

239.18 STATE CONTROL EXCLUSIVE RULES. Questions of policy and control respecting administration of this chapter shall vest and remain in the state division of child and family services of the department of human services of the state of Iowa and the state director of said division for the purposes of administering all provisions of this chapter. In order to provide a uniform state-wide program for aid to dependent children, the state director department shall promulgate such adopt rules and regulations as may be pursuant to chapter 17A necessary to make the provisions of implement this chapter uniform in all of the counties of this state and to ensure federal financial participation in the program.

Sec. 12. Section 239.20, Code 1983, is amended to read as follows:

239.20 COUNTY ATTORNEY TO ENFORCE. It is the intent of the general assembly that violations Violations of law relating to the aid to dependent children, medical assistance, and supplemental assistance program shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide such assistance in prosecution as may be required assistance. It is the intent of the general assembly that the first priority for investigation and prosecution for which funds are provided by this Act shall be for fraudulent claims or practices by health care vendors and providers.

Sec. 13. Section 239.15, Code 1983, is repealed.

Approved May 14, 1984

CHAPTER 1277
IOWA VETERANS HOME
H.F. 2440

AN ACT relating to the Iowa veterans home and its administration.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 219.1, Code 1983, is amended to read as follows:

219.1 PURPOSE OF HOME—FOR WHOM MAINTAINED.

1. The Iowa veterans home, located in Marshalltown, shall be maintained as a long-term health care facility providing multiple levels of care, with attendant health care services, for honorably discharged veterans and ~~for the~~ their dependent spouses and for surviving spouses of such honorably discharged veterans. Eligibility requirements for admission to the Iowa veterans home shall coincide with the eligibility requirements for hospitalization in a United States veterans administration facility pursuant to title 38, United States Code, sections 210 and section 610, and regulations promulgated under such provisions that section as amended to January 1, ~~1975~~ 1984.

2. As used in this chapter:

- a. "Commissioner" means the commissioner of the department of human services.
- b. "Member" means a patient or resident of the home.

Sec. 2. Section 219.2, Code 1983, is amended to read as follows:

219.2 RIGHT TO ADMISSION. All persons named

1. Persons described in section 219.1 who do not have sufficient means for their own support, or who are disabled by disease, wounds, old age or otherwise, or who and are unable to earn a livelihood, and who have been residents and citizens of the state of Iowa for the three years immediately preceding the date of the application and who are residents of the state of Iowa at the time on the date of the application and immediately preceding the date the application is accepted, may be admitted to the home as members thereof under such rules and regulations as may be adopted by the director commissioner. Eligibility determinations are subject to approval by the commissioner.

2. A person shall not be received or retained in the home who has been diagnosed by a qualified mental health professional as acutely mentally ill and considered dangerous to self or others, is an acute inebriate, or is addicted to the use of drugs, and whose documented behavior is continuously disruptive to the operation of the facility.

Sec. 3. Section 219.3, Code 1983, is amended to read as follows:

219.3 ELIGIBILITY—RULES—GENERAL MANAGEMENT. The director shall have power to determine the eligibility of applicants for admission to the home in accordance with the provisions of this chapter, and commissioner shall adopt all the necessary rules and regulations for the preservation of order and enforcement of discipline, the promotion of health and well-being of all the members and for the management and control of the home and the its grounds thereof.

Sec. 4. Section 219.4, Code 1983, is amended to read as follows:

219.4 MARRIED COUPLES—QUARTERS.

1. When a married person is or becomes a member of the home, the spouse, if married to the person for at least one year and is otherwise eligible under this chapter, may be admitted as a member of the home subject to all the rules of said the home. Husband and wife Veteran and spouse members may be permitted to occupy, together, cottages or other quarters on the grounds of the home.

2. The cottages may be made available to persons on the staff of the home at a rental rate determined by the commissioner.

Sec. 5. Section 219.5, Code 1983, is amended to read as follows:

219.5 SURVIVING SPOUSES OF VETERANS. If any a deceased veteran, who would be entitled to admission to the home if the deceased veteran were living, has left a surviving spouse, such the spouse shall be is entitled to admission to the home with the same rights, privileges and benefits as though if the veteran were living and a member of the home, provided, however, that such if the spouse has been was married to said the veteran for at least one year immediately prior to the veteran's death, and has reached the age of fifty years or is found by the commandant to be totally and permanently disabled, and the spouse does not have sufficient means or does not possess sufficient funds for support and maintenance, and provided further that the surviving spouse has been for the three years preceding the date of application, is a resident of the state of Iowa, and has not married at any time since the death of the veteran spouse except to a member of the home on the date of the application and immediately preceding the date the application is accepted.

Sec. 6. Section 219.6, Code 1983, is amended to read as follows:

219.6 CERTIFICATE OF ELIGIBILITY. Before admission, each applicant shall file with the commandant an affidavit signed by two members of the commission of veteran affairs of the county in which ~~such~~ the person resides, stating that ~~such~~ the person to the best of their knowledge and belief is a resident of ~~such~~ that county ~~as required under this chapter~~ and that ~~such~~ the person is unable to earn a livelihood and ~~his~~ the person's income, ~~is less than twelve hundred dollars per annum~~ exclusive of pension, compensation, war risk insurance payments, or pensions or annuities under the social security Act and the railroad retirement Acts. ~~Such, is less than is sufficient to provide the type of health care necessary for the person's welfare. The affidavit shall be is conclusive evidence of the residence of such persons and the person but is prima facie only in all other matters affecting the eligibility of the applicant and the liability of the county with respect to the expense of any such~~ the person for which the county may be liable. All records of admission shall show the residence of the applicant.

Sec. 7. Section 219.7, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

219.7 CONTRIBUTING TO OWN SUPPORT.

1. Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension, compensation or gratuity from the United States government, or income from any source of more than twenty-five dollars per month, shall contribute to the member's own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall be determined by the commissioner, but the amount shall in no case exceed the actual cost of keeping and maintaining the person in the home.

2. Sums paid to and received by the commandant for the support of members of the home shall be paid monthly by the commandant to the treasurer of state and credited to the general fund of the state.

3. The commissioner may require any member of the home to render assistance in the care of the home and its grounds as the member's psycho-social and physical condition will permit, as a phase of that member's rehabilitation program. The commissioner shall compensate each member who furnishes assistance at rates established by the commissioner.

Sec. 8. Section 219.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

219.8 CONDITIONAL ADMITTANCE. The commissioner may, if there is room for all dependent members and applicants, admit and allow to remain in the home persons who have sufficient means for their own support but are otherwise eligible to become members of the home, on payment of the cost of their support. The cost and method of collection shall be determined by the commissioner.

Sec. 9. Section 219.9, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

219.9 COUNTY OF SETTLEMENT UPON DISCHARGE. A member of the home does not acquire legal settlement in the county in which the home is located unless the member is voluntarily or involuntarily discharged from the home, continuously resides in the county for a period of one year subsequent to the discharge, and during that year is not readmitted to the home or does not receive any services from the home.

Sec. 10. NEW SECTION. 219.10 PAYMENT TO DEPENDENTS. Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension or compensation and who has a child, as defined in section 234.1, or a spouse

who is dependent upon employment or others for support shall deposit with the commandant on receipt of the member's pension or compensation check one-half of its amount, which shall be sent at once to the spouse or, if there is no spouse, to the guardian of the child. The commandant, if satisfied that the spouse has deserted the member of the home, may pay the money deposited to the guardian of the child.

Sec. 11. NEW SECTION. 219.11 HANDLING OF PENSION MONEY AND OTHER FUNDS.

1. Pension money deposited with the commandant is not assignable for any purpose except as provided in sections 219.10 and 219.19, or in accordance with subsection 2 of this section.

2. The commandant, if authorized by a member of the home, and pursuant to policies adopted by the commissioner, may act on behalf of that member in receiving, disbursing, and accounting for personal funds of the member received from any source. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

Sec. 12. NEW SECTION. 219.12 BANK ACCOUNT FOR MEMBERS' DEPOSITS.

1. The Iowa veterans home, for the convenience of its members, may maintain a commercial account with a federally insured bank for the individual personal deposits of its members. The account shall be known as the Iowa veterans home membership account. The commandant shall record each member's personal deposits individually and shall deposit the funds in the membership account, where the members' deposits shall be held in the aggregate.

2. The commandant, if authorized by a member of the home, and pursuant to policies adopted by the commissioner, may make withdrawals against that member's personal account to pay regular bills and other expenses incurred by the member. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

Sec. 13. Section 219.13, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

219.13 COMMANDANT.

1. The commissioner shall appoint a commandant who shall be the person responsible for handling veterans affairs for the department of human services, shall serve as the chief executive of the home and shall have the immediate custody and control, subject to the orders of the commissioner or the commissioner's designee, of all property used in connection with the home.

2. The commandant must be a resident of the state of Iowa and an honorably discharged veteran who served in the armed forces of the United States during a conflict or war. As used in this section, the dates of service in a conflict or war shall coincide with the dates of service established by the Congress of the United States.

3. The commandant shall receive an annual salary as the commissioner may determine. In addition to salary, the commissioner shall furnish the commandant with a dwelling house or with appropriate quarters and additional allowances, as provided in section 218.14 for executive heads of state institutions.

Sec. 14. Section 219.18, Code 1983, is amended to read as follows:

219.18 RULES ENFORCED—POWER TO DISMISS SUSPEND AND EXPEL MEMBERS. The commandant shall administer and enforce all rules and regulations adopted by the ~~director~~ commissioner, including rules of discipline, and, ~~shall have power to dismiss~~ subject to these rules, may immediately suspend the membership of and expel any member person from the home for infraction of ~~such the rules and regulations subject to the approval of the director~~ when the commandant determines that the health, safety or welfare of the residents of the home is in immediate danger and other reasonable alternatives have been exhausted. The suspension and expulsion are temporary pending action by the

commissioner. Judicial review of the action of the commissioner may be sought in accordance with chapter 17A.

Sec. 15. Section 219.19, Code 1983, is amended to read as follows:

219.19 DUAL CONVICTION – PROBATION. Any A person who, while a member of the home, is twice convicted of an offense against the statutes of the state, or twice found guilty by the commandant or a court martial of intoxication or other infraction of the rules of the home, shall be required to deposit all of his the person's pension money with the commandant immediately upon receipt of his the pension check or warrant. In lieu of trial by the commandant the member may demand a court martial. Sueh The pension money shall be deposited by the commandant in a separate account for and in behalf of sueh the pensioner and the commandant shall, under sueh the rules as the director may provide commissioner provides, pay the same money out with the consent of the pensioner in sueh the manner and for sueh purposes as the director may approve commissioner approves. If, after a period of six months, the pensioner shall conduct himself in an pensioner's conduct is orderly and sober manner, said the deposit shall be returned to him the pensioner. If the pensioner be is discharged from the home the balance of sueh the deposit shall be paid to said the pensioner within thirty days after his discharge.

Sec. 16. Section 219.21, Code 1983, is amended to read as follows:

219.21 REPORT BY DIRECTOR COMMISSIONER. The director commissioner shall, biennially, on or before October 1, prior to the meeting of the general assembly, make a full and detailed report to the governor showing the condition of the home, the number of members in the home, the order and discipline enforced, and the needs of the home financially and otherwise, together with an itemized statement of all receipts and disbursements and any and all other matters of importance in the management and control of the home.

Sec. 17. Section 218.9, unnumbered paragraph 3, Code Supplement 1983, is amended to read as follows:

The superintendent or warden shall have immediate custody and control, subject to the orders and policies of the division director in charge of the institution, of all property used in connection with the institution except as provided in this chapter or section 219.7. The tenure of office shall be at the pleasure of the appointing authority. The appointing authority may transfer a superintendent or warden from one institution to another.

Sec. 18.

1. Sections 219.14, 219.15, 219.16, 219.17, 219.20 and 219.23, Code 1983, are repealed.
2. Section 219.24, Code Supplement 1983, is repealed.

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