of the Home shall be present. No passes or furloughs will be granted during this period until the veteran has been checked by the Veterans Administration Inspection Team. In cases of extreme emergency, instructions will be issued by the Commandant.
- 6.13. Each resident 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.

6.14. Group Leaders shall report to the Commandant immediately the name of any resident having in his possession any firearm or dangerous weapon.

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

SECTION VII: CLOTHING ¹ ~~(Procedural)~~

7.01. Any resident admitted to the Home with incoming moneys of less than \$40.00 monthly, shall be entitled to clothing required for comfort and neat appearance. The Home will furnish the needed clothing through donations received from Fraternal, Veterans or Civic Organizations. Any such clothing becomes the personal property of the resident.

SECTION VIII: MEDICAL CARE ² ~~(Procedural)~~

8.01. 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 Commandant at the end of each calendar month.

8.02. 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 Commandant.

8.03. Sick Call will be held by the Day Nurse at 9:00 A.M. daily, except

weekends. On those days, residents will notify the Day Nurse if care is needed. Emergencies will be referred to the Home Physician at any time.

SECTION 8.9 BURIALS (Procedural)

- 9.01. Bodies of deceased veterans will be sent to an undertaking establishment immediately upon the veteran's demise, selected by the next of kin or sponsor, if any, otherwise by the Commandant.
- 9.02. The Home Physician or Commandant will notify the next of kin, and upon a reply they shall notify the Registrar's Office as to the relative's desires.
- 9.03. The West Virginia State Veterans Home assumes no expenses in handling of the body or the funeral.
- 9.04. If it is the desire of the next 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.
- 9.05. The expenses of shipping and burial of the body will be claimed by the Funeral Home from the Veterans Administration Burial Allowance Fund.
- 9.06. 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 Commandant's Office, where they will be held until claimed by one who has authority to receive or order its disposal.
- 9.07. Valuable articles and moneys will be disposed of only by order of a Court of Jurisdiction.

SECTION 8.10 GENERAL (Procedural)

- 10.01. Fire drill will be held at least once each calendar month, under

the direction of the Chief Engineer.

- 10.02. Residents leaving the Home on furlough or discharge shall leave their forwarding address for mail.
- 10.03. A schedule of routine calls will be published by the Commandant covering reveille, mess, sick call, work call, etc.
- 10.04. The Commandant will arrange for non-denominational church services to be held each Sunday. Hours of the service will be announced.
- 10.05. The loan of money by officers, employees or residents of the Home will not be permitted, whether or not interest is charged.
- 10.06. The person designated as the Home Treasurer is bonded, and no loss should be sustained to any Home resident who leaves for safekeeping any moneys or items of intrinsic value with Treasurer; also no charge is made for this service.
- 10.07. The Registrar regulates the housing in the West Virginia State Veterans Home.
- 10.08. The West Virginia State Veterans Home, 512 Water Street, Barboursville, West Virginia 25504, is the official post office address of the Home.

SECTION XVI: COMMANDANT SHALL TAKE CHARGE OF UNCLAIMED ESTATES OF SMALL VALUE (Procedural)

- 16.1
16.01. If a resident of the Veterans Home shall die leaving property of the value of three hundred dollars or less, the Commandant immediately shall take charge of such property. If within one year of the date of death of such resident 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 Commandant shall convert the property into cash with probate proceedings and shall deposit the cash with the State Treasurer who shall credit it to the Veterans Home Operating Fund. The

Commandant shall make a report of his action to the Director of the Department of Veterans' Affairs.

SECTION ~~XVII~~¹³: INTESTATE RESIDENTS: LEAVING ESTATES VALUED IN EXCESS OF

THREE HUNDRED DOLLARS - COMMANDANT TO ADMINISTER

~~(Interpretative)~~

- 12.1 ~~17.01~~. If a resident of the Veterans Home shall die leaving property in excess of three hundred dollars in value not disposed of by will, the Commandant 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 by the heirs or next of kin of the deceased resident for a period of one year after the granting of letters of administration, the residue of the estate shall revert to this State for deposit in the Veterans Home Operating Fund.

SECTION ~~XVIII~~¹³: COMMANDANT AS ADMINISTRATOR - BOND NOT REQUIRED - FEES -

ALLOWANCE OF FEES BY COUNTY COURT ~~(Interpretative)~~

- 13.1 ~~18.01~~. Upon becoming administrator of any estate, as provided by the Code of West Virginia, the Commandant 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 held shall not make nor allow any charge or fee in connection with the administration proceedings other than the actual disbursements of the administrator.

SECTION ~~XIX~~¹⁴: REPORT OF COMMANDANT TO DEPARTMENT OF VETERANS' AFFAIRS

~~(Procedural)~~

- 14.1 ~~19.02~~. The Commandant 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.

SECTION ~~XX~~ 15 COMMANDANT MAY ACCEPT GIFTS, DONATIONS, OR BEQUESTS
(Procedural)

~~20.01~~ 15.1. The Commandant, 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.

SECTION ~~XXI~~ 16 GENERAL ORDERS (Procedural)

~~21.01~~ 16.1. All Home residents are required to deposit all moneys (except for a maximum of \$50.00) and articles of intrinsic value in the Treasurer's Office.

~~21.02~~ 16.2. The Home Treasurer will issue a receipt of 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.

~~21.03~~ 16.3. This precaution is taken to protect residents from suffering any loss of their valuables while in the Home.



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CC

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December 29, 1982

FROM: ROLAND SAVILLA, DIRECTOR *RS*
TO: A. JAMES MANCHIN, SECRETARY OF STATE
SUBJECT: FILING OF DEPARTMENT RULES AND REGULATIONS

In accordance to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931 as amended, we hereby file Rules and Regulations of the Department and all divisions thereof.

To the best of our knowledge these rules and regulations comply with the above mention statute if you need anything further do not hesitate to call.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-29-82
Administrative Law Division