

Chapter VA 6

WISCONSIN VETERANS HOME

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Note: 2005 Wis. Act 22 repealed and recreated Ch. 45, Stats. Cross-references to Ch. 45, Stats., were corrected by the revisor under s. 13.93 (2m) (b) 7., Stats.

VA 6.01 Admission and care of members. (1) OBJECTIVE. The department shall maintain and operate the Wisconsin veterans home and shall admit as members eligible veterans, their eligible spouses, surviving spouses and parents, and shall furnish all members personal maintenance, medical and nursing care to include programs and facilities which promote comfort, recreation, well-being and rehabilitation.

(2) APPLICATION. No person shall be admitted until such person has submitted an application on forms furnished by the home and such application has been approved by the commandant. Each question must be fully and accurately answered and the completed application properly executed. 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.

(3) EXHIBITS REQUIRED. Each application shall be accompanied by a complete financial statement of the applicant, a physician's report of physical examination of the applicant, a certified copy of the applicant's birth certificate or other acceptable evidence relating to the applicant's birth, and original or certified copies of reports of separation or discharges 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 during one wartime period as enumerated in s. 45.01 (12), Stats., or which establish that the veteran was entitled to receive the Armed Forces Expeditionary Medal, the Navy Expeditionary Medal, the Marine Corps Expeditionary Medal or the Vietnam Service Medal or served pursuant to section 1 of executive order 10957, or served under s. 45.01 (11), Stats., in Lebanon between August 1, 1982 and August 1, 1984, in Grenada between October 23, 1983 and November 21, 1983, in Panama or in a Middle East Crisis and, except in the case of a Wisconsin resident at the time of entry into active service or the spouse of such a veteran applicant, 1 affidavit attesting to the applicant's Wisconsin residence. All exhibits except certified copies of reports of separation will be required of an applicant who applies for readmission more than 60 days after discharge but an affidavit in lieu of exhibits may be accepted from an applicant who applies for readmission within 60 days of discharge.

(4) SPOUSE. A veteran's spouse shall also furnish a certified copy of certificate of marriage to the veteran.

(5) SURVIVING SPOUSE. The application of a veteran's surviving spouse shall be accompanied by a certified copy of the certificate of marriage of the applicant to the eligible veteran and with a certified copy of such veteran's death certificate.

(6) PARENT. The application of the parent of a veteran shall also be accompanied by the certified copy of the public record of birth of the veteran through whom eligibility is claimed, and either a complete physician's report of physical examination of such veteran and a complete financial statement and 2 residence affidavits pertaining to such veteran or a certified copy of such veteran's death certificate.

(7) ELIGIBILITY, DETERMINATION. If the applicant or the county veterans service officer assisting the applicant with the applica-

tion 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 the home only if a new application has been submitted and approved by the commandant on the basis of the commandant's determination that the home can provide suitable 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 such 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 the 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) CLOTHING AND COMFORT ITEMS. Clothing, toiletries, and necessary aids to good grooming, including barber and beautician services, shall be furnished to members as their needs may require.

(12) MEDICAL AND NURSING CARE. Medical and nursing care, including physician's services, nursing care, hospitalization, medications, special diets, dental care including dental prosthesis, eye glasses, braces, hearing aid batteries and repairs, and ancillary medical care services will be furnished members as their needs may require.

(13) ADMISSION, DENIAL OR DEFERRAL. Notwithstanding the other provisions of this section, the department may defer or deny an applicant's admission to the home when the commandant determines that the home will be unable to provide appropriate care.

(14) CHARGES FOR CARE AND MAINTENANCE. Charges for care and maintenance shall be computed every January for the various categories of care provided by the 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.

(15) 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 home grounds.

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.**

VA 6.02 Duties and responsibilities of the commandant. The commandant, under the direction of the secretary, shall

operate the Wisconsin veterans home pursuant to Wisconsin Statutes and in accordance with the policies established by the board. 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) Attend all meetings of the board and King committee and make monthly reports on the operation of the home.

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

(14) 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.

VA 6.03 Traffic and conduct on home property.

(1) **DRIVER'S LICENSE REQUIRED.** No person may operate any motor vehicle on any roadway, driveway or parking lot of the home unless the person holds a valid and current operator's license or unless exempt from the requirement that such a license be held in order to operate a motor vehicle on the highways of this state, and no person may operate a motor vehicle anywhere on the

home grounds except on a roadway, driveway or 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, driveway, or parking lot of the home unless the vehicle has been properly registered or unless 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 home grounds or along the home grounds lakeshore 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 home grounds 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 home grounds 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 home grounds is prohibited.

(8) **DRUNKENNESS PROHIBITED.** Any person who is found in an intoxicated condition on the home grounds 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 the home, except that the commandant may authorize home posts and chapters of veterans organizations and their auxiliaries to conduct fund raising activities at designated times and places, and to solicit membership. The commandant may authorize and establish conditions for solicitations at the home by other charitable organizations.

(10) **LAKESHORE USE.** Except as specifically authorized by the commandant, use of the home lakeshore, beaches, piers, boating and swimming facilities 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 home grounds is prohibited. Picnicking may be authorized by the commandant on the home 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 such other matters as may be deemed necessary.

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

(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.

VA 6.04 Conduct and responsibilities of members.

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

(5) **ADMINISTRATION OF MEMBERS PERSONAL FINANCES.** Members 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 shall automatically assume control over the member's funds and prepare a letter setting forth such determination and assumption of control, copies 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 home administrative office and withdrawals from such 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 shall not sell, give away, throw away nor destroy clothing issued by the home.

(10) **ALCOHOLIC BEVERAGES PROHIBITED.** Members may not bring any alcoholic beverages onto the home grounds or keep such 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 shall be invalid unless physical possession of the property is transferred to the donee at the time the gift is made and unless 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 such 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 by a nonmember must be declared to be loaned property at the time its possession is transferred to the member, and the nonmember loaning the property to the member must at such time file a sales slip, invoice or other evidence of ownership with the home office and affix an identifying tag to the loaned property which tag must remain affixed to such property during the term of the member's stay at the home. Any property not so identified will be deemed the property of the member upon death, and will 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.

VA 6.05 Discipline, discharges and leaves of absence. (1) **DISCIPLINARY PROCEDURE FOR SERIOUS OFFENSES.** The home shall maintain a complete record of each offense by a member 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 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. No member may be given a dishonorable discharge or disciplined in any way for the offense without a hearing before the commandant at a time and place to be fixed by the commandant. A summary of evidence introduced, 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 the 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 home grounds or designated portions thereof, or disciplined in such other manner as the commandant deems 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 confirm, modify or reverse the order. The member involved may, within 10 days of action by the secretary, appeal from the decision by the department before the appropriate departmental committee. In these cases, recommendations by the committee shall be submitted promptly to the board for review and final action on the appeal. Upon application for review or appeal, the disciplinary order involved shall be stayed pending determination of the review or appeal.

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

(4) **GRIEVANCE PROCEDURE.** Any member having a grievance or complaint of any kind against the home or its management may present such grievance or complaint in writing to the commandant. In the event the member is not satisfied with action by the commandant upon such grievance or complaint the member may refer the matter to the secretary, and the commandant shall promptly transmit such grievance or complaint together with a written report of investigation and action thereon to the secretary. In the event the member is not satisfied with action by the commandant and the secretary upon such grievance or complaint he or she may appeal the matter to the board.

(5) **HONORABLE DISCHARGE.** A member may receive an honorable discharge from membership at the home upon application, provided that he or she has paid all money due the home, has accounted for all property issued 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 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 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 may be given a dishonorable discharge for frequent or habitual intoxication, willful disobedience of proper orders, failure to maintain restrictions imposed as a disciplinary measure, habitual use of profane, obscene or abusive language, defacing of, damage to or destruction of any structures, buildings, improvements, shrubs, trees or

plants on the home grounds, 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 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 members while absent from the home except for emergency medical expenses authorized by a home physician, providing notice is given to the home within 24 hours of the onset of the emergency. Quarters will not be reserved during any absence unless such absence is authorized by the commandant.

(9) LEAVES OF ABSENCE, MEDICAL. Leaves of absence 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, and 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.

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.

(5) RESIDENT EMPLOYEE POLICY. The board shall establish by regulation the terms and conditions under which employees shall be required or permitted to live in quarters on the home grounds. Such regulations shall be published.

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.