

CHAPTER 84—S.F.No. 435

An act relating to veterans; changing admissions, discharge, and utilization review procedures for veterans homes; granting rulemaking authority to the veterans homes board; changing certain rights and presumptions; amending Minnesota Statutes 1988, sections 198.003; 198.007; 198.022; 198.03; and 198.32; proposing coding for new law in Minnesota Statutes, chapter 198.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 198.003, is amended to read:

198.003 POWERS AND DUTIES.

(a) It is the duty of the board and the board has the power to:

(1) determine policy and, subject to chapter 14, adopt, amend, and repeal rules for the governance of the homes, and to adopt emergency rules necessary to implement this chapter;

(2) report quarterly to the governor on the management, operations, and quality of care provided at the homes; and

(3) take other action as provided by law.

Emergency rules adopted under this section are not effective after December 31, 1989.

(b) The board may appoint a deputy commissioner who shall serve as secretary of the board.

Sec. 2. Minnesota Statutes 1988, section 198.007, is amended to read:

198.007 QUALITY ASSURANCE.

The board shall create a utilization review committee for each home comprised of the appropriate professionals employed by or under contract to the home. The committee shall use the case-mix system established under section 144.072 to assess the appropriateness and quality of care and services provided residents of the homes.

The board shall create an admissions committee for each home comprised of the appropriate professionals employed by or under contract to each home and adopt a preadmission screening program, such as the one established under section 256B.091, for all applicants for admission to the homes who may require nursing or boarding care, taking into account the eligibility requirements in section 198.022, the admissions criteria established by board rules, and the availability of space in the homes.

Sec. 3. Minnesota Statutes 1988, section 198.022, is amended to read:

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198.022 ELIGIBILITY OF SPOUSES, SURVIVING SPOUSES, PARENTS.

The board is authorized to admit eligible spouses of those veterans who are or if living would be, eligible for admission to the homes.

(1) Except as provided in section 198.03, all applicants for admission to one of the Minnesota veterans home homes must be without adequate means of support and unable by reason of wounds, disease, old age, or infirmity to properly maintain themselves.

(2) Veterans must have served in a Minnesota regiment or have been credited to the state of Minnesota, or have been a resident of the state preceding the date of application for admission.

(3) Spouses and surviving spouses of eligible veterans must be at least 55 years of age, ~~and~~ have been residents of the state of Minnesota preceding the date of application for admission, and meet the criteria for admission to a home established in the rules of the home in accordance with this chapter and the applicable statutes and rules of the department of health.

Sec. 4. Minnesota Statutes 1988, section 198.03, is amended to read:

198.03 MAINTENANCE CHARGES.

Subdivision 1. DISCRETIONARY ADMISSION. Any person otherwise eligible for admission to the Minnesota veterans homes, except that the person has means of support, may, at the discretion of the board, be admitted to one of the Minnesota veterans homes upon entering into and complying with the terms of a contract made by the person with the board, providing for reasonable compensation to be paid by such person to the state of Minnesota for care, support, and maintenance in the home. Any earnings derived by the person from participating in a work therapy program while the person is a resident of the home may not be considered a means of support.

Subd. 2. COST OF CARE. The board shall set out in rules the method of calculating the average cost of care for the domiciliary and nursing care residents. The cost must be determined yearly based upon the average cost per resident taking into account, but not limited to, administrative cost of the homes, the cost of service available to the resident, and food and lodging costs. These average costs must be calculated separately for domiciliary and nursing care residents. The amount charged each resident for maintenance, if anything, must be based on the appropriate average cost of care calculation and the assets and income of the resident but must not exceed the appropriate average cost of care.

Subd. 3. ARREARAGES. Nothing in this section forgives a resident from paying overdue maintenance charges, with interest as provided in section 334.01, that accrued prior to the effective date of this section, and residents are liable for these arrearages. If the resident pays a reasonable monthly amount on the arrearages, as determined by the home administrator, the resident must not be

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discharged from the home because of arrearages that accrued prior to the effective date of this section.

Sec. 5. **[198.045] REMOVAL.**

If a resident who is ordered discharged from a home refuses to leave the home, the administrator of the home may apply to the district court for an order enforcing the administrative order of discharge. The district court shall order the sheriff of the county in which the home is located to remove the resident from the home and authorize the administrator to remove the resident's property from the resident's room and hold it until it can be returned to the resident.

Sec. 6. Minnesota Statutes 1988, section 198.32, is amended to read:

198.32 VETERANS HOME; COMPLAINTS; RESIDENT'S RIGHTS.

Subdivision 1. **RESIDENT'S RIGHTS.** A resident of a Minnesota veterans home has the right to complain and otherwise exercise freedom of expression and assembly which is guaranteed by amendment I of the United States Constitution. The administrator of the home shall inform each resident in writing at the time of admission of the right to complain to the administrator about home accommodations and services. A notice of the right to complain shall be posted in the home. The administrator shall also inform each resident of the right to complain to the board or to the commissioner of veterans affairs. Each resident of a home shall be encouraged and assisted, throughout the period of stay in the home, to understand and exercise the rights of freedom of expression and assembly as a resident and as a citizen, and, to this end, the resident may voice grievances and recommend changes in policies and services to home staff, other residents, and outside representatives of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal, including retaliatory eviction. ~~A resident of a home may not be denied any tenant rights available under chapter 566, including the right to recover possession of the premises.~~

Subd. 2. **RETALIATION PROHIBITED.** An administrator may not retaliate against any resident who exercises the right to voice grievances by evicting the resident. There shall be a rebuttable presumption that any eviction within 45 days of the exercise by a resident of the right to voice grievances is retaliatory. This presumption does not apply in favor of a resident who has failed to pay maintenance fees unless the resident pays the overdue fees.

Sec. 7. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 5, 1989

Signed by the governor May 9, 1989, 11:27 a.m.

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