

VETERANS HOME RESIDENT APPLICATION PROCESS

POLICY

The Michael J. Fitzmaurice South Dakota Veterans Home (SD Veterans Home), under the South Dakota Department of Veterans Affairs, provides long term nursing home care and independent living services to meet the needs of South Dakota veterans and eligible others regardless of race, color, sex, age, religion, national origin, or political affiliation.

DEFINITIONS

Accountable Assets: any item that has a determined value and is owned solely by the applicant or spouse, owned jointly with spouse, or owned jointly with others, and must be spent down or liquidated and used toward payment of the resident's care and maintenance.

Actual Cost of Care: the actual cost of services that the room rate is based on for an individual living at the SD Veterans Home.

Admissions: the procedure for entering and becoming a resident of the SD Veterans Home.

Allowable Deductions: those approved items which will be subtracted from the gross income when calculating the care and maintenance fee.

Asset Verification: an investigation and evaluation of the financial circumstances of a person applying for admission to the SD Veterans Home.

Dependent: a child of a SD Veteran Home resident who is under the age of 21 or a child of any age who is blind or totally and permanently disabled.

Discharge: the removal of a resident from the SD Veterans Home.

Durable Power of Attorney: A durable power of attorney is a document that appoints an individual to act as that individual's agent. As an agent, this appointed individual is given specific power to make key decisions on behalf of the person. The person can appoint anyone he or she wants to hold this position. It may be a family member or friend. In some cases, it is a trusted attorney. The individual working as an agent like this can make decisions about health, finances, and legal matters on behalf of the person.

Eligible Others: as defined and listed below, will be admitted to the SD Veterans Home as long as the census of the non-veterans does not exceed 25 percent of the nursing care or RLS population. Exceptions will be reviewed by the Superintendent on a case by case basis.

1. *Spouse:* the spouse of any veteran eligible for admission to the SD Veterans Home may be admitted with the veteran if they have been married and living together for at least one year before application for admission. Or, a spouse may be admitted, if the veteran is otherwise eligible for admission but living separately in a healthcare facility, if the spouse has been married to the veteran for at least one year. (SDCL 33A-4-26)
2. *Surviving Spouse:* the widow or widower of a veteran who must have been eligible for admission to the SD Veterans Home. Surviving spouse and veteran must have been married at least one year prior to date of the death of veteran. Surviving spouse must not have remarried, must have attained the age of

60 years, and must have been a South Dakota resident for the period of one year preceding the date of application. (SDCL 33A-4-27)

Eligible Veteran: any veteran as defined by SDCL 33A-2-1; who has an honorable discharge, who has maintained a residence in the state of South Dakota at any time in the five years preceding the date of the application, and who has no income in excess of one thousand dollars per year above the maximum income limitation for pension benefits as determined by the United States Department of Veterans Affairs; shall be eligible for admission to the SD Veterans Home (SDCL 33A-4-25). Residency may not be established by residence in a healthcare facility. (SDCL 28-13-14)

Gross Income: all income and or revenue received by the resident for a given period. This includes, but not limited to, funds received for labor or services, social security, pensions, aid and attendance, net income from rental property, and or the proceeds of a business or enterprises and investments not to include losses.

Individual Unemployability (IU): compensation by the United States Department of Veterans Affairs to veterans at the 100% rate, even though the VA has not rated their service-connected disabilities at that level.

Medicaid: a system of governmental assistance for individuals paying for doctor visits, hospital stays and long-term medical costs.

Medicare: a system of governmental insurance for providing medical and hospital care for the aged from the Federal Social Security funds.

Net Income: the total gross income received, minus allowable deductions.

Non-accountable Assets: those items of determined value that are owned solely by the applicant or spouse, or owned jointly with spouse, jointly with others or jointly by spouse and others and will not be spent down or liquidated and used toward payment of residents' care and maintenance. The following are considered non-accountable assets:

1. The primary residence if the spouse is still living in it. However, if the property is sold, and a portion or all the proceeds from the sale are not reinvested in a primary residence, any income earned from the investment of any or all the proceeds will be counted as income
2. All the household effects there in
3. One automobile (one for resident, one for spouse)

Pre-Admission Screening and Resident Review (PASRR): Preadmission screening and resident review refers to a section in the Code of Federal Regulations that sets the requirements of state healthcare programs. PASSRR regulations set the minimum standards for the rights and care of individuals receiving care in a Medicaid certified nursing facility.

Resident or Veterans Home Resident: means person living at SD Veterans Home.

Resident Fee: means the monthly charges billed by the SD Veterans Home to the resident for their cost of care and maintenance.

Residential Living Services (RLS): Independent living households located at the SD Veterans Home recognized by the United States Department of Veterans Affairs as Domiciliary Care Facilities.

Spend Down: means that which occurs when accountable assets exceed the maximum amount allowed by Medicaid and are liquidated and spent towards the actual cost of care and maintenance. The process will continue as long as the accountable assets exceed the maximum amount allowed.

Spouse: means the married spouse of the individual who is residing at the SD Veterans Home.

Transfer: means the placement of a resident to a more suitable environment to meet individual needs.

Veteran: any person who has served the full obligation for active duty, reserve, or National Guard service in the military, or received an early discharge for a medical condition, hardship, reduction in force, or at the convenience of the military; and has been separated or discharged from such service honorably or under honorable conditions. (SDCL 33A-2-1)

PROCEDURAL GUIDELINES:

Admission Criteria for Nursing Care

1. Eligibility for admission to the SD Veterans Home for Nursing Care is considered on financial and qualified medical needs. Veterans shall be given preference and eligible others shall be admitted as long as the census of non-veterans does not exceed 25%. The following individuals, in order of priority, are eligible for admission consideration:
 - a. Eligible veterans with a service-connected disability of 70% or higher or that have been deemed Individual Unemployable by the United States Department of Veterans Affairs.
 - b. All other eligible veterans (SDCL 33A-2-1)
 - c. Spouses
 - d. Surviving spouses

Nursing Care Application Process:

1. A nursing care applicant shall apply for admission by submitting a completed application packet (Attachment A) which includes requested copies of supporting documentation as well as a signed authorization for release of protected health information and a signed and notarized copy of the Authorization for Financial Verification form.
 - a. Veterans with a verified Service-Connected Disability of 70% or higher or that have been deemed Individual Unemployable and receiving compensation from the United States Department of Veterans Affairs at the rate of 100% are exempt from the requirements to provide financial documentation.
 - b. Veterans who agree to pay actual cost of care are not required to provide 3 months of bank statements or 3 years income tax returns as requested in the application packet. All other financial information requested in the application packet is required for the purpose of asset verification.
2. Nursing care applicants are required to apply for the maximum of every benefit or assistance program for which the applicant may be eligible that will increase the income of the applicant or provide reimbursement to the SD Veterans Home for the resident's care. Specifically, the applicant must have Medicare A, B and D or apply for these Medicare programs at the next available opportunity. An applicant shall agree that when the applicant's available resources are insufficient to pay for the entire cost of care or maintenance on the current basis, he or she will apply for the maximum of every benefit or assistance program for which the applicant or resident may be eligible. This includes, but is not limited to, Medicaid and VA benefits.
3. Completion of Preadmission Screening and Resident Review Preadmission Screening and Resident Review (PASRR) is a federal requirement to help ensure that individuals are not inappropriately placed in nursing homes for long term care. PASRR requires that Medicaid-certified nursing facilities:

- a. Evaluate all applicants for serious mental illness and or intellectual disability.
 - b. Offer all applicants the most appropriate setting for their needs.
 - c. Provide the applicants the services they need in those settings.
 - d. A completed PASSR is required for each applicant before being admitted to SD Veterans Home for nursing care.
4. Criteria for admitting those who are incapable of making decisions for themselves or have a durable power of attorney are as follows:
- a. Any applicant who is adjudicated legally incompetent is required to have a legal guardian. A copy of the guardianship document shall be submitted with the application prior to admission.
 - b. Any applicant who has a conservatorship shall submit a copy of the document prior to admission.
 - c. Any applicant who has a durable power of attorney for both medical and financial matters must submit a copy of the signed and notarized document before admission.

Admission Criteria for Residential Living Services (RLS)

1. For RLS an eligible veteran must be:
 - a. A veteran whose annual income does not exceed the maximum annual rate of pension payable to a veteran in need of regular aid and attendance; or
 - b. A veteran who the United States Veterans Administration determines has no adequate means of support. The phrase "no adequate means of support" refers to an applicant for RLS whose annual income exceeds the rate of pension, but who is able to demonstrate to competent VA medical authority, on the basis of objective evidence, that deficits in health or functional status render the applicant incapable of pursuing substantially gainful employment, as determined by the Chief of Staff of the VA medical center of jurisdiction, and who is otherwise without the means to provide adequately for himself or herself, or be provided for in the community.
2. For purposes of this section, the eligible veteran must be able to perform the following:
 - a. Daily ablutions, such as brushing teeth, bathing, combing hair, and body eliminations, without assistance
 - b. Dress himself or herself with a minimum of assistance
 - c. Proceed to and return from the dining area without aid
 - d. Feed himself or herself
 - e. Secure medical attention on an ambulatory basis or by use of a personally propelled wheelchair
 - f. Have voluntary control over body eliminations or have control by use of an appropriate prosthesis
 - g. Participate in some measure, however slight, in work assignments that support the maintenance and operation of the SD Veterans Home
 - h. Make rational and competent decisions as to his or her desire to remain in or leave the SD Veterans Home

3. Veterans shall be given preference and eligible others shall be admitted as long as the census of non-veterans does not exceed 25%. The following individuals, in order of priority, are eligible for admission consideration.
 - a. Eligible veterans with a service-connected disability of 70% or higher or that have been deemed Individual Unemployable by the United States Department of Veterans Affairs
 - b. All other eligible veterans (SDCL 33A-2-1)
 - c. Spouses
 - d. Surviving spouses.

RLS Application Process

1. RLS applicants shall apply for admission by submitting a completed application packet which includes requested copies of supporting documentation as well as a signed authorization for release of protected health information and a signed and notarized copy of the Authorization for Financial Verification form.
 - a. The resident fee for care and maintenance in RLS is 50% of net income for individuals and 55% of net income for couples.
 - b. Additional monthly charges apply incrementally for assets over \$10,000.
 - c. RLS residents with total assets over \$50,000 are required to pay actual cost of care.
 - d. Veterans who agree to pay actual cost of care are not required to provide 3 months of bank statements or 3 years income tax returns as requested in the application packet. All other financial information requested in the application packet is required for the purpose of asset verification.
 - e. RLS applicants are required to apply for the maximum of every benefit or assistance program for which the applicant may be eligible that will increase the income of the applicant or provide reimbursement to the SD Veterans Home for the resident's care. Specifically, the applicant must have Medicare A, B and D or agree to apply for these Medicare programs at the next available opportunity.

APPROVAL AND DENIAL FOR NURSING CARE AND RESIDENTIAL LIVING SERVICES

1. It is the policy of the SD Veterans Home to have an admissions committee review all complete and tentatively approved applications for appropriateness of placement. A tentatively approved application is one which has produced all required documents and meets medical admission and financial eligibility requirements. In addition to financial eligibility, the following areas will be considered in all applications for admission and may be grounds for denial:
 - a. Individuals determined to not meet the criteria of an eligible applicant.
 - b. Individuals who require medical, mental health, substance abuse and or psychological services which are not available at the SD Veterans Home.

- c. Individuals who refuse to provide complete information requested in the application packet and or refuse to permit access to medical records or submit to a medical examination.
- d. Whether an applicant poses danger to self or others. Past history of criminal activity, past or current behaviors leading to Law Enforcement intervention to include but not limited to; deviant sexual behaviors, murder, assault, or theft. Substance Abuse & Treatment – must receive treatment and remain sober for 1 year prior to admission.

2. *Denial of an applicant*

- a. If the admissions committee denies admission for an applicant, the facility will provide written notice of denial and the reason within fourteen (14) days to the applicant or representative. The notice of denial issued to the applicant shall reference the manner in which the denial may be appealed by written request.

3. *Approved applicants*

- a. Approved applicants will be placed on an approved applicant list. The approved applicant list process will be as follows:
- b. All completed applications with the required documentation will be timed and dated when received.
- c. Once the applicant is approved for admission, his or her name will be placed on the approved applicant list.
- d. Bed availability will be determined by priority status.
- e. If the approved applicant refuses admission at the time offered, the applicants file automatically becomes inactive until requested by the applicant to be placed back on the active approved applicant list.
- f. The Michael J. Fitzmaurice South Dakota Veterans Home (MJFSDVH) strongly discourages animals, including pets, due to infection control issues. Accommodations for animals will be made in certain circumstances. Residents will not be allowed personal pets in the facility except those residents who had prior approval before 2016. MJFSDVH will comply with all ADA rules and regulations regarding service animals. Therapy animals may be considered with Doctor's note documenting the need for animal, based on the resident's ability to care for the animal and must comply with the same rules and regulations as service animals. Visitors may bring pets that are previously approved by the Director of Nursing.