

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Division of Veterans Affairs TITLE NUMBER: 86

CITE AUTHORITY §9A-2

AMENDMENT TO AN EXISTING RULE: YES X 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:

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



SUMMARY OF ENTIRE RULE

PROCEDURAL - Approval for this amendment to Title 86 (Series I), 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.

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.

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: ☒ 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:

6-14-95

Signature of Agency Head or Authorized Representative



DATE: July 24, 1995

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: GAIL HARPER, DIRECTOR

LEGISLATIVE RULE TITLE: Title 86 - State Home for Veterans - Fiscal

1. Authorizing statute(s) citation §9A-2

2. a. Date filed in State Register with Notice of Hearing
Comment Period began June 22, 1995

b. What other notice, including advertising, did you give
of the hearing?

Provided state veterans organization of our intent

c. Date of Hearing(s) N/A (Comment period from June 22, 1995
to July 22, 1995)

d. Attach list of persons who appeared at hearing,
comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved
proposed Legislative Rule following public hearing:
(be exact)

July 24, 1995

f. Name and phone number(s) of agency person(s) to
contact for additional information:

G. L. Harper, 558 3661 (State Director of Veterans Affairs)

Frederick "Fritz" Hubbard, 736-1027 (Administrator of the
Veterans Home)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing: _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached _____

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

SERIES 2
STATE HOME FOR VETERANS-FISCAL

\$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).



GASTON CAPERTON
GOVERNOR

MG JOSEPH J. SKAFF
SECT. MILITARY AFFAIRS & PUBLIC SAFETY

VETERANS' COUNCIL
ROBERT E. VASS, JR.
MILFORD ZEIGLER
RICHARD HOMAN
MILES J. EPLING
PAUL ROTENBERRY
KELLY GODDARD
GEORGE VICKERS

West Virginia
Division of Veterans Affairs

1321 Plaza East - Suite 101
Charleston, West Virginia 25301-1400
July 24, 1995

G.L. HARPER
DIRECTOR

BURRELL MILLER
VETERANS AFFAIRS CHIEF

CHARLES PRATHER
FISCAL OFFICER

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 #3 and legislative rule for the WV Division of Veterans Affairs - WV Veterans Home.

Please be advised that the 30-day comment period ended July 22, 1995. 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,


G. L. HARPER
Director

GLH:sk
Attachments

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JUL 24 1 44 PM '95
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE