

Chapter VA 6

WISCONSIN VETERANS HOMES

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VA 6.01 Admission and care of members. (1) OBJECTIVE. The department or its designated contractor under s. 45.50 (2m) (c), Stats., shall maintain and operate the Wisconsin veterans homes and shall admit as members eligible veterans; their eligible spouses, surviving spouses, and parents; and eligible parents of any child who died while serving in the armed forces of the United States. The department or its designated contractor shall provide directly to all members, or ensure that all members receive, personal maintenance and medical and nursing care, including programs and facilities which promote comfort, recreation, well-being, and rehabilitation. The department shall be the payer of last resort for the personal maintenance care, medical and nursing care, programs, and facilities provided under this subsection and subs. (11) and (12) that are not paid for by the designated contractor or 3rd parties.

(2) APPLICATION. (a) Except as provided in par. (b), no person may be admitted to a home unless the person has submitted an application on forms furnished by the home and the application has been approved by the commandant. Each question shall be fully and accurately answered and the completed application shall be properly executed. An applicant shall authorize the department to conduct a background check of his or her criminal record. Upon admission of the applicant as a member, the completed application shall be a valid and binding contract by and between the member and the home.

(b) A person may be admitted into a home on a conditional basis pending the completion of the processing of his or her application.

(3) DOCUMENTS REQUIRED. (a) For the purpose of proving eligibility under s. 45.51 (2), Stats., the applicant shall provide all of the following documents with the application:

1. A complete financial statement of the applicant.
2. A physician's report of physical examination.
3. An original or a certified or verifiable copy of each report of separation or discharge of the applicant or the veteran upon whose eligibility the applicant is relying for all periods of active service in the armed forces of the United States.

(b) All documents required under par. (a), other than originals or certified or verifiable copies of reports of separation, shall be required of an applicant who applies for readmission to a home more than 60 days after discharge from the home. Updates of documents required under par. (a) may be requested from an applicant who applies for readmission within 60 days of discharge.

(4) SPOUSE. In addition to the documents required under sub. (3), an applicant who is a spouse of a veteran shall furnish a certified copy of his or her certificate of marriage to the veteran or any other verifiable evidence of marriage that is acceptable to the department.

(5) SURVIVING SPOUSE. In addition to the documents required under subs. (3) and (4), an applicant who is a surviving spouse of a veteran shall furnish a certified or verifiable copy of the veteran's death certificate.

(6) PARENT. In addition to the information required under sub. (3), an applicant who is a parent of a veteran or of a child who died while serving in the armed forces of the United States shall furnish a certified or verifiable copy of the public record of birth of the veter-

eran or child through whom eligibility is claimed and a certified or verifiable copy of the veteran's or the child's death certificate.

(7) ELIGIBILITY, DETERMINATION. If the applicant or the county veterans service officer assisting the applicant with the application requests a review of a determination of ineligibility, the matter shall be referred to the secretary for review.

(8) READMISSION. A former member may be readmitted to a home only if he or she submits a new application with the documents required under sub. (3) (b) and the application is approved by the commandant on the basis of the commandant's determination that the home is able to provide appropriate care for the applicant. A former member who was given an undesirable or dishonorable discharge may be readmitted only if the commandant is satisfied that the conduct leading to the discharge will not be repeated. The commandant may also require that an applicant for readmission shall have paid all moneys which the applicant owed to the home.

(9) DEPENDENTS OF MEMBERS. Nonmember dependents of members may not be quartered or maintained at a home, except under the policy for guests established by the commandant.

(10) QUARTERS, ASSIGNMENT. Assignment of quarters to members shall be based on the availability of space appropriate to the members' needs.

(11) PERSONAL MAINTENANCE. The department or its designated contractor under s. 45.50 (2m) (c), Stats., shall provide directly to all members, or shall ensure as payer of last resort that all members receive, items for personal maintenance as their needs may require. These items shall include clothing, toiletries, and necessary aids to good grooming, including barber and beautician services.

(12) MEDICAL AND NURSING CARE. The department or its designated contractor under s. 45.50 (2m) (c), Stats., shall provide directly to all members, or shall ensure as payer of last resort that all members receive, medical and nursing care as their needs may require. Medical and nursing care includes physician's services, hospitalization, medications, special diets, dental care including dental prosthesis, eye glasses, braces, hearing aid batteries and repairs, and ancillary medical care services.

(15) ADMISSION, DENIAL OR DEFERRAL. Notwithstanding sub. (1), the department may defer or deny an applicant's admission to a home when the commandant determines that the home is unable to provide appropriate care to the applicant.

(16) CHARGES FOR CARE AND MAINTENANCE. Charges for care and maintenance shall be computed every January for the various categories of care provided by a home. The computations shall be based upon the estimated costs of care to be incurred by the home for the succeeding annual period. The department may update charges in July to reflect changes in costs during the year. Charges shall be made for actual care and maintenance provided to a member.

(17) DEFINITION — "PUBLISHED". For the purposes of this chapter, "published" means printing of regulations, making them available to members, employees, and visitors, and posting them on a bulletin board in a public place on the grounds of a home.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. (3), (6), (7), (9), (13), Register, October, 1967, No. 142, eff. 11-1-67; am. (3), Register, June, 1970,

No. 174, eff. 7-1-70; am. (3), and (13), cr. (15) and (16), Register, August, 1972, No. 200, eff. 9-1-72; am. (1) through (7) and (13), r. (15), Register, July, 1976, No. 247, eff. 8-1-76; am. (11), Register, January, 1984, No. 337, eff. 2-1-84; am. (3), (9), (10), (11), (13) and (16), cr. (17), Register, April, 1986, No. 364, eff. 5-1-86; r. and recr. (8), cr. (15), Register, February, 1989, No. 398, eff. 3-1-89; am. (16), Register, September, 1990, No. 417, eff. 10-1-90; am. (1), (3), (8), (12), (15) and (16), r. (13) and (14), Register, June, 1992, No. 438, eff. 7-1-92; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687; 2013 Wis. Act 189; am. (1), (2) renum. to (2) (a) and am., cr. (2) (b), am. (3) (title), renum. (3) to (3) (a) (intro.), 1. to 3., (b), am. (4) to (6), (8), (9), (11), (12), (15) to (17) Register April 2014 No. 700, eff. 5-1-14.

VA 6.02 Duties and responsibilities of the commandant. The commandant of a veterans home, under the direction of the secretary, shall operate the home pursuant to Wisconsin Statutes and in accordance with policies established by the department. The commandant shall:

(1) Coordinate a program of medical and nursing care for all members of the home as their needs may require.

(2) Keep a record of each member of the home which will include information establishing eligibility for admission, date of admission, personal and financial data, and period of membership.

(3) Have charge and custody of the home including all property appertaining thereto or within the boundaries thereof, and may take such reasonable steps as may be necessary to safeguard such property including examination of vehicles, baggage, parcels or any property leaving the home.

(4) Employ such persons as may be necessary and authorized to carry out the functions of the home.

(5) Designate as deputies such employees as may be necessary to assist in enforcing upon the grounds of the home the laws of the state of Wisconsin and the rules and regulations governing the home, and for such purposes, the commandant and the deputies shall have all the powers of constables.

(6) Establish a work therapy program at the home and permit as many members as possible to participate in this program. Participation in the program shall be voluntary and participating members may work as many hours as they desire up to a maximum of 5 hours per day.

(7) Prepare the home's biennial budget requests so as to permit the home to meet applicable standards established by state regulatory agencies and present such budget request to the secretary.

(8) Supervise all funds of the home and see that proper records are kept, maintain internal fiscal control, account for all funds received and disbursed, and take all necessary steps to recover any property or funds transferred, assigned or withheld contrary to law.

(9) Prepare an annual report covering operations of the home as soon as practicable after the close of each fiscal year.

(10) Provide a surety bond at the expense of the home in an amount sufficient to cover the commandant's financial responsibility and be adequately bonded for responsibilities as legal guardian of members and administrator of the estates of deceased members.

(11) Safeguard all records of the home and maintain the confidential nature of medical and personal information regarding employees and members pursuant to s. 45.04, Stats., and s. VA 1.10.

(12) Submit other reports and attend other meetings upon the request of the secretary.

(13) Authorize emergency first aid medical service to a person not connected with the home only when transportation to a local doctor or hospital would, in the opinion of the home medical director, endanger the life of the person.

(15) Establish and publish rules for the regulation of employee conduct.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. (1), (8), (12), (13), Register, October, 1967, No. 142, eff. 11-1-67; r. and recr. (7), Register, August, 1972, No. 200, eff. 9-1-72; r. and recr. Register, April, 1986, No. 364, eff. 5-1-86; am. (1), (6) and (7), Register, June, 1992, No. 438, eff. 7-1-92; correction in (11) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687; 2013 Wis. Act 189; am. (intro.), r. (12) Register April 2014 No. 700, eff. 5-1-14.

VA 6.03 Traffic and conduct on home property.

(1) **DRIVER'S LICENSE REQUIRED.** No person may operate any motor vehicle on any roadway or driveway or in any parking lot of a home unless the person holds a valid and current operator's license or unless he or she is exempt from the requirement that an operator's license be held in order to operate a motor vehicle on the highways of this state. No person may operate a motor vehicle, other than an authorized maintenance motor vehicle, anywhere on the grounds of a home except on a roadway or driveway or in a parking lot. Members using power wheelchairs are exempt from the requirements of this subsection.

(2) **VEHICLE LICENSE REQUIRED.** No person may operate any motor vehicle on any roadway or driveway or in any parking lot of a home unless the vehicle has been properly registered or unless it is exempt from the requirement that the vehicle be registered in order that it may be operated on the highways of this state. Members using power wheelchairs are exempt from the requirements of this subsection.

(4) **DUMPING PROHIBITED.** The dumping of any waste, trash, debris, or other rubbish on the grounds of a home or along any lakeshore on or abutting the grounds of a home is prohibited, except in disposal areas designated by the commandant or elsewhere as may be specifically designated by the commandant.

(5) **REMOVING PROPERTY PROHIBITED.** The removal of any shrubs, trees, plants, wood, rocks, earth, or other natural products or materials from the grounds of a home is prohibited except as may be authorized by the commandant.

(6) **WILDLIFE MOLESTATION PROHIBITED.** The removal, destruction, or molestation of any wildlife within the boundaries of the grounds of a home is prohibited except as may be authorized by the commandant.

(7) **DAMAGING PROPERTY PROHIBITED.** The defacing of, damage to, or wanton destruction of any structures, buildings, improvements, shrubs, trees, or plants on the grounds of a home is prohibited.

(8) **INTOXICATION PROHIBITED.** Any person who is found in an intoxicated condition on the grounds of a home may be subject to arrest and prosecution.

(9) **CANVASSING, PEDDLING, AND SOLICITING.** Canvassing, peddling, or soliciting is prohibited on the grounds or in the buildings of a home, except that the commandant may authorize home posts and chapters of veterans organizations and their auxiliaries to conduct fundraising activities at designated times and places, and to solicit membership. A commandant of a home may authorize and establish conditions for solicitations at the home by other charitable organizations.

(10) **LAKESHORE USE.** Except as specifically authorized by the commandant of a home, use of the lakeshore, beaches, piers, or boating and swimming facilities on or abutting the grounds of the home by persons other than members and employees or guests of members or employees is prohibited. Use of such facilities shall be at the risk of the individuals using them and shall be limited to daylight hours.

(11) **CAMPING AND PICNICKING.** Camping on the grounds of a home is prohibited. Picnicking may be authorized by the commandant of a home on the home's grounds in areas specifically designated by the commandant as picnic grounds. The commandant shall establish rules governing permitted picnic hours, the

disposal of garbage and other refuse, and any other matters that the commandant determines to be necessary.

(12) FIREARMS. The carrying or use of firearms within the limits of a home, except by firing squads or for police or military purposes, is prohibited unless authorized by the commandant of the home.

(13) PENALTY. The penalty for violating the rules and regulations contained in this section shall be as provided in s. 946.73, Stats., and in addition to such penalty violators will be held responsible for damages.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. (1), (2), (4), (8) to (11), r. (3), Register, April, 1986, No. 364, eff. 5-1-86; am. (10), Register, June, 1992, No. 438, eff. 7-1-92; 2013 Wis. Act 189: am. (1), (4) to (12) Register April 2014 No. 700, eff. 5-1-14.

VA 6.04 Conduct and responsibilities of members.

(1) RULES AND REGULATIONS. Members of a home shall obey all rules of the home and all rules and regulations prescribed by the commandant of the home.

(5) ADMINISTRATION OF MEMBERS' PERSONAL FINANCES. Members of a home shall be permitted to receive, disburse, and manage their personal finances as long as they are capable of doing so. Upon determination by the medical staff that a member is unable to manage funds wisely, the commandant of the home shall automatically assume control over the member's funds and prepare a letter setting forth the determination and assumption of control, a copy of which shall be mailed to any relatives concerned and to the secretary of the department. Immediately upon assumption of control over a member's funds by the commandant, they shall be deposited in a personal account in the administrative office of the home, and withdrawals from the account shall be confirmed by the commandant or the commandant's designee. Relatives and friends of members whose funds are under the control of the commandant may not be permitted to receive or disburse these members' funds or exercise control over their funds unless specifically authorized by appropriate court order.

(7) JOINT ACCOUNTS PROHIBITED. Joint accounts may not be held by members with any other person or persons.

(8) BORROWING PROHIBITED. A member shall not borrow from nor loan money to another member.

(9) DISPOSAL OF CLOTHING PROHIBITED. A member of a home may not sell, give away, throw away, or destroy clothing issued by the home.

(10) ALCOHOLIC BEVERAGES PROHIBITED. Members of a home may not bring any alcoholic beverages onto the grounds of the home or keep alcoholic beverages in their quarters.

(11) PHYSICAL EXAMINATION. All members shall submit to periodic physical examinations and to such treatment as may from time to time be required.

(12) PERSONAL CLEANLINESS. Cleanliness of person and dress is required of members at all times.

(13) CLEANLINESS OF QUARTERS. Clothing, beds, quarters, dormitories and cottages shall be kept in a neat and clean condition, and all members' quarters shall be available for inspection during periods when formal inspections or fire drills are scheduled.

(14) GIFT OF PROPERTY BY A MEMBER. A gift of property by a member of a home shall be invalid unless physical possession of the property is transferred to the donee at the time the gift is made and the property is removed from the premises of the home before the death of the member. A gift of property by a member during the member's lifetime with the understanding that the member may retain physical possession of the property until the member's death or a gift of property which is to take effect upon the death of the member donor is invalid.

(15) LOAN OF PROPERTY TO MEMBER. Property loaned to a member of a home by a nonmember shall be declared to be loaned property at the time its possession is transferred to the member. The nonmember loaning the property to the member shall at the

time of the loan file a sales slip, invoice, or other evidence of ownership with the office of the home and shall affix an identifying tag to the loaned property. The tag shall remain affixed to the property during the term of the member's stay at the home. Any property not so identified shall become the property of the member upon death, and shall be distributed to the state.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. (4), r. (5), Register, December, 1965, No. 120, eff. 1-1-66; am. (3), Register, October 1967, No. 142, eff. 11-1-67; am. (3) and cr. (5), Register, June, 1970, No. 174, eff. 7-1-70; r. (6), Register, August, 1972, No. 200, eff. 9-1-72; am. (3), (5), (13) and (14), r. (16) and (17), Register, April, 1986, No. 364, eff. 5-1-86; r. (2) to (4), Register, June, 1992, No. 438, eff. 7-1-92; corrections in (15) made under s. 13.93 (2m) (b) 5., Stats., Register, January, 1995, No. 469; 2013 Wis. Act 189: am. (1), (5), (9), (10), (14), (15) Register April 2014 Register No. 700, eff. 5-1-14.

VA 6.05 Discipline, discharges and leaves of absence.

(1) DISCIPLINARY PROCEDURE FOR SERIOUS OFFENSES. Each home shall maintain a complete record of each offense by a member of the home for which the member could be given a dishonorable discharge under sub. (7), showing the name of the offender, date and place of the offense, and the nature of the offense. Each member charged with such an offense shall be furnished with a copy of the charge or charges placed against the member. No member may be given a dishonorable discharge or disciplined in any way for the offense without a hearing before the commandant of the home at a time and place to be fixed by the commandant. Each member charged with an offense shall be furnished with a copy of the charge or charges placed against the member. A summary of evidence introduced and the findings and the decision of the commandant shall be filed in each case.

(2) DISCIPLINARY ORDERS, REVIEW AND APPEAL. A member found guilty by a commandant under sub. (1) of an offense may be dishonorably discharged, given an enforced leave of absence for a period not exceeding 60 days, restricted to the grounds of the home or designated parts of the grounds, or disciplined in any other manner as the commandant determines to be just and proper. Upon written application by the member involved within 10 days of issuance of a disciplinary order by the commandant, the secretary shall review any discharge, enforced leave of absence, restriction, or other disciplinary action ordered by the commandant and shall confirm, modify, or reverse the order. The member involved may, within 10 days of action by the secretary, file a request for a hearing under s. 227.42, Stats. If a request for hearing is filed, the disciplinary order involved shall be stayed pending the final decision by the department.

(3) OFF-LIMITS. The commandant of a home may prohibit any member of the home from entering any tavern or establishment in the vicinity of the home and may declare any such establishment off-limits to any member if such action is necessary for the maintenance of discipline and control.

(4) GRIEVANCE PROCEDURE. Any member of a home who has a grievance or complaint of any kind against the home or its management may present the grievance or complaint in writing to the commandant of the home. If the member is not satisfied with action by the commandant on the grievance or complaint, the member may refer the matter to the secretary, and the commandant shall promptly transmit the grievance or complaint together with a written report of investigation and action on the grievance or complaint to the secretary.

(5) HONORABLE DISCHARGE. A member of a home may receive an honorable discharge from membership at the home upon application, provided that he or she has paid all money due the home and has accounted for all property issued that is not suitable for reissue, that no disciplinary action has been currently imposed or is pending against the member, and that he or she is able to exercise sound judgment in planning and providing for his or her own physical welfare. When a member requires special living or travel facilities or is unable to exercise sound judgment in planning for his or her own physical welfare, the commandant of the home may refer the request for discharge to the county veterans service officer in the member's home county for assistance and may delay

granting an honorable discharge until proper facilities for his or her care and travel are assured.

(6) UNDESIRABLE DISCHARGE. A member of a home may be given an undesirable discharge if an obligation to the home is not paid within 60 days of the date of the member's or personal representative's receipt of a billing statement from the home or if the member leaves the home without satisfying the conditions for an honorable discharge.

(7) DISHONORABLE DISCHARGE. A member of a home may be given a dishonorable discharge for frequent or habitual intoxication; for willful disobedience of proper orders; for failure to maintain restrictions imposed as a disciplinary measure; for habitual use of profane, obscene, or abusive language; for the defacement of, damage to, or destruction of any structures, buildings, improvements, shrubs, trees, or plants on the grounds of the home; for unauthorized discharge of firearms within the limits of the home; for assault on another person; for theft; for committing any other crime; or for immoral or indecent conduct.

(8) LEAVES OF ABSENCE. Leaves of absence may be granted by the commandant of a home for a period of not to exceed 60 days during a calendar year, but may be extended by the secretary if circumstances warrant. Payments to the state, as required by s. 45.51 (7), Stats., shall continue during the period of absence. The home will not be responsible for any expense incurred by a member while absent from the home except for emergency medical expenses authorized by a home's physician, provided notice is given to the home within 24 hours of the onset of the emergency. Quarters will not be reserved during any absence unless the absence is authorized by the commandant.

(9) LEAVES OF ABSENCE, MEDICAL. Leaves of absence from a home will be granted to veteran members while undergoing treatment in a veterans administration hospital or in another authorized

hospital and to non-veteran members while in any hospital or sanatorium away from the home. This leave shall not be charged to the 60-day annual allowance.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-75; am. (2), (4), (8), Register, October, 1967, No. 142, eff. 11-1-67; am. (1) to (6) and (9), Register, April, 1986, No. 364, eff. 5-1-86; am. (6), Register, June, 1992, No. 438, eff. 7-1-92; correction in (8) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687; 2013 Wis. Act 189; am. (1) to (9) Register April 2014 No. 700, eff. 5-1-14.

VA 6.06 Employee rules. (1) RULES AND DUTIES.

Employees shall obey all rules prescribed by the commandant, and shall discharge such duties as may be assigned to them by or on the order of the commandant.

(2) MEMBER TREATMENT. In case of alleged neglect or ill treatment of a member by an employee other than the commandant, complaint shall be made in writing to the commandant. If against the commandant, the complaint shall be made in writing to the secretary.

(4) FINANCIAL DEALINGS PROHIBITED. Except as provided in s. VA 6.03 (9), no employee shall sell or solicit the sale of anything of value to a member or buy or solicit the purchase of anything of value from a member, or solicit, receive or agree to receive any compensation, gift, reward or gratuity from any member for any matter connected with or related to the duties of such employee, and no employee shall make any loan to or borrow from any member. An employee may, however, receive from a member a gift of food or handicraft having a nominal value, and may purchase handicraft items produced by members and make purchases from member employees at the home exchange.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. (2) Register, October, 1967, No. 142, eff. 11-1-67; r. and recr. (5), and am. (6), Register, August, 1972, No. 200, eff. 9-1-72; r. (6), Register, September, 1990, No. 417, eff. 10-1-90; r. (3), Register, June, 1992, No. 438, eff. 7-1-92; 2013 Wis. Act 189; r. (5) Register April 2014 No. 700, eff. 5-1-14.