

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

Do Not Mark In this Box

FILED

Nov 2 1 29 PM '95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Joseph J. Skaff

TITLE 86
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF VETERANS' AFFAIRS

SERIES 2
STATE HOME FOR VETERANS-FISCAL

§86-2-1. General.

1.1. Scope. -- This rule governs the funding matters related to the State Home for Veterans of Barboursville, West Virginia.

1.2. Authority. -- W. Va. Code 9A-2-3

1.3. Filing Date. --

1.4. Effective date. --

1.5 This rule repeals and replaces the Division of Veterans Affairs Rule, State Home for Veterans §86CSR2.

§86-2-2. Federal Aid Accepted For Veterans Home.

2.1. The Veterans Home shall meet the federal standard for domiciliary care as prescribed by 38 USC 641.

§86-2-3. Veterans Home Operating Fund, Consolidated Federal Funds Veterans Home Fund - Moneys For The Maintenance Of The Veterans Home to Be Deposited With State Treasurer.

3.1. The State Treasurer shall receive money which may become payable to this State by the United States Department of Veterans Affairs provided through per diem payments and grants. The Treasurer shall deposit the money to the credit of the Consolidated Federal Funds Veterans Home Fund for the use and benefit of the Veterans Home.

3.2. The Director of Veterans Affairs and the Administrator of the Veterans Home shall establish 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 the following Special Revenue Accounts.

(1) The Consolidated Federal Funds Veterans Home Fund -- This fund shall consist of:

(a) Moneys recovered from the federal government through the grant program for renovation and construction; and,

(b) Per diem payments received from the federal government for daily care of veterans.

(2) The West Virginia Veterans Home Contribution Fund -- This Fund shall consist of donations and bequests to be expended for recreation for residents and special projects as directed by individual donor from miscellaneous organizations including, but not limited to, the following organizations and sources:

- (a) Claimed and unclaimed estates;
- (b) Any veterans organization;
- (c) Personal and private donations;
- (d) Wills; and
- (e) Commissions from vending machines at the Veterans Home.

(3) The West Virginia Veterans Home Operating Fund -- This Fund shall consist of:

(a) Contributions from residents to defray the costs of room and board. The Veterans Home Administrator shall place the contributions in the appropriate Special Revenue Account. These funds shall be carried over from year to year until expended or the account is closed. These funds shall be placed in interest bearing accounts, where appropriate, with the interest accruing to the specific account involved; and,

(b) Receipts from cash payments for food service.

(c) All moneys withdrawn from the Veterans Home Operating Fund shall be authorized on the basis of an abstract approved by the 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 Administration upon approval of the transfer by the Home Administrator.

§86-2-4. Contribution For Residents Of Home. - Creation of Special Fund.

4.1. Each resident of the Veterans Home shall pay a monthly residents fee to the home. The fee shall be based on a resident's monthly income. The resident's fee shall be 50% of his or her monthly income provided that the residents contribution shall not exceed the cost of the residents care. For the purposes of this section the term "monthly income" includes monthly income from all sources including, but not limited to, social security benefits, retirement benefits, veterans benefits, etc. The Veterans Home Administrator and the Administrative Committee may from time to time, recommend that the Division Director propose amendments to this section setting forth the residents fee. The Administrator or his or her designee shall collect the residents fee monthly.



FILED

OCT 23 10 44 AM '95

West Virginia Legislature
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Room MB47-State Capitol
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chair
Delegate Vickie Douglas, Co-Chair

October 17, 1995

Debra A. Graham, Counsel
Joe Altizer, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Maj. Gen. Joseph Skaff, Secretary
WV Division of Veterans Affairs
1321 Plaza East
Suite 101
Charleston, WV 25301-1400

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: State Home for Veterans - Fiscal

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: G. L. Harper
State Director of Veterans Affairs
Frederick Hubbard
Admr. of Veterans Home