

VETERANS NURSING HOME

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Gregg Buxton

LONG TITLE

General Description:

This bill modifies the Veterans Code to provide for the building of one or more veterans homes across the state. This bill makes technical changes to language to accommodate more than one home within the state, and appropriates \$4,500,000 from the General Fund as the state's match to build a new facility in Weber County.

Highlighted Provisions:

This bill:

- ▶ modifies language in the Veterans' Nursing Home Act to accommodate more than one nursing home within the state.

Monies Appropriated in this Bill:

This bill appropriates \$4,500,000 from the General Fund for fiscal year 2005-06 only, to the Division of Veterans' Affairs.

Other Special Clauses:

This bill takes effect on July 1, 2005.

Utah Code Sections Affected:

AMENDS:

71-11-2, as last amended by Chapter 134, Laws of Utah 2000

71-11-3, as last amended by Chapter 134, Laws of Utah 2000

71-11-4, as last amended by Chapter 134, Laws of Utah 2000

71-11-5, as last amended by Chapter 134, Laws of Utah 2000

71-11-6, as last amended by Chapter 134, Laws of Utah 2000



28 71-11-7, as last amended by Chapter 134, Laws of Utah 2000

29 71-11-8, as last amended by Chapter 256, Laws of Utah 2002

30 71-11-9, as last amended by Chapter 256, Laws of Utah 2002

31 71-11-10, as enacted by Chapter 217, Laws of Utah 1995



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 71-11-2 is amended to read:

35 **71-11-2. Definitions.**

36 As used in this chapter:

37 (1) "Administrator" means ~~[the]~~ a Veterans' Nursing Home Administrator selected in
38 accordance with Section 71-11-5.

39 (2) "Board" means ~~[the]~~ any Veterans' Nursing Home Advisory Board.

40 (3) "Department" means the Utah National Guard.

41 (4) "Division" means the Division of Veterans' Affairs created in Section 71-8-2.

42 (5) "Executive Director" means the adjutant general of the National Guard.

43 (6) "Home" means ~~[the]~~ any Utah Veterans' Nursing Home as established under this
44 chapter.

45 (7) "Veteran" shall have the same meaning as found in Subsection 71-10-1(5).

46 Section 2. Section 71-11-3 is amended to read:

47 **71-11-3. Establishment and construction -- Compliance with federal**
48 **requirements.**

49 (1) ~~[There is established a Utah Veterans' Nursing Home, to be]~~ Nursing homes for
50 veterans may be established as needed throughout the state, and administered by the division to
51 provide nursing home care for veterans in Utah.

52 (2) ~~[The]~~ Each home shall:

53 (a) have at least an 80-bed capacity;

54 (b) be designed and constructed consistent with the requirements for federal funding
55 under 38 U.S.C. Sec. 8131 et seq.; and

56 (c) be operated consistent with the requirements for per diem payments from the
57 United States Department of Veterans Affairs under 38 U.S.C. Sec. 1741 et seq.

58 Section 3. Section 71-11-4 is amended to read:

59 **71-11-4. Administration by Division of Veterans' Affairs.**

60 The division shall be responsible for the supervision and operation of ~~[the home]~~
61 veterans' homes throughout the state.

62 Section 4. Section **71-11-5** is amended to read:

63 **71-11-5. Operation of home -- Rulemaking authority -- Selection of director.**

64 (1) The division shall, subject to the approval of the executive director:

65 (a) establish appropriate criteria for the admission and discharge of residents for each
66 home, subject to the requirements in Section 71-11-6 and criteria set by the U.S. Department of
67 Veterans' Affairs;

68 (b) establish a schedule of charges for ~~[residence]~~ each home in cases where residents
69 have available resources;

70 (c) establish standards for the operation of the ~~[home]~~ homes not inconsistent with
71 standards set by the United States Department of Veterans Affairs;

72 (d) make rules to implement this chapter in accordance with Title 63, Chapter 46a,
73 Utah Administrative Rulemaking Act;

74 (e) ensure that the ~~[home is]~~ homes are licensed in accordance with Title 26, Chapter
75 21, Health Care Facility Licensing and Inspection Act, and 38 U.S.C. Sec. 1742(a).

76 (2) In addition, the division shall, after reviewing recommendations of the board,
77 appoint an administrator for ~~[the]~~ each home.

78 Section 5. Section **71-11-6** is amended to read:

79 **71-11-6. Eligibility -- Admission requirements.**

80 (1) Application for admission shall be made separately to ~~[the]~~ each nursing home
81 administrator.

82 (2) Veterans and their spouses or surviving spouses who are residents of Utah and in
83 need of nursing home care may be admitted to ~~[the]~~ any home.

84 (3) Preference shall be given to veterans who are without adequate means of support
85 and unable, due to wounds, disease, old age, or infirmity, to properly maintain themselves.

86 Section 6. Section **71-11-7** is amended to read:

87 **71-11-7. Veterans' Nursing Home Advisory Board.**

88 (1) (a) ~~[There is created]~~ Each home shall have a Veterans' Nursing Home Advisory
89 Board to act as a liaison between the residents, members of the public, and the administration

90 of the home.

91 (b) The board shall be responsible for interviewing candidates for the position of
92 nursing home administrator and making a recommendation to the division.

93 (2) ~~[The]~~ Each board shall consist of the following seven members:

94 (a) one resident of the home appointed by the governor;

95 (b) two members of the Veterans' Advisory Council, designated by the governor, one
96 of which shall specifically be designated as the board's representative to the council;

97 (c) one veteran at-large from the area in which the home is located appointed by the
98 governor;

99 (d) one representative from the VA Health Care System, appointed by its director;

100 (e) a representative from the Department of Health, appointed by its executive director;

101 and

102 (f) one representative from the Department of Veterans' Affairs regional office.

103 (3) (a) Members shall serve for four-year terms. Except as required by Subsection
104 (3)(b), as terms of current board members expire, the governor shall appoint each new or
105 reappointed member to a four-year term commencing on July 1.

106 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
107 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
108 board members are staggered so that approximately half of the board is appointed every two
109 years.

110 (c) The governor shall make final appointments to the board by June 30 of any year in
111 which appointments are to be made under this chapter.

112 (4) Vacancies shall be filled by the governor within 60 days of receiving notice of a
113 vacancy, but only for the unexpired term of the vacated member.

114 (5) Members may not serve more than two consecutive terms. Representatives from
115 the VA Health Care System and the Department of Veterans' Affairs are exempt from the term
116 limit.

117 (6) ~~[The]~~ Each board shall elect a chair annually from among its members at its first
118 meeting after July 1.

119 (7) ~~[The]~~ Each board shall meet at least quarterly.

120 (8) Four members of the board constitute a quorum for the transaction of business.

121 (9) The board shall provide copies of all minutes and an annual report of its activities
122 by June 30 of each year to the adjutant general of the National Guard, the Division of Veterans'
123 Affairs, and the Veterans' Advisory Council.

124 (10) (a) (i) Members who are not government employees shall receive no
125 compensation or benefits for their services, but may receive per diem and expenses incurred in
126 the performance of the member's official duties at the rates established by the Division of
127 Finance under Sections 63A-3-106 and 63A-3-107.

128 (ii) Members may decline to receive per diem and expenses for their service.

129 (b) State government officer and employee members who do not receive salary, per
130 diem, or expenses from their agency for their service may receive per diem and expenses
131 incurred in the performance of their official duties from the board at the rates established by the
132 Division of Finance under Sections 63A-3-106 and 63A-3-107.

133 Section 7. Section **71-11-8** is amended to read:

134 **71-11-8. Utah Veterans' Nursing Home Fund.**

135 (1) There is created a restricted special revenue fund entitled the "Utah Veterans'
136 Nursing Home Fund" to be administered by the division for the benefit of [~~the~~] each home and
137 its residents.

138 (2) All cash donations, gifts, or bequests shall be deposited in the fund and used
139 according to the wishes of the donor.

140 (3) All funds received by the [~~home~~] homes from federal or state agencies, individual
141 insurance reimbursement, or cash payments shall be deposited in the fund.

142 (4) Funds received that are designated for a specific home shall be accounted for
143 separately within the fund.

144 Section 8. Section **71-11-9** is amended to read:

145 **71-11-9. Disposition of deceased resident's property.**

146 (1) All money or other personal property of a resident held by [~~the~~] a home which is
147 left on the premises of the home shall, upon the death of the resident, be held in trust to be paid
148 or delivered to the spouse, children, grandchildren, or parent of the resident upon the
149 presentation of proof of relationship. Any funds of a deceased resident may be disbursed for
150 the payment of funeral expenses or any obligation owed to the home.

151 (2) Property owned by a deceased resident of the home who dies without heirs or

152 next-of-kin not disposed of by will shall become the property of the home and deposited in the
153 fund, subject to the right of any heir to reclaim the property within five years after the resident's
154 death upon the presentation of proof of relationship.

155 Section 9. Section **71-11-10** is amended to read:

156 **71-11-10. Hobby promotion -- Sales of articles manufactured by residents --**
157 **Proceeds to residents.**

158 (1) [~~The~~] Each home shall promote hobbies designed to improve the general welfare
159 and mental condition of the residents.

160 (2) The home may provide limited funds to initiate a hobby program, but shall limit the
161 program to those hobbies that, in its judgment, will be self-sustaining.

162 (3) The office may enter into contracts with federal or state agencies or private
163 concerns for the receipt of articles manufactured by residents of the [~~home~~] homes.

164 (4) Proceeds generated by hobbies shall be used to pay for materials. Any excess
165 proceeds shall be paid to the individual veterans who produced the articles.

166 Section 10. **Appropriation.**

167 There is appropriated \$4,500,000 from the General Fund for fiscal year 2005-06 only,
168 to the Division of Veterans' Affairs as the state's portion of funds needed to construct a
169 veterans' nursing home in Weber County.

170 Section 11. **Effective date.**

171 This bill takes effect on July 1, 2005.

Legislative Review Note
as of 1-27-05 1:36 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill appropriates \$4,500,000 from the General Fund in FY 2006. When the Veterans' Nursing home construction is completed (estimated FY 2008) it is expected to cost \$125,000 from the General Fund for one FTE to administer its operation.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$4,500,000	\$0	\$0	\$0
TOTAL	\$4,500,000	\$0	\$0	\$0

Individual and Business Impact

No fiscal impact.
