

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED

OCT 20 11 15 AM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Division of Veterans Affairs TITLE NUMBER: 86

RULE TYPE: Procedural; CITE AUTHORITY §9A-2-3

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: State Home for Veterans

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON November 20, 1997 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Division of Veterans Affairs

1321 Plaza East - Suite 101

Charleston, WV 25301-1400

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SUMMARY OF ENTIRE RULE

PROCEDURAL - Approval for this amendment to Title 86 (series 1), will permit our acceptance of any honorably discharged veteran having residence for one year or more in the State of West Virginia or entered military service for this state.

STATEMENT OF CIRCUMSTANCES

Currently, veterans that served during peacetime must be service connected or be at least 65 years of age. The aforementioned change will avail the home to a broader range of needy veterans.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: STATE HOME FOR VETERANS

Type of Rule: Legislative Interpretive X Procedural

Agency WV Division of Veterans Affairs (WV Veterans Home)

Address 1321 Plaza East - Suite 101

Charleston, WV 25301-1400

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

There will be no expense involved other than reproduction of rules for providing of same to employees of the WV Veterans Home.

3. Objectives of these rules:

To avail the home to a broader range of needy veterans.

Rule Title: Procedural Rule - State Home for Veterans

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: _____

Signature of Agency Head or Authorized Representative

TITLE 86
PROCEDURAL RULE
WEST VIRGINIA DIVISION OF VETERANS AFFAIRS
SERIES 1
STATE HOME FOR VETERANS

OCT 20 11 15 AM '91
OFFICE OF WEST VIRGINIA
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FILED

§86-1-1. General

1.1. Scope - These regulations establish general rules for the operation of the State Home for Veterans at Barboursville, West Virginia. (This rule supersedes and replaces procedural rule filed January 19, 1979).

1.2. Authority. - W. Va. Code §9A-2-3

1.3. Filing Date. - ~~October-15,--1996~~

1.4. Effective Date. - ~~November-15,--1996~~

§86-1-2. General Plan of Filing.

2.1. General purposes: The general purpose of these rules and procedures is to establish who is a qualified veteran and the processes involved in the operation of the West Virginia Home in Barboursville.

§86-1-3. West Virginia Veterans Home in Barboursville.

3.1. The law authorizing the establishment of the West Virginia State Home for Veterans is published in the forward of this section.

3.2. A qualified veteran is defined as follows:

- a. A qualified veteran must be ambulatory and independent in all activities of daily living such as eating in an open mess, dressing, bathing, self-medicating and light housekeeping. The Home will assist the eligible veteran who suffers from a disability, disease or defect, to such a degree that they are incapacitated from substantial gainful employment, but who are not in need of hospitalization or nursing care services.
- b. Served on active duty with the armed forces of the United States during a period of declared war. Any veteran discharged since September 7, 1980, must have served a minimum of twenty-four (24) consecutive months on active duty.
- c. Is a resident of the State of West Virginia for one (1) year or more immediately prior to the date of application. Or, was a resident of the State of West Virginia at the time of enlistment or induction as

documented by Department of Defense Form 214.

d. Was discharged from active duty with an Honorable discharge or a General Discharge Under Honorable Conditions. All veterans discharged since May 8, 1975, must have an Honorable Discharge.

~~e.---If the veteran served during peacetime only, they must be at least 65 years old and meet all other criteria---~~

~~f.---If the veteran is under 65 years of age, and is a peacetime veteran only, they must be either service connected or non-service connected as determined by the Federal Department of Veterans Affairs---~~

3.3. Applications for admission should be made at the nearest field office of the West Virginia Division of Veterans Affairs or the Registrar's office at the Veterans Home. A completed admissions package will be presented to the Admissions Committee at the Veterans Home for evaluation. The Admissions Committee will recommend approval or disapproval to the Home Administrator whose decision will be final. Those veterans found to have a medical or psychiatric condition which requires continuous clinical care will be rejected and so informed. Those veterans approved for admission will be notified as to date and time to report to the Veterans Home for processing. Upon arrival at the Veterans Home, the applicant will be examined by an appointed physician. The physician will recommend admission or rejection based upon the results of the physical examination. The veteran, after successfully completing the physical examination will then be officially admitted as a resident of the facility.

The veteran must provide proof of service when making application. VA Form 10-10(RS) must be submitted with the application. To apply for readmission, the same procedure applies as for an original admission.

3.4. Each resident will be required to contribute toward their maintenance based solely upon their monthly income. This contribution formula will be prescribed by the Veterans Home Administrator.

3.5. A resident who has been discharged from the Veterans Home under an Involuntary status will not be permitted to apply for readmission for a period of one year from the date of discharge. Residents discharged on a voluntary basis will be permitted to apply for readmission 90 days from their date of discharge. Residents discharged from the Home for medical reasons are eligible to apply for readmission whenever their condition improves sufficiently to permit reentry.

CECIL H. UNDERWOOD
GOVERNOR



OTIS G. COX, JR.
SECT. MILITARY AFFAIRS & PUBLIC SAFETY

VETERANS' COUNCIL
ROBERT E. VASS, JR.
MILFORD ZEIGLER
RICHARD HOMAN
MILES S. EPLING
PAUL ROTENBERRY
DON KINNARD
RALPH STUMP

West Virginia
Division of Veterans Affairs

1321 Plaza East - Suite 101
Charleston, West Virginia 25301-1400
Telephone: (304) 558-3661
October 9, 1997

G.L. HARPER
DIRECTOR

CHARLES PRATHER
FISCAL OFFICER

TO: OTIS G. COX, JR.
Secretary - MAPS

FROM: *GLH* G. L. HARPER
Director

SUBJECT: APPROVAL REQUEST FOR REVISION
OF SERIES 1 (TITLE 86)

Please find attached request to Secretary of State for a revision of the procedural rules (Series 1, Title 86) for the WV Veterans Home.

Please note the aforementioned rules regarding admission standards have been amended only one time since the original filing in 1979.

In accordance with Chapter 5F-2-2(1) (12), I respectfully request your permission to submit to the Secretary of State the attached amendment to our division rules and regulations.

Thank you for your cooperation in this matter.

GLH:sk