

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

JUN 22 2 10 PM '95

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: Legislative; CITE AUTHORITY §9A-2

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: State Home for Veterans - Fiscal

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 July 22, 1995 AT 4:30 p.m.

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

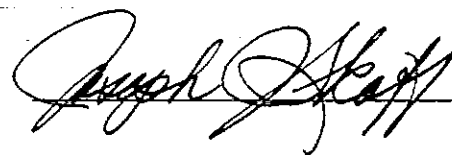
WV Division of Veterans Affairs

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

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: Title 86 - State Home for Veterans - Fiscal

Type of Rule: X Legislative Interpretive 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 other than reproduction of rules for providing of same 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: Legislative Rule - State Home for Veterans (Fiscal)

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.

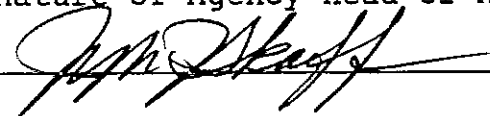
None

C. Economic Impact on Citizens/Public at Large.

None

Date: June 14, 1995

Signature of Agency Head or Authorized Representative



SUMMARY OF ENTIRE RULE

LEGISLATIVE - Approval of this amendment to Title 86 (Series II) will provide strict adherence to monies received and obligated for the West Virginia Veterans Home.

FILED

TITLE 86
LEGISLATIVE RULES
WEST VIRGINIA DEPARTMENT DIVISION OF VETERANS' AFFAIRS

JUN 22 2 10 PM '95

SERIES 2
STATE HOME FOR VETERANS-FISCAL

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§86-2-1. General.

1.1. Scope. -- These rules govern the funding matters related to the State Home for Veterans of Barboursville, West Virginia.

1.2. Authority. -- W. Va. Code §9A-2

1.3. Filing Date. --

1.4. Effective date. --

§86-2-2. Federal Aid Accepted For Veterans Home. - Rules and Regulations Governing Home submitted to Whom.

2.1. The State of West Virginia 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. Veterans Home will meet the federal standard for domiciliary care.

§86-2-3. Treasurer to Receive and Deposit Federal Grant Money.

3.1. 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 Improvement Fund for the use and benefit of the veterans home.

§86-2-4. Veterans Home Operating Fund. - Moneys For The Maintenance Of The Veterans Home to Be Deposited With State Treasurer.

4.1. 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, money received from the United States, except grant money, for the support and maintenance of the home, and all other moneys, income and collections of public funds arising from any source or endeavor of the home shall be placed in the Veterans Home Operating Fund for the use and maintenance of the veterans home. ~~The administrative officer~~ Administrator shall establish such accounts and funds control as are required by state statutes to receive and disburse moneys applicable to the veterans home, including, but not limited to:

(a) Special Revenue Accounts.

(1) Veterans Home Improvement Fund Account. -- For moneys recovered from federal government through grant program for renovation and construction.

(2) Miscellaneous organizations donations and bequeaths (which includes, but not limited to, the following organizations and sources):

(A) For moneys recovered from federal government for daily care of veterans;

(B) Claimed and unclaimed estates;

(C) ~~The American Legion and Auxiliaries;~~ Any veterans organization;

~~(D) Disabled American Veterans and Auxiliaries;~~

~~(E) Veterans of Foreign Wars and Auxiliaries;~~

~~(F) Catholic War Veterans and Auxiliaries;~~

~~(G) Military Order of the Purple Heart and Auxiliaries;~~

~~(H) AMVETS and Auxiliaries;~~

~~(I) Veterans of World War I of United States of America, Inc. and Auxiliaries;~~

~~(J) Jewish War Veterans and Auxiliaries;~~

~~(K) Red Cross;~~

~~(L) Fraternal, Civic and Religious Organizations;~~

~~(M)~~ (D) Personal and private donations;

~~(N)~~ (E) Wills.

(3) Contributions from residents for maintenance support. - Such funds as are received in which accounts are revolving funds and may be carried over from year to year until expended or the account is closed. Funds will be placed in interest bearing accounts, where appropriate, with such interest accruing to the specific account involved.

(b) Receipts from cash payments for food service.

(c) Trustee accounts.

~~(1) Emergency Residents Medical/Dental Fund. Residents deposit of one hundred dollars (\$100) maximum.~~

~~(2)---Veterans-Home-Petty-Cash-and-Welfare-Fund-----To
include-five-dollars-(\$5.00)-monthly-resident-deposit--~~

\$86-2-5: Contribution For Residents Of Home. - Creation of Special Fund.

5.1. The Director of the West Virginia ~~Department~~ Division of Veterans Affairs and the veterans home ~~administrative-officer-Administrator~~ may establish a residents contribution to be paid to the home. The fee shall be based on the ~~adjusted~~ monthly incoming moneys. The residents 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 residents contribution, amend or rescind the contribution charge or reinstate a contribution charge previously rescinded. The ~~administrative officer (Administrator)~~ or his designee shall collect the residents contribution monthly.

~~5.2---As-used-in-Section-3-of-these-rules,--"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-resident-through-labor-performed-for
the-veterans-home;--~~

~~-(b)--Moneys-earned-during-authorized-passes-or-leaves-from
the-veterans-home;~~

~~-(c)-----Moneys--expended--by--the--resident--for--other
hospitalization-due-to-illness-or-injury;--~~

~~-(d)--Moneys-expended-by-the-resident-for-other-medical-care
or-treatment-or-for-required-medicines;~~

~~-(e)-----Such--other--receipts--or--expenditures--as--the--
administrative-committee-may-permit-to-be-deducted-in-individual-
cases.~~

~~5.3-~~ 5.2. All moneys received as a result of charging the residents contribution authorized by Section 3 of these rules, 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 development of new facilities, for enrichment of living conditions, or for additional care for residents of the home, as such expansion, development, enrichment or additional care as is deemed necessary by the home administrative committee. All moneys expended from the Veterans Home Operating Fund and Veterans Home Improvement Fund shall be in

accordance with state statutes.

~~5.4-~~ 5.3. Applicants or residents with liquid assets or real estate, other than their place of residence, valued in excess of twenty thousand dollars (\$20,000), may be denied admission to the State Home for Veterans. The administrative committee, with the approval of the Director, West Virginia Department Division of Veterans Affairs, may withhold admission on the basis that it is reasonable for the applicant/resident to expend such liquid assets or to dispose of real estate, other than his residence, for maintenance outside the State Home for Veterans. Each resident will be required to update their financial status report each anniversary of their stay in the home, time there is a change in monthly income.

~~5.5. Each resident with income of over forty dollars (\$40.00) monthly is required to deposit into a "Residents Emergency Medical/Dental Care Fund," to be placed with interest in a local bank, the sum of one hundred dollars (\$100) to cover emergency medical or dental care necessary for his personal welfare. Such deposits may be made in one (1) sum or ten dollars (\$10.00) monthly payment. Any balance in the resident's fund shall be refunded upon discharge from the home.~~

\$86-2-6. Disbursement Of Moneys From Veterans Home Operating Fund.

6.1. All moneys withdrawn from the Veterans Home Operating Fund shall be authorized on the basis of an abstract approved by the ~~administrative officer~~ (Administrator) in accordance with policies established by the Director of Veterans Affairs. Transfers of funds drawn upon the State Treasurer against the Veterans Home Operating Fund for transfer to an account in a state bank for disbursement shall be prepared by the Department of ~~Finance and Administration~~ upon approval of the transfer by the ~~home administrative officer~~ (Administrator).