

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 392

Short Title: State Veterans Home Program.

(Public)

Sponsors: Senators Rand and Edwards.

Referred to: Pensions and Retirement/Insurance/State Personnel

March 16, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE STATE OF NORTH CAROLINA TO ESTABLISH
3 A STATE VETERANS HOME PROGRAM IN THE DIVISION OF VETERANS
4 AFFAIRS OF THE DEPARTMENT OF ADMINISTRATION.

Whereas, there are more than 700,000 veterans in North Carolina, of whom more than 200,000 are 65 years of age or older, with the percentage of older veterans projected to grow significantly in the future; and

Whereas, the General Assembly authorized the Veterans Home Study Commission to conduct an independent study to determine the feasibility of constructing a State Veterans Home which, after due consideration, determined that the construction of a home was not only feasible, but also necessary because of the aging veteran population; and

Whereas, a study commissioned by the 1992 General Assembly concurred with the results of the study conducted by the Veterans Home Study Commission in projecting the need for a skilled nursing care bed State Veterans Home on a site adjacent to the Fayetteville Veterans Administration Medical Center; and

Whereas, the General Assembly finds and determines that there currently exists a significant need for health, nursing, and medical rehabilitative facilities for those residents of this State who have served their State and nation in the Armed Forces; and

Whereas, the General Assembly further finds and determines that to meet this need there should be established a State Veterans Home program to provide nursing home care to veterans who are residents of North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 165 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 8.
"STATE VETERANS HOME.

"§ 165-45. Short title.

This Article may be referred to as the 'State Veterans Home Act'.

"§ 165-46. Establishment.

The State of North Carolina shall construct, maintain, and operate veterans homes for the aged and infirm veterans resident in this State under the administrative authority and control of the Division of Veterans Affairs of the Department of Administration. There is vested in such Division any and all powers and authority that may be necessary to enable it to establish and operate the homes and to issue rules necessary to operate the homes in compliance with applicable State and federal statutes and regulations.

"§ 165-47. Exemption from certificate of need.

Any State veterans home established by the Division of Veterans Affairs shall be exempt from the certificate of need requirements as set out in Article 9 of Chapter 131E, or as may be hereinafter enacted.

"§ 165-48. North Carolina Veterans Home Trust Fund.

(a) Establishment. – A trust fund shall be established in the State treasury, for the Division of Veterans Affairs, to be known as the North Carolina Veterans Home Trust Fund.

(b) Composition. – The trust fund shall consist of all funds and monies received by the Veterans Affairs Commission or the Division of Veterans Affairs from the United States, any federal agency or institution, and any other source, whether as a grant, appropriation, gift, contribution, bequest, or individual reimbursement for the care and support of veterans who have been admitted to a State veterans home.

(c) Use of Fund. – The trust fund created in subsection (a) of this section shall be used by the Division of Veterans Affairs:

(1) To pay for the care of veterans in said State veterans homes;

(2) To pay the general operating expenses of the State veterans homes, including the payment of salaries and wages of officials and employees of said homes; and

(3) To remodel, repair, construct, modernize, or add improvements to buildings and facilities at the homes.

(d) Miscellaneous. – The following provisions apply to the trust fund created in subsection (a) of this section:

(1) All funds deposited and all income earned on the investment or reinvestment of such funds shall be credited to the trust fund.

1 (2) Any monies remaining in the trust fund at the end of each fiscal year
2 shall remain on deposit in the State treasury to the credit of the North
3 Carolina Veterans Home Trust Fund.

4 (3) Nothing contained herein shall prohibit the establishment and utilization
5 of special agency accounts by the Division of Veterans Affairs, as may
6 be approved by the Veterans Affairs Commission, for the receipt and
7 disbursement of personal funds of the State veterans homes' residents or
8 for receipt and disbursement of charitable contributions for use by and
9 for residents.

10 **"§ 165-49. Funding.**

11 (a) The Division of Veterans Affairs of the Department of Administration may
12 apply for and receive federal aid and assistance from the United States Department of
13 Veterans Affairs or any other agency of the United States Government authorized to pay
14 federal aid to states for the construction and acquisition of veterans homes under Title 38,
15 United States Code, section 8131 et seq., or for the care or support of disabled veterans in
16 State veterans homes under Title 38, United States Code, section 1741 et seq., or from
17 any other federal law for said purposes.

18 (b) The Division of Veterans Affairs may receive from any source any gift,
19 contribution, bequest, or individual reimbursement the receipt of which does not exclude
20 any other source of revenue.

21 (c) All funds received by the Division shall be deposited in the North Carolina
22 Veterans Home Trust Fund, except for any funds deposited into special agency accounts
23 established pursuant to G.S. 165-48(d)(3). The Veterans Affairs Commission shall
24 authorize the expenditure of all funds from the North Carolina Veterans Home Trust
25 Fund.

26 **"§ 165-50. Contracted operation of homes.**

27 The Veterans Affairs Commission may contract with persons or other
28 nongovernmental entities to operate each State veterans home. Contracts for the
29 procurement of services to manage, administer, and operate any State veterans home shall
30 be awarded on a competitive basis through the solicitation of proposals and through the
31 procedures established by statute and the Division of Purchase and Contract. A contract
32 may be awarded to the vendor whose proposal is most advantageous to the State, taking
33 into consideration cost, program suitability, management plan, excellence of program
34 design, key personnel, corporate or company resources, financial condition of the vendor,
35 experience and past performance, and any other qualities deemed necessary by the
36 Veterans Affairs Commission and set out in the solicitation for proposals. Any contract
37 awarded under this section shall not exceed five years in length. The Veterans Affairs
38 Commission is not required to select or recommend the vendor offering the lowest cost
39 proposal but shall select or recommend the vendor who, in the opinion of the
40 Commission, offers the proposal most advantageous to the veterans and the State of
41 North Carolina.

42 **"§ 165-51. Program staff.**

1 The Division shall appoint and fix the salary of an Administrative Officer for the State
2 veterans home program. The Administrative Officer shall be an honorably discharged
3 veteran who has served in active military service in the armed forces of the United States
4 for other than training purposes. The Administrative Officer shall direct the
5 establishment of the State veterans home program, coordinate the master planning, land
6 acquisition, and construction of all State veterans homes under the procedures of the
7 Office of State Construction, and oversee the ongoing operation of said veterans homes.
8 The Administrative Officer may hire one office assistant to help with clerical
9 responsibilities.

10 **"§ 165-52. Admission and dismissal authority.**

11 The Veterans Affairs Commission shall have authority to determine administrative
12 standards for admission and dismissal, as well as the medical conditions, of all persons
13 admitted to and dismissed from any State veterans home, and to issue any necessary
14 rules, subject to the requirements set out in G.S. 165-53.

15 **"§ 165-53. Eligibility and priorities.**

16 (a) To be eligible for admission to a State veterans home, an applicant shall meet
17 the following requirements:

- 18 (1) The veteran shall have served in the active armed forces of the United
19 States for other than training purposes;
- 20 (2) The veteran shall have been discharged from the armed forces under
21 conditions other than dishonorable;
- 22 (3) The veteran shall be disabled by age, disease, or other reason as
23 determined through a physical examination by a State veterans home
24 physician; and
- 25 (4) The veteran shall have resided in the State of North Carolina for two
26 years immediately prior to the date of application.

27 (b) Eligible veterans will be admitted into a State veterans home or placed on
28 waiting lists for admission into a home according to the following priorities:

- 29 (1) Eligible wartime veterans will receive priority over eligible nonwartime
30 veterans and will be admitted to the first available bed capable of
31 providing the level of care required. Eligible wartime veterans with
32 equal care requirements will be ranked in chronological order based on
33 the earliest date of receipt of the veteran's application for care.
- 34 (2) All other eligible veterans will be ranked in chronological order based
35 on the earliest date of receipt of the veteran's application for care. If
36 more than one application is received on the same date, the
37 Administrative Officer will determine their sequential order on the list
38 according to medical need.

39 (c) Nonveterans may occupy no more than twenty-five percent (25%) of the total
40 beds in a State veterans home. When any space is available for nonveterans, priority will
41 be established for the following relatives of eligible veterans in the following order:

- 42 (1) Spouse.

1 (2) Widow or widower whose spouse, if living, would be an eligible
2 veteran.

3 (3) Gold Star parents, defined as the mother or father of a veteran who died
4 an honorable death while in active service to the United States during
5 time of war or emergency.

6 **"§ 165-54. Deposit required.**

7 Each resident of any State veterans home shall pay to the Division of Veterans Affairs
8 the cost of maintaining his or her residence at the home. This deposit shall be placed in
9 the North Carolina Veterans Home Trust Fund and shall be in an amount and in the form
10 prescribed by the Veterans Affairs Commission in consultation with the Assistant
11 Secretary for Veterans Affairs.

12 **"§ 165-55. Report and budget.**

13 (a) The Assistant Secretary for Veterans Affairs shall report annually to the
14 Secretary of the Department of Administration on the activities of the State Veterans
15 Homes Program. This report shall contain an accounting of all monies received and
16 expended, statistics on residents in the homes during the year, recommendations to the
17 Secretary, the Governor, and the General Assembly as to the program, and such other
18 matters as may be deemed pertinent.

19 (b) The Assistant Secretary for Veterans Affairs, with the approval of the Veterans
20 Affairs Commission, shall compile an annual budget request for any State funding
21 needed for the anticipated costs of the homes, which shall be submitted to the Secretary
22 of the Department of Administration. State appropriated funds for operational needs
23 shall be made available only in the event that other sources are insufficient to cover
24 essential operating costs."

25 Sec. 2. G.S. 147-69.2(a) is amended by adding a new subdivision to read:

26 "(17.1) North Carolina Veterans Home Trust Fund."

27 Sec. 3. This act is effective upon ratification.