

## VETERANS HOME

### **35D.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 their dependent spouses and for surviving spouses of 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, section 610, and regulations promulgated under that section as amended to January 1, 1984.

2. As used in this chapter:

a. "*Commandant*" means the commandant of the Iowa veterans home appointed pursuant to section 35D.13.

b. "*Commission*" means the commission of veterans affairs established in section 35A.2.

c. "*Member*" means a patient or resident of the home.

[C97, § 2601, 2602, 2606; S13, § 2601, 2602, 2606; SS15, § 2606; C24, 27, 31, 35, § 3366, 3367; C39, § **3384.01**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.1]

84 Acts, ch 1277, § 1; 92 Acts, ch 1140, § 22

C93, § 35D.1

### **35D.2 Right to admission.**

1. Persons described in section 35D.1 who do not have sufficient means for their own support, or are disabled by disease, wounds, old age, or otherwise, and are unable to earn a livelihood, and who are residents of the state of Iowa on the date of the application and immediately preceding the date the application is accepted, may be admitted to the home as members under rules adopted by the commission. Eligibility determinations are subject to approval by the commandant.

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.

**1.** [C97, § 2602; S13, § 2602, 2606; SS15, § 2606; C24, 27, 31, 35, § 3366; C39, § **3384.02**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.2]

**2.** [C97, § 2605; C24, 27, 31, 35, § 3370; C39, § **3384.13**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.13]

84 Acts, ch 1277, § 2

C85, § 219.2

92 Acts, ch 1140, § 23

C93, § 35D.2

### **35D.3 Rules general management.**

The commission shall adopt all the necessary rules, pursuant to chapter 17A, for the preservation of order and enforcement of discipline, the promotion of health and well-being of all the members and the management and control of the home and its grounds.

[C97, § 2602; C24, 27, 31, 35, § 3367; C39, § **3384.03**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.3]

84 Acts, ch 1277, § 3; 92 Acts, ch 1140, § 24

C93, § 35D.3

### **35D.4 Married couples quarters cottages.**

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 otherwise eligible under this chapter, may be admitted as a member of the home subject to the rules of the home. 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 commission.

[C97, § 2606; S13, § 2606; SS15, § 2606; C24, 27, 31, 35, § 3366, 3368; C39, § **3384.04**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.4]

84 Acts, ch 1277, § 4; 92 Acts, ch 1140, § 25

C93, § 35D.4

### **35D.5 Surviving spouses of veterans.**

If a deceased veteran, who would be entitled to admission to the home if the deceased veteran were living, has left a surviving spouse, the spouse is entitled to admission to the home with the same rights, privileges and benefits as if the veteran were living and a member of the home, if the spouse was married to the veteran for at least one year immediately prior to the veteran's death, is found by the commandant to be disabled, does not have sufficient means for support and maintenance, and is a resident of the state of Iowa on the date of the application and immediately preceding the date the application is accepted.

[C97, § 2606; S13, § 2606; C24, 27, 31, 35, § 3366; C39, § **3384.05**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.5]

84 Acts, ch 1277, § 5

C93, § 35D.5

### **35D.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 the person resides, stating that the person to the best of their knowledge and belief is a resident of that county and that the person is unable to earn a livelihood and the person's income, exclusive of pension, compensation, war risk insurance payments, or pensions or annuities under the Social Security Act and the Railroad Retirement Acts, is less than is sufficient to provide

the type of health care necessary for the person's welfare. The affidavit is conclusive evidence of the residence of 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 the person for which the county may be liable. All records of admission shall show the residence of the applicant.

[C97, § 2602; S13, § 2602; C24, 27, 31, 35, § 3369; C39, § **3384.06**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.6]

84 Acts, ch 1277, § 6

C93, § 35D.6

### **35D.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 director, 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 commandant 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 permit, as a phase of that member's rehabilitation program. The commandant shall compensate each member who furnishes assistance at rates established by the commission.

**1,3.** [S13, § 2602-a, 2606-a; C24, 27, 31, 35, § 3377; C39, § **3384.14**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.14]

**2.** [S13, § 2602-a; C24, 27, 31, 35, § 3372; C39, § **3384.17**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.17]

84 Acts, ch 1277, § 7

C85, § 219.7

92 Acts, ch 1140, § 26

C93, § 35D.7

### **35D.8 Conditional admittance.**

The commission 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 commission.

[S13, § 2606-a; C24, 27, 31, 35, § 3371; C39, § **3384.16**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.16]

84 Acts, ch 1277, § 8

C85, § 219.8

92 Acts, ch 1140, § 27

C93, § 35D.8

### **35D.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.

[C97, § 2605; C24, 27, 31, 35, § 3370; C39, § **3384.13**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.13]

84 Acts, ch 1277, § 9

C85, § 219.9

C93, § 35D.9

### **35D.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.

[S13, § 2606-c; C24, 27, 31, 35, § 3379, 3384; C39, § **3384.15**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.15]

84 Acts, ch 1277, § 10

C85, § 219.10

C93, § 35D.10

### **35D.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 35D.10 and 35D.16, 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 commission, 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.

[S13, § 2606-b; C24, 27, 31, 35, § 3383; C39, § **3384.20**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §

219.20]

84 Acts, ch 1277, § 11

C85, § 219.11

92 Acts, ch 1140, § 28

C93, § 35D.11

### **35D.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 commission, 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.

84 Acts, ch 1277, § 12

C85, § 219.12

92 Acts, ch 1140, § 29

C93, § 35D.12

### **35D.13 Commandant.**

1. The governor shall appoint a commandant, subject to senate confirmation, who shall serve at the pleasure of the governor as the chief executive of the home. The commandant shall report directly to the commission and shall have the immediate custody and control, subject to the orders of the commission, of all property used in connection with the home.

2. The commandant shall be a resident of the state of Iowa who served in the armed forces of the United States and was honorably discharged, and is a licensed nursing home administrator.

3. The salary of the commandant shall be fixed by the governor within salary guidelines or a range established by the general assembly. In addition to salary, the commission 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.

**1.** [C97, § 2604; S13, § 2604; SS15, § 2604; C39, § **3384.07**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.7; 81 Acts, ch 27, § 4]

**2.** [C97, § 2604; S13, § 2604; SS15, § 2604; C24, 27, 31, 35, § 3374; C39, § **3384.08**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.8]

**3.** [C97, § 2604; S13, § 2604; SS15, § 2604; C24, 27, 31, 35, § 3373; C39, § **3384.09**; C46, 50, 54, 58, 62,

66, 71, 73, 75, 77, 79, 81, § 219.9]

83 Acts, ch 96, § 157, 159; 84 Acts, ch 1277, § 13

C85, § 219.13

92 Acts, ch 1140, § 30

C93, § 35D.13

2004 Acts, ch 1175, §224

## **Footnotes**

Confirmation, see § 2.32

### **35D.14 Personnel expenses compensation.**

The commandant or the commandant's designee shall employ such personnel as are necessary for the performance of the duties and responsibilities assigned to the commandant. All employees shall be selected on a basis of fitness for the work to be performed with due regard to training and experience and shall be subject to the provisions of chapter 8A, subchapter IV.

The commandant and employees of the Iowa veterans home are entitled to receive, in addition to salary, reimbursement for actual expenses incurred while engaged in the performance of official duties pursuant to section 35A.9.

92 Acts, ch 1140, § 31; 92 Acts, ch 1247, § 29; 2003 Acts, ch 145, §150

### **35D.15 Rules enforced power to suspend and expel members.**

The commandant shall administer and enforce all rules adopted by the commission, including rules of discipline and, subject to these rules, may immediately suspend the membership of and expel any person from the home for infraction of the rules 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 commission. Judicial review of the action of the commission may be sought in accordance with chapter 17A.

[C39, § **3384.18**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.18]

84 Acts, ch 1277, § 14; 92 Acts, ch 1140, § 32

C93, § 35D.15

### **35D.16 Dispositions of active duty members charged with offense.**

A person on active duty in the state military forces subject to the provisions of chapter 29B, or on active duty in the federal military forces subject to 10 U.S.C. chapter 47, charged with an offense under either code, may be summarily delivered to the appropriate state or federal branch of the military for disciplinary action or trial.

[S13, § 2606-b; C24, 27, 31, 35, § 3378, 3380, 3381, 3382; C39, § **3384.19**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.19]

84 Acts, ch 1277, § 15; 92 Acts, ch 1140, § 33

C93, § 35D.16

**35D.17 Report by commandant.**

The commandant shall, biennially, make a full and detailed report to the governor, the commission, and the general assembly, showing the condition of the home, the number of members in the Iowa veterans 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 other matters of importance in the management and control of the Iowa veterans home.

[C39, § **3384.21**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 219.21]

84 Acts, ch 1277, § 16; 92 Acts, ch 1140, § 34

C93, § 35D.17