

**House Study Bill 130 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON ALONS)

**A BILL FOR**

1 An Act relating to the Iowa veterans home and providing for  
2 the consideration of contributions to support as repayment  
3 receipts.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35D.1, subsection 1, Code 2013, is  
2 amended to read as follows:

3 1. The Iowa veterans home, located in Marshalltown, shall  
4 be maintained as a long-term health care facility providing  
5 multiple nursing and residential levels of care, ~~with attendant~~  
6 ~~health care services,~~ for honorably discharged veterans and  
7 their dependent spouses, and for surviving spouses of honorably  
8 discharged veterans, and gold star parents. Eligibility  
9 requirements for admission to the Iowa veterans home shall  
10 coincide with the eligibility requirements for ~~hospitalization~~  
11 care and treatment in a United States department of veterans  
12 affairs facility pursuant to 38 U.S.C. § 1710, and regulations  
13 promulgated under that section, as amended. For the purposes  
14 of this subsection, "gold star parent" means a parent of a  
15 deceased member of the United States armed forces who died  
16 while serving on active duty during a time of military conflict  
17 or who died as a result of such service.

18 Sec. 2. Section 35D.2, subsection 1, Code 2013, is amended  
19 to read as follows:

20 1. Persons described in section 35D.1 who ~~do not have~~  
21 ~~sufficient means for their own support, or~~ are disabled by  
22 disease, wounds injury, or old age, or otherwise and meet  
23 the qualifications for nursing or residential care, and are  
24 unable to earn a livelihood, and who are residents of the  
25 state of Iowa on the date of the application and immediately  
26 preceding the date the application is accepted, may be admitted  
27 to the home as members under rules adopted by the commission.  
28 Eligibility determinations are subject to approval by the  
29 commandant.

30 Sec. 3. Section 35D.4, subsection 2, Code 2013, is amended  
31 to read as follows:

32 2. The cottages may be made available to persons on the  
33 staff of the home at a rental rate determined by the ~~commission~~  
34 commandant.

35 Sec. 4. Section 35D.5, Code 2013, is amended to read as

1 follows:

2 **35D.5 Surviving spouses of veterans.**

3 If a deceased veteran, who would be entitled to admission  
4 to the home if the deceased veteran were living, has left a  
5 surviving spouse, the spouse is entitled to admission to the  
6 home with the same rights, privileges, and benefits as if the  
7 veteran were living and a member of the home, if the spouse  
8 was married to the veteran for at least one year immediately  
9 prior to the veteran's death, is found by the commandant to  
10 be disabled, ~~does not have sufficient means for support and~~  
11 ~~maintenance~~ meets the qualifications for nursing or residential  
12 level of care, and is a resident of the state of Iowa on the  
13 date of the application and immediately preceding the date the  
14 application is accepted.

15 Sec. 5. Section 35D.6, Code 2013, is amended to read as  
16 follows:

17 **35D.6 Certificate of eligibility.**

18 Before admission, each applicant shall file with the  
19 commandant an affidavit signed by two members of the commission  
20 of veteran affairs of the county in which the person resides,  
21 stating that the person to the best of their knowledge and  
22 belief is a resident of that county and that the person is  
23 unable to earn a livelihood and the person's income, ~~exclusive~~  
24 ~~of pension, compensation, war risk insurance payments, or~~  
25 ~~pensions or annuities under the Social Security Act and the~~  
26 ~~Railroad Retirement Acts~~, is less than is sufficient to provide  
27 the type of health care necessary for the person's welfare.  
28 The affidavit is conclusive evidence of the residence of the  
29 person but is prima facie only in all other matters affecting  
30 the eligibility of the applicant and the liability of the  
31 county with respect to the expense of the person for which the  
32 county may be liable. All records of admission shall show the  
33 residence of the applicant.

34 Sec. 6. Section 35D.7, Code 2013, is amended to read as  
35 follows:

1       **35D.7 Contributing to own support.**

2       1. Except as otherwise provided in chapter 249A and other  
3 provisions of this chapter, a member of the home who receives  
4 a pension, compensation, or gratuity from the United States  
5 government, or income from any source of more than ~~twenty-five~~  
6 one hundred forty dollars per month, shall contribute to the  
7 member's own maintenance or support while a member of the home.  
8 The amount of the contribution and the method of collection  
9 shall be determined by the ~~director~~ commandant, but the  
10 amount shall in no case exceed the actual cost of keeping and  
11 maintaining the person in the home.

12       2. Sums paid to and received by the commandant for the  
13 support of members of the home shall be ~~paid monthly by the~~  
14 ~~commandant to the treasurer of state and~~ considered repayment  
15 receipts as defined in section 8.2 and credited to the general  
16 fund of the state Iowa veterans home account referred to in  
17 section 35D.18, subsection 3.

18       3. The commandant may ~~require~~ allow any member of the home  
19 to render assistance in the care of the home and its grounds as  
20 the member's psychosocial and physical condition permit, as a  
21 phase of that member's rehabilitation program. The commandant  
22 shall compensate each member who furnishes assistance at rates  
23 ~~established~~ approved by the commission.

24       Sec. 7. Section 35D.10, Code 2013, is amended to read as  
25 follows:

26       **35D.10 Payment to ~~dependents~~ spouse.**

27       Except as otherwise provided in chapter 249A and other  
28 provisions of this chapter, a member of the home who receives  
29 a pension or compensation and who has ~~a child, as defined in~~  
30 ~~section 234.1, or a spouse who is dependent upon employment or~~  
31 ~~others for support~~ shall deposit with the commandant on receipt  
32 of the member's pension or compensation check one-half of its  
33 amount, which shall be sent by the eighth day of the month or at  
34 once if any such pension or compensation is received after the  
35 eighth day of the month to the spouse ~~or, if there is no spouse,~~

1 ~~to the guardian of the child. The commandant, if satisfied~~  
2 ~~that the spouse has deserted the member of the home, may pay~~  
3 ~~the money deposited to the guardian of the child.~~

4 Sec. 8. Section 35D.11, subsection 1, Code 2013, is amended  
5 to read as follows:

6 1. Pension money deposited with the commandant is not  
7 assignable for any purpose except as provided in ~~sections~~  
8 section 35D.10 and 35D.16, or in accordance with subsection 2  
9 of this section.

10 Sec. 9. Section 35D.12, subsection 1, Code 2013, is amended  
11 to read as follows:

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

20 b. The Iowa veterans home may withdraw moneys from the  
21 account maintained pursuant to this subsection to establish  
22 certificates of deposit for the benefit of all members. The  
23 commission shall adopt rules pursuant to chapter 17A for the  
24 administration of this paragraph.

25 Sec. 10. Section 35D.13, subsection 2, Code 2013, is amended  
26 to read as follows:

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

31 Sec. 11. Section 35D.15, subsection 2, paragraph a,  
32 subparagraph (3), Code 2013, is amended to read as follows:

33 (3) ~~The member's medical or life skills needs have been~~  
34 ~~met to the extent possible through the services provided by~~  
35 ~~the Iowa veterans home and the member no longer requires a~~

1 residential or nursing level of care, as determined by the  
2 interdisciplinary resident care committee.

3 Sec. 12. Section 35D.15, subsection 2, paragraph g,  
4 subparagraph (2), Code 2013, is amended to read as follows:

5 (2) *“Interdisciplinary resident care committee”* means the  
6 member, a social worker, a registered nurse, a dietitian,  
7 a medical provider, and a recreation specialist, ~~and other~~  
8 ~~staff, as appropriate,~~ who are involved in reviewing a member’s  
9 assessment data and developing a collaborative care plan for  
10 the individual member.

11 Sec. 13. Section 35D.18, subsection 2, Code 2013, is amended  
12 to read as follows:

13 2. The net appropriation made to the Iowa veterans home may  
14 be used throughout the fiscal year in the manner necessary for  
15 purposes of cash flow management, ~~and for cash flow management,~~  
16 ~~the.~~ The Iowa veterans home may temporarily draw more than the  
17 amount appropriated, provided the amount appropriated is not  
18 exceeded at the close of the fiscal year.

19 Sec. 14. REPEAL. Sections 35D.8 and 35D.16, Code 2013, are  
20 repealed.

21 EXPLANATION

22 This bill relates the Iowa veterans home.

23 The bill makes certain changes to terminology related to  
24 the levels of care and treatment provided at the Iowa veterans  
25 home to specify the provision of nursing and residential levels  
26 of care. The bill also provides that gold star parents may be  
27 provided care at the Iowa veterans home and defines “gold star  
28 parent” as any parent of a deceased member of the United States  
29 armed forces who died while serving on active duty during a  
30 time of military conflict or who died as a result of such  
31 service.

32 The bill amends provisions relating to admissions  
33 requirements to provide that the only persons who may be  
34 admitted are persons who are disabled by disease, injury, or  
35 old age and meet qualifications for nursing or residential

1 care. The bill also makes changes to admissions provisions by  
2 removing a provision allowing admission for persons who do not  
3 have sufficient means for their own support. The bill makes  
4 similar changes relating to admission of the surviving spouses  
5 of veterans.

6 The bill provides that the commandant of the veterans home  
7 shall determine certain rental rates for cottages rented  
8 by staff, rather than having such rates determined by the  
9 commission of veterans affairs as provided under current law.

10 The bill removes certain personal income exclusions from the  
11 income qualification portion of the certificate of eligibility  
12 required to be signed by two members of the county commission  
13 of veterans affairs.

14 The bill requires that members of the veterans home with  
15 incomes of more than \$140 per month contribute to their own  
16 support. Current law requires that members of the veterans  
17 home with incomes of more than \$25 per month contribute to  
18 their own support. The bill provides that the commandant shall  
19 determine the amount of any such contributions rather than the  
20 director of the department of veterans affairs as required  
21 under current law. The bill also requires that the sums paid  
22 for such support be considered repayment receipts and are  
23 credited to the Iowa veterans home account rather than to the  
24 general fund of the state as required under current law. The  
25 bill makes additional changes related to assistance provided by  
26 members of the veterans home.

27 The bill makes certain changes related to the payment to  
28 dependents from any pension or compensation received by a  
29 member of the veterans home. The bill provides that payments  
30 shall be sent by the commandant to a spouse of a member by  
31 the eighth day of the month or immediately if the payment or  
32 compensation is received after the eighth day of the month.  
33 The bill removes provisions regarding payment to certain  
34 children under Code section 234.1.

35 The bill allows the Iowa veterans home to withdraw moneys

1 from the Iowa veterans home membership account in order to  
2 establish certificates of deposit for the benefit of all  
3 members of the Iowa veterans home. The commission shall  
4 adopt rules for the administration of any program for such  
5 withdrawals.

6 The bill removes the requirement that the commandant of the  
7 Iowa veterans home be a licensed nursing home administrator.  
8 The bill makes certain additional changes related to  
9 involuntary discharge of members and the composition of the  
10 interdisciplinary resident care committee. The bill also  
11 provides that the Iowa veterans home may temporarily draw  
12 more than the amount appropriated from the general fund for  
13 any purpose, provided the amount appropriated is not exceeded  
14 at the close of the fiscal year. Under current law, the  
15 veterans home is only permitted to draw more than the amount  
16 appropriated for cash flow purposes.

17 The bill repeals Code sections 35D.8 and 35D.16 related  
18 to conditional admittance to the home and the disposition of  
19 active duty members charged with a military offense.