

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

FILED

Nov 25 9 46 AM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Division of Veterans Affairs TITLE NUMBER: 86

CITE AUTHORITY: §9A-2-3

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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 ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 26, 1997

Artis L. Cox, Jr.
Authorized Signature

CECIL H. UNDERWOOD
GOVERNOR



G.L. HARPER
DIRECTOR

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

CHARLES PRATHER
FISCAL OFFICER

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
November 21, 1997

Secretary of State's Office
State Capitol Building
Charleston, West Virginia 25305
ATTN: Judy Cooper, Director
Administrative Law Division

Dear Ms. Cooper:

Reference is made to the attached Form #5 and procedural rule for the West Virginia Veterans Home at Barboursville.

Please be advised that the 30-day comment period ended November 20, 1996 at 4:30 p.m. No comments were received in this office during that time.

If additional information is required, please feel free to contact me and thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. L. Harper".
G. L. HARPER
Director

GLH:sk
Attachment: as

TITLE 86
PROCEDURAL RULE
WEST VIRGINIA DIVISION OF VETERANS AFFAIRS

SERIES 1
STATE HOME FOR VETERANS

OFFICE OF
SECRETARY OF
STATE

OCT 20 11 15 AM '91

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§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.

KEN HECHLER
Secretary of State

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Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

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STATE OF WEST VIRGINIA
SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer
help we can get)

TO: G L HARPER

AGENCY: VETERANS AFFAIRS

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: December 5, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 86 VETERANS AFFAIRS

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: [Signature]

TITLE OF PERSON SIGNING: Director

DATE: December 9, 1997

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dec 11 9 51 AM '97

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