

## CHAPTER 198

### VETERANS HOME

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NOTE: See sections 137.20 and 137.21.

#### 198.001 DEFINITIONS.

Subdivision 1. For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Resident" means a person admitted to any of the Minnesota veterans homes.

Subd. 3. [Repealed, 1975 c 61 s 26]

Subd. 4. "Administrator" means an administrator of any of the Minnesota veterans homes.

Subd. 5. "Commissioner" means the commissioner of veterans affairs.

Subd. 6. "Board" means the board of directors of the Minnesota veterans homes created by section 198.002.

Subd. 7. "Deputy commissioner" means the deputy commissioner of veterans affairs for veteran health care.

Subd. 8. "Home" means any of the Minnesota veterans homes.

**History:** 1965 c 643 s 1; 1967 c 148 s 2; 1971 c 619 s 1; 1975 c 61 s 14,15; 1988 c 699 s 5

#### 198.002 BOARD OF DIRECTORS.

Subdivision 1. **Creation.** The Minnesota veterans homes are governed by a board of directors appointed by the governor.

Subd. 2. **Membership.** The board consists of nine voting members appointed by the governor with the advice and consent of the senate. The members of the board shall fairly represent the geographic areas of the state. The members are:

(1) a chair, designated by the governor;

(2) three public members experienced in policy formulation with professional experience in health care delivery; and

(3) five members experienced in policy formulation with professional experience in health care delivery who are members of congressionally chartered veterans organizations or their auxiliaries that have a statewide organizational structure and state level officers in Minnesota.

The commissioner of veterans affairs shall serve as an ex officio, nonvoting member of the board. The chair of the senate veterans affairs committee and the chair of

the house committee on general legislation, veterans affairs, and gaming serve as ex officio, nonvoting members of the board if they are veterans. In the event that one or both of the chairs are not veterans, then any member of the respective committees who is a veteran may be designated by the chair to serve on the board.

Subd. 3. **Terms; compensation.** Membership terms, compensation of members, removal of members, and filling of vacancies are as provided in section 15.0575.

Subd. 4. **Initial appointments.** Initial appointments to the board of directors are not subject to section 15.0597.

Subd. 5. **Administrative services.** The commissioner of veterans affairs shall provide administrative services to the board necessary for it to carry out its responsibilities.

Subd. 6. **Future elimination.** If the governor fails to appoint a board, or if the board is eliminated by any other means, its authority vests in the commissioner of veterans affairs.

**History:** 1988 c 699 s 6

### 198.003 POWERS AND DUTIES.

Subdivision 1. **Policy; rules; report.** 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. With respect to residents' administrative appeal time periods that are not established by statute, the board may create by rule reasonable time periods within which a resident must appeal an administrative determination to the next administrative level. If the determination is not appealed within the time set by rule, the determination becomes final;

(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.

Subd. 2. **Deputy commissioner.** The board shall appoint an executive director who shall serve as secretary of the board.

Subd. 3. **Use of facilities.** The board may allow veterans organizations or public or private social service, educational, or rehabilitation agencies or organizations and their clients to use surplus facilities, staff, and other resources of the board and may require the participating agencies or organizations to pay for that use.

Subd. 4. **Veterans homes resources account.** Money received by the board under subdivision 3 must be deposited in the state treasury and credited to a veterans homes resources account in the special revenue fund. Money in the account is appropriated to the board to operate, maintain, and repair facilities used under subdivision 3, and to pay associated legal fees and expenses.

**History:** 1988 c 699 s 7; 1989 c 84 s 1; 1991 c 24 s 1; 1991 c 186 s 1

### 198.004 EXECUTIVE DIRECTOR.

Subdivision 1. **Appointment.** The board shall appoint an executive director. The executive director shall serve in the unclassified service at the pleasure of the board. The executive director must be a resident of the state of Minnesota, a citizen of the United States, and a veteran as that term is defined in section 197.447.

Subd. 2. **Powers and duties.** The executive director appointed under subdivision 1 has the powers and duties delegated by the board or assigned to the executive director by law. A delegation must be in writing, signed by the board chair, and filed with the secretary of state.

**History:** 1988 c 699 s 8; 1990 c 413 s 1

**198.005 ADMINISTRATORS.**

The board shall appoint an administrator for each of the veterans homes. The administrators act as the administrative head for their respective veterans homes. The administrators shall have a current Minnesota nursing home administrator's license and shall serve in the unclassified service. The salaries of the administrators are not subject to section 43A.17, subdivision 1. The administrators serve at the pleasure of the board.

*History: 1988 c 699 s 9; 1991 c 24 s 2*

**198.006 SUPPLEMENTAL PROGRAMS.**

The board of directors shall work with federal, state, local, and private agencies to develop alternative institutional and noninstitutional care programs for veterans to supplement the mission of the homes. Veterans shall be afforded the least restrictive, most appropriate level of care available.

*History: 1988 c 699 s 10*

**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 pre-admission screening program 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.

*History: 1988 c 699 s 11; 1989 c 84 s 2; 1991 c 292 art 7 s 3*

**198.01 VETERANS HOME; ELIGIBILITY OF VETERANS.**

The Minnesota veterans homes shall provide nursing care and related health and social services for veterans and their spouses who meet eligibility and admission requirements of the Minnesota veterans homes. The word "veteran" as used in this section has the meaning provided in section 197.447.

*History: (4344) RL s 1835; 1931 c 176 s 1; 1943 c 54 s 1; 1951 c 71 s 1; 1957 c 150 s 1; 1967 c 52 s 1; 1967 c 148 s 1; 1971 c 619 s 2; 1973 c 572 s 11; 1975 c 61 s 16; 1980 c 414 s 6; 1984 c 609 s 18; 1985 c 248 s 70; 1988 c 699 s 12*

**198.02** [Repealed, 1953 c 117 s 2]

**198.021** [Repealed, 1971 c 619 s 17]

**198.022 ELIGIBILITY OF SPOUSES AND SURVIVING SPOUSES.**

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 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 in accordance with board rules preceding the date of application for admission.

(3) Spouses and surviving spouses of eligible veterans must be at least 55 years of age, have been residents of the state of Minnesota in accordance with board rules 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.

*History: 1971 c 619 s 3; 1975 c 61 s 17; 1986 c 444; 1988 c 699 s 13; 1989 c 84 s 3; 1993 c 103 s 1*

**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.** Residents are liable for paying all of their overdue maintenance charges. Overdue maintenance charges incurred after May 1, 1990, may be charged interest according to section 334.01. A resident owing overdue maintenance to the state of Minnesota for charges incurred prior to May 1, 1990, may continue to stay in the home if the resident enters into an agreement, including a payment schedule, with the administrator for the payment of the arrearage and abides by the agreement. Residents who do not promptly pay maintenance or who do not abide by their agreements to pay overdue maintenance to the state of Minnesota may be discharged from the home. The payment schedule agreed to between the administrator and the resident must provide for the prompt payment of the overdue maintenance owed by the resident, but it must not reduce the resident's personal needs allowance below that which is provided for in the administrative rules of the facility.

**History:** (4346) 1923 c 13; 1967 c 148 s 2; 1971 c 619 s 4; 1975 c 61 s 18; 1984 c 505 s 1; 1986 c 444; 1988 c 699 s 14; 1989 c 84 s 4; 1991 c 24 s 3

**198.04** [Repealed, 1967 c 52 s 11]

**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.

**History:** 1989 c 84 s 5

**198.05 NEW BUILDINGS.**

The department of administration shall have and exercise full authority in the erection and construction of new buildings at the veterans homes. When new buildings are to be erected and constructed by authority of the state or old buildings to be remodeled it shall be the duty of the department of administration to cause to be prepared plans and specifications for the same, but in so doing it shall consult with the board in respect to these plans and specifications and shall adopt and carry out, so far as it deems practicable, their requests and desires in the matter.

**History:** (4348) 1913 c 88 s 1; 1967 c 148 s 2; 1975 c 61 s 19; 1988 c 699 s 15

**198.055** [Repealed, 1983 c 147 s 5]

**198.06** [Repealed, 1988 c 699 s 33]

**198.061** [Repealed, 1971 c 619 s 17]

#### **198.065 CHIROPRACTIC CARE AVAILABILITY.**

In addition to the other services now provided to residents of the Minnesota veterans homes, the board shall provide chiropractic services. The services shall be provided, as appropriations permit, without charge to residents by a licensed chiropractor who is either employed by the board for the purpose or who has contracted with the board to provide the services.

*History: 1982 c 503 s 1; 1988 c 699 s 16*

#### **198.066 GERIATRIC RESEARCH AND TEACHING.**

The board of directors shall develop a geriatric research and teaching mission for the homes in collaboration with the Veterans Administration and other medical education and allied health facilities.

*History: 1988 c 699 s 17*

**198.07** [Repealed, 1975 c 61 s 26]

**198.071** [Repealed, 1975 c 61 s 26]

**198.072** [Repealed, 1975 c 61 s 26]

**198.073** [Repealed, 1975 c 61 s 26]

#### **198.075 MINNESOTA VETERANS HOME EMPLOYEES; EXCLUDED FROM COMMISSARY PRIVILEGES.**

No commissary privileges including food, laundry service, janitorial service, and household supplies shall be furnished to any employee of the Minnesota veterans homes.

*History: 1979 c 333 s 93; 1988 c 699 s 18*

**198.08** [Repealed, 1975 c 61 s 26]

**198.09** [Repealed, 1975 c 61 s 26]

**198.10** [Repealed, 1967 c 886 s 15]

**198.11** [Repealed, 1967 c 886 s 15]

**198.12** [Repealed, 1967 c 886 s 15]

**198.13** [Repealed, 1967 c 52 s 11; 1967 c 886 s 15]

**198.14** [Repealed, 1971 c 619 s 17]

**198.15** [Repealed, 1971 c 619 s 17]

#### **198.16 DONATIONS; GENERAL PURPOSES.**

The board is authorized to accept on behalf of the state any gift, grant, bequest, or devise made for the purposes of this chapter, and administer the same as directed by the donor. All proceeds therefrom including money derived from the sale of any real or personal property shall be deposited in the state treasury and credited to the Minnesota veterans home endowment, bequest, and devises fund. Said fund shall consist of two accounts, one of which shall include any trusts prescribed by the donor, the other shall include any currently expendable proceeds. Money in the fund is appropriated to the board for the purposes for which it was received. Disbursements from this fund shall be made in the manner provided for the issuance of other state warrants.

Whenever the board shall deem it advisable, in accordance with law, to sell or otherwise dispose of any real or personal property thus acquired, the commissioner of administration upon the request of the board shall sell or otherwise dispose of said property in the manner provided by law for the sale or disposition of other state property by the commissioner of administration.

*History: (4359) RL s 1846; 1913 c 170 s 1; 1945 c 444 s 1; 1967 c 148 s 2; 1969 c*

540 s 10; 1971 c 619 s 12; 1973 c 492 s 14; 1975 c 61 s 21; 1988 c 699 s 19; 1993 c 192 s 81

#### **198.161 DONATIONS; PARTICULAR PURPOSES.**

The commissioner may accept donations and gifts of money for the benefit of the residents of the homes. All money so received shall be deposited in a separate account for the home and records shall be kept, clearly showing the identity of the donor, the purpose of the donation and the ultimate disposition of the donation. Each donation shall be duly receipted and shall be expended or used by the board as nearly in accordance with the condition of the gift or donation as is compatible with the best interests of the residents of the homes. The donations so received to the extent they are made to the state of Minnesota are hereby appropriated to the board for the purposes of this chapter.

**History:** 1971 c 619 s 13; 1975 c 61 s 22; 1988 c 699 s 20

- 198.17** [Repealed, 1967 c 52 s 11]
- 198.18** [Repealed, 1971 c 619 s 17]
- 198.19** [Repealed, 1967 c 52 s 11]
- 198.20** [Repealed, 1971 c 619 s 17]
- 198.21** [Repealed, 1967 c 52 s 11]
- 198.22** [Repealed, 1967 c 886 s 15]

#### **198.23 PERSONAL PROPERTY OF RESIDENTS; WILLS.**

Upon the decease of any resident of the homes, the board shall cause such of the resident's personal estate as may be left in the resident's possession to be disposed of pursuant to the resident's will, if any. All property of the deceased resident of the home not so bequeathed by will, and remaining at a home, unclaimed, for one year after the resident's death, shall be inventoried, appraised, and sold, and the proceeds thereof paid into the state treasury to the credit of the Minnesota veterans homes endowment, bequest and devises fund.

**History:** (4366) RL s 1848; 1965 c 643 s 10; 1967 c 148 s 2; 1971 c 619 s 14; 1975 c 61 s 23; 1975 c 225 s 1; 1986 c 444; 1988 c 699 s 21

#### **198.231 PERSONAL PROPERTY OF DISCHARGED RESIDENTS.**

Personal property of discharged residents of the veterans homes that remains unclaimed for one year after discharge may be inventoried, appraised, and sold. The proceeds from the sale must be deposited into the state treasury. Proceeds from the sale of personal property and any funds held on behalf of the resident in the member's depository accounts must be credited to a separate state account and disposed of in accordance with sections 345.41 to 345.43.

**History:** 1983 c 147 s 3; 1986 c 444; 1988 c 699 s 22

- 198.26** [Repealed, 1969 c 1153 s 16]

#### **198.261 CANTEEN AND COFFEE SHOP.**

Any profits derived from the operation of canteens and coffee shops at the Minnesota veterans homes shall be used by the board only for the direct benefit of the residents of the homes.

**History:** 1969 c 1153 s 14; 1971 c 619 s 15; 1975 c 61 s 24; 1988 c 699 s 23

#### **198.265 DEPOSITORY ACCOUNTS.**

The board may accept money from residents for safekeeping purposes to be returned to such residents on demand. Sufficient money shall be retained at the homes to satisfy normal demand withdrawal requests of the residents and other anticipated

needs. Residents' deposits shall otherwise be deposited in the state treasury to a separate investment account provided by the commissioner of finance, which shall be invested by the state board of investment in accordance with section 11A.21. Residents' money on deposit in this account may be placed in this account only after the member has signed an agreement that the resident is willing to have the money in an account that does not draw interest directly to the resident personally.

There is annually appropriated from the account established by this section a sufficient amount to return to the Minnesota veterans homes, upon written request, sufficient money to satisfy the demand of residents for the return of their money and other requirements.

The interest earned from the investment of the deposits is annually appropriated to the commissioner from the account established by this section to be used by the board only for the direct benefit of the residents of the homes, and the interest shall be available to the homes not less than twice each year.

**History:** 1969 c 1153 s 15; 1971 c 619 s 16; 1973 c 492 s 14; 1975 c 61 s 25; 1980 c 607 art 14 s 46; 1986 c 444; 1988 c 699 s 24

### 198.266 IMPREST CASH FUNDS.

The board may establish an imprest cash fund in accordance with section 15.191, subdivision 2. The purpose of the fund is to maintain sufficient money to satisfy normal demand withdrawal requests from residents of the veterans homes, as provided for in section 198.265. The fund may also be utilized for the payment of costs for residents to participate in on campus work therapy programs.

**History:** 1983 c 147 s 4; 1988 c 699 s 25

### 198.31 VETERANS HOME, HASTINGS.

Control of the state hospital facilities at Hastings is transferred to the board. This transfer includes the cemetery. The board shall establish a veterans home in these facilities. The veterans home shall be licensed in accordance with the boarding care rules of the department of health.

**History:** 1978 c 554 s 1; 1979 c 333 s 94; 1988 c 699 s 26

### 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.

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.

**History:** 1983 c 313 s 1; 1986 c 444; 1988 c 699 s 27; 1989 c 84 s 6

**198.33 PRIVACY OF RESIDENTS; SEARCH AND SEIZURE LIMITED TO CRIMINAL WARRANT.**

Subdivision 1. **Searches prohibited.** Residents of the Minnesota veterans homes have the right to a legitimate expectation of privacy in their persons and property against unreasonable searches and seizures. A search of a resident's room or property may be conducted only when necessary to protect the residents from weapons, illegal drugs, or alcohol, if possession is prohibited by the board, and is subject to the following:

(a) Prior to conducting a search of a resident's room or property, the administrator or the administrator's designee shall provide written authorization to conduct the search. This authorization must identify the resident whose room or property is to be searched, state the nature of the risk to the health or safety of that resident or to other individuals in the home, set forth the facts which establish that the risk exists and the source of those facts, and particularly describe the area to be searched and the property to be seized. A separate authorization must be completed for each resident whose room or property is to be searched.

(b) The resident shall be informed of the reasons necessitating a search of the room or property and shall be present during the conduct of the search if the resident requests to be present. A copy of the written authorization to conduct the search must be given to the resident.

(c) If property or other items are taken, a written receipt describing the property or items taken must be given to the resident.

(d) The provisions of this section do not restrict the entry by employees of the home into a resident's room or into areas where the personal possessions of residents are stored for the purpose of providing care or services to the resident or for housekeeping and maintenance purposes. The provisions of this section do not apply to inspections conducted by governmental agencies for the purpose of assessing compliance with state or federal laws and regulations.

(e) Unauthorized searches or seizures by employees of the Minnesota veterans homes may be grounds for dismissal.

Subd. 2. **Waiver prohibited.** The Minnesota veterans homes may not require a resident to waive protection against unreasonable searches and seizures as a condition of eligibility for admission or continuing residence at a home. A search conducted under a waiver obtained in violation of this section is an unlawful search and seizure and the person aggrieved may move the district court for return of the property under section 626.21.

*History: 1983 c 174 s 1; 1986 c 444; 1988 c 699 s 28; 1992 c 410 s 2*

**198.34 DEPOSIT OF RECEIPTS.**

Federal money received by the board for the care of veterans in a veterans home must be deposited into a dedicated account in the state treasury and is appropriated to the veterans homes board of directors for the operational needs of the veterans homes and the board of directors. Money paid to the board by a veteran or by another person on behalf of a veteran for care in a veterans home must be deposited in the state treasury in a dedicated account and is appropriated to the veterans homes board of directors for the operational needs of the veterans homes and the board of directors.

*History: 1Sp1985 c 13 s 299; 1988 c 699 s 29; 1Sp1993 c 1 art 9 s 65*

**198.35 VETERANS HOME; SILVER BAY.**

Subdivision 1. **Establishment.** The board may establish a veterans home in Silver Bay by renovating an existing facility owned by the city of Silver Bay if the city donates the building to the board at no cost. Contracts made by the board for the purposes of this subdivision are subject to chapter 16B. Buildings used for the veterans home must comply with requirements established by federal agencies as conditions for the receipt of federal funds for the nursing and boarding care of veterans. The city of Silver Bay



shall secure the state match requirement from sources other than the state general fund. Money from other sources must equal at least 35 percent of the total cost of the renovation with the remainder of the funds to be provided by the United States Veterans Administration.

Subd. 2. **Operation.** The home must provide beds for nursing or boarding and nursing care in conformance with licensing rules of the department of health. The home must be under the management of an administrator appointed by the board in the unclassified service.

**History:** 1988 c 689 art 2 s 63; 1991 c 24 s 4

### 198.36 VETERANS HOME; FERGUS FALLS.

Subdivision 1. **Establishment.** The board shall establish a veterans home in Fergus Falls to provide at least 60 beds for skilled nursing care in conformance with licensing rules of the department of health.

Subd. 2. **Funding.** The home must be purchased or built with funds, 65 percent of which must be provided by the federal government, and 35 percent by other nonstate sources, including local units of government, veterans' organizations, and corporations or other business entities.

Subd. 3. **Support services.** Upon request, the department of human services shall arrange for the extension of support services to the veterans home in Fergus Falls including, but not limited to, the provision of utilities, and kitchen and laundry services.

**History:** 1Sp1993 c 1 art 9 s 66