

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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SEP 9 11 23 AM '96
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 October 10, 1996 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.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4,20



GASTON CAPERTON
GOVERNOR

G.L. HARPER
DIRECTOR

MG (RET.) JOSEPH J. SKAFF
SECT. MILITARY AFFAIRS & PUBLIC SAFETY

BURRELL MILLER
CHIEF VETERANS AFFAIRS OFFICER

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

West Virginia
Division of Veterans Affairs

1321 Plaza East - Suite 101
Charleston, West Virginia 25301-1400

CHARLES PRATHER
ADM. SERV. ASST. 3

September 5, 1996

TO: MG JOSEPH J. SKAFF
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 not been amended/revised since the rules were filed 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

SUMMARY OF ENTIRE RULE

PROCEDURAL - Approval for this amendment to Title 86 (Series 1), will permit our adherence to US Department of Veterans Affairs standards for operation of a State Home for Veterans. Also, will ensure our continued entitlement to the per diem allowance provided by the US Department of Veterans Affairs.

STATEMENT OF CIRCUMSTANCES

To adhere to US Department of Veterans Affairs criteria for continued receipt of per diem (monetary) assistance for operation of the West Virginia Veterans Home at Barboursville.

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				
	DECREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

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

3. Objectives of these rules:

To adhere to US Dept. of Veterans Affairs criteria for receipt of per diem (monetary) assistance for operation of the WV Veterans Home at Barboursville.

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.

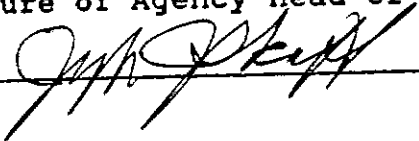
None

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

§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.

1.4. Effective Date

§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.

- 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.

§86-1-4. Leaves of Absence, Furloughs, or Discharges.

4.1. Passes are authorized for a period of time not to exceed 72 hours within any consecutive seven (7) days.

4.2. Furloughs are defined as any nonmedical absence which is greater than 95 consecutive hours. Furloughs must be pre-approved by the Registrar or his designee. Residents are permitted to take 30 days of furlough during the prescribed 12 month period.

4.3. Discharges from the Veterans Home are divided into three categories: voluntary, involuntary and medical.

4.4. Residents requesting a voluntary discharge must submit, in writing, such request and complete all necessary procedures as outlined in current resident manual.

4.5. Involuntary discharges are issued whenever resident misconduct so merits.

4.6. Medical discharges are made after consultation with appropriate medical personnel who deem resident physically or mentally inappropriate for continued residency.

§86-1-5. Discipline.

5.1. The Veterans Home Administrator or his/her designee, will hear all cases of misconduct and will pass judgement according to the nature of the infraction. The decision of the Administrator or his/her designee will be final.

5.2. The Administrator will be assisted in the enforcement of the Rules and Regulations by the registrar and by one (1) other employee of the home, who will be selected by the Administrator.

5.3. The following are examples which constitute grounds for disciplinary action to be taken: (these completely supersede 5.4 and 5.5 of existing code)

- a. AWOL for any period of time.
- b. Habitual intoxication on premises.
- c. Disorderly conduct.
- d. Gambling on premises.
- e. Any act of a violent nature.
- f. Transporting or possession of alcohol or unauthorized drugs on premises.
- g. Transporting or possession of weaponry on premises.
- h. Habitual lack of compliance with Home policies.
- i. Writing or speaking false charges against another.
- j. Creating dissension.
- k. Theft and vandalism.
- l. Any and all violations as deemed appropriate by the Home Administrator or his/her designee.

§86-1-6. Floor Leaders.

6.1. A floor leader will be a resident of the home, will be selected by the Administrator or his/her designee, and will be responsible for a specific resident area.

6.2. Floor leaders will be responsible for completing a daily census of the residents in their assigned areas and reporting same to the Registrar on a daily basis, seven (7) days a week. Floor leaders will assist administration with the observance of all rules and regulations of the facility.

6.3. Floor leaders will report to nursing personnel any resident in need of medical attention who is unable to come to the nursing area.

6.4. Floor leaders will inspect their respective areas and report any gross violation of hygiene, safety and/or noncompliance.

6.5. Floor leaders will submit such reports and perform related duties as described by the registrar.

6.6. Floor leaders will accompany the registrar or his/her designee whenever so directed for the purpose of entering resident's quarters.

§86-1-7. Clothing.

7.1. Any resident admitted to the Home in need of clothing will be directed to the Home clothing room. Donated clothing received by the Home will be made available to all residents regardless of income. Donated clothing distributed to any resident becomes their personal property.

§86-1-8. Medical Care.

8.1. A complete clinical record will be kept under the direction of the Director of Nursing as approved by the contract physician.

8.2. Residents in need of nursing assistance will report to the nursing station for proper disposition. In the event of a medical emergency, nursing service will notify the proper authorities.

8.3. All residents are assumed to be capable of rational and competent decisions. However, resident refusal to follow a prescribed course of treatment may result in disciplinary action up to and including involuntary discharge.

§86-1-9. Burials.

9.1. The remains of deceased veterans will be sent to the local US Department of Veterans Affairs Medical Center for certification of death. Nursing personnel will immediately notify next of kin, if known, and also notify the registrar's office.

9.2. All personal effects not claimed by the residents designee as indicated on the personal property form, will be removed and placed in storage by the registrar and the storekeeper. Small items of special value will be placed in the Home safe. All cash will be turned in to the fiscal department for safekeeping. Personal property not claimed within 60 days may be disposed of in an appropriate manner such as given to other needy veterans or service agencies or simply discarded.

§86-1-10. General

10.1. Fire drills will be held at least once each calendar month, under the direction of the Veterans Home Safety Officer.

10.2. The Administrator or his/her designee will arrange for nondenominational church services to be held each Sunday. Hours of the service will be announced.

10.3. The loan of money by officers, employees or residents of the home will not be permitted, whether or not interest is charged.

10.4. The Veterans Home Administrator shall designate the person and place for safekeeping of resident valuables. There shall be no charge for this service and no loss should ever be sustained by any resident whose valuables have been so deposited. All valuables thus retained will be recorded and a deposit ticket reflecting the items given to said resident.

10.5. The registrar regulates the housing in the West Virginia Veterans Home in Barboursville.

10.6. The West Virginia Veterans Home in Barboursville, 512 Water Street, Barboursville, West Virginia 25504 is the official address of the home.

§86-1-11. Report of Administrator to Division of Veterans Affairs.

11.1. The Administrator of the veterans home shall submit to the Director of the Division of Veterans Affairs, a monthly 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 Division of Veterans Affairs.

**§86-1-12. Administrator May Accept Gifts, Donations
or Bequests.**

12.1. The Veterans Home Administrator or his/her designee, 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 monies 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.