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**IDAPA 16
TITLE 07
Chapter 01**

16.07.01 - RULES GOVERNING ELIGIBILITY FOR ADMISSION, RESIDENCY, AND MAINTENANCE CHARGES IN IDAHO STATE VETERANS HOMES-DOMICILIARY CARE

000. LEGAL AUTHORITY.

The Idaho State Board of Health and Welfare with the advice of the Veterans Affairs Commission is authorized by the Idaho Legislature to establish rules governing requirements for admission to Idaho State Veterans Homes and to establish rules governing charges for residency, pursuant to Section 66-907, Idaho Code. (12-31-91)

001. TITLE AND SCOPE.

These rules contain provisions for determining eligibility for admission and for establishing charges for residency in Idaho State Veterans Homes and are to be cited as Idaho Department of Health and Welfare Rules, IDAPA 16.07.01, "Rules Governing Eligibility for Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes-Domiciliary Care". (6-1-90)

002. POLICY.

Through the facilities and services available at Idaho State Veterans Homes, the Department of Health and Welfare will provide necessary care for honorably discharged eligible veterans and for eligible members of the Idaho National Guard. No applicant will be denied admission on the basis of sex, race, color, age, political or religious opinion or affiliation, national origin or lack of income, nor will any care or other benefit at a Home be provided in a manner, place or quality different than that provided for other residents with comparable disabilities and circumstances. However, if residents are financially able to do so, they must contribute to the cost of their care, with allowances made for retention of funds for their personal needs. (6-1-90)

003. (RESERVED).

004. DEFINITIONS AND ABBREVIATIONS.

For the purposes of the rules contained in this chapter, the following terms are used as defined: (12-31-91)

01. Applicant. A person who has expressed interest in applying for residency in an Idaho State Veterans Home. (6-1-90)
02. Board. The Idaho State Board of Health and Welfare. (12-31-91)
03. Bona Fide Resident. A person who maintains a principal or primary home or place of abode in the State of Idaho coupled with the present intent to remain at that home or abode and return to it after any period of absence pursuant to Section 66-901, Idaho Code. (6-1-95)
04. Commission. The Idaho Veterans Affairs Commission. (6-1-90)
05. County Service Officer. A person appointed by the county to provide assistance to veterans in accordance with Section 65-601, Idaho Code. (11-1-80)
06. Department. The Idaho Department of Health and Welfare. (11-1-80)
07. Director. The Director of the Idaho Department of Health and Welfare, or his designee. (5-7-93)
08. Division Administrator. The Administrator of the Idaho Division of Veterans Services, Department of Health and Welfare, or his designee. (5-7-93)
09. Home. An Idaho State Veterans Home. (6-1-90)
10. Home Administrator. The Administrator of an Idaho State Veterans Home, or his designee. (12-31-91)
11. Idaho National Guard Member. Pursuant to Section 66-901, Idaho Code, a member of the Idaho

National Guard who is a bona fide resident of the State of Idaho at the time of enlistment or application for residency in an Idaho State Veterans Home who: (5-7-93)

- a. Was disabled in the line of duty; and (11-1-80)
- b. Did not refuse military duty on account of conscientious objection. (11-1-80)

12. Idaho State Veterans Home. Pursuant to Section 66-901, Idaho Code, a home for eligible veterans or eligible members of the Idaho National Guard. (6-1-90)

13. Legal Dependents. The mother, father, spouse, or minor children of an applicant/resident who by reason of insufficient financial resources, or non-minor children who because of disease, handicap or disability, must have financial support from the applicant/resident in order to maintain themselves. (6-1-90)

14. Liquid Assets. Those assets which can be liquidated for cash within a reasonable period of time (e.g., money market certificates, certificates of deposit, stocks and bonds, and some tax shelter investments). (6-1-90)

15. Maintenance Charge. A charge made for domiciliary care and residence at an Idaho State Veterans Home, based upon the current established rate. (6-1-95)

16. Net Income. That income used to compute charges after allowable deductions have been made. (1-1-84)

17. Resident. A veteran or Idaho National Guard member who is a resident of an Idaho State Veterans Home. (6-1-90)

18. VA. United States Department of Veterans Affairs. (6-1-90)

19. Veteran. Pursuant to Section 65-202, Idaho Code, a bona fide resident of the state of Idaho at the time of application for residency in an Idaho State Veterans Home who actually served during any war or conflict officially engaged in by the government of the United States and was discharged, under honorable conditions, after ninety (90) or more days of military service or was separated from military service earlier because of service connected disability. (6-1-95)

005. -- 049. (RESERVED).

050. ADMINISTRATIVE POWERS.

The Home Administrator has full authority in the management of a Home, subject to review by the Division Administrator, Commission, and the Department. A Home Administrator can, in the execution of his duties, delegate certain responsibilities to his staff. When requested by the Division Administrator, the Home Administrator will attend regular and special meetings of the Commission. (6-1-95)

01. Representative Powers. The Division Administrator is authorized to represent the Commission in all official transactions between the veterans homes and other departments of Idaho state government. (6-1-90)

02. Investigation Powers. Upon receipt of an application for residency and for the duration of residency of any resident, the Division of Veterans Services is authorized to conduct an investigation to determine the total value of the property and assets of the applicant/resident to determine his ability to pay maintenance charges established in this chapter pursuant to Section 66-907, Idaho Code. (6-1-95)

03. Inspection Powers. Inspection of the rooms and facilities of a Home, as well as of the dress and appearance of all residents, can be conducted at any time by the Home Administrator. (12-31-91)

04. Emergency Powers. In an emergency, the Home Administrator is authorized to use his judgment in matters not specifically covered by a statute, order, rule, or policy. (6-1-90)

051. -- 074. (RESERVED).

075. ADMINISTRATIVE DUTIES.

The Home Administrator must enforce all orders and rules and implement all policies of the Department in the administration of a Home. (6-1-90)

- 01. Management of Records. The Home Administrator must maintain accurate fiscal and resident records. (12-31-91)
 - a. Resident Records. Records relating to each resident of a Home must include: (6-1-90)
 - i. Date of admission; and (8-9-77)
 - ii. Period of residency; and (6-1-90)
 - iii. Age; and (8-9-77)
 - iv. Residence; and (8-9-77)
 - v. Military organization in which the veteran served; and (8-9-77)
 - vi. Evidence of other eligibility requirements; and (6-1-90)
 - vii. "Acknowledgement of Conditions Leading to Discharge" form; and (6-1-90)
 - viii. "Residents Bill of Rights" form. (6-1-90)
 - b. Fiscal Records. The Home Administrator must account for Home funds expended on behalf of designated residents or for the benefit of the Home. (12-31-91)
- 02. Response to Complaints. The Home Administrator must respond in writing to any written and signed complaint made by a resident pursuant to Section 300. (12-31-91)

076. -- 099. (RESERVED).

100. ELIGIBILITY REQUIREMENTS.

An applicant/resident must be a veteran of the armed forces or a member of the Idaho National Guard and must satisfy the following requirements, pursuant to Sections 66-901 and 66-907, Idaho Code: (6-1-90)

- 01. Idaho Residency. The applicant must be a bona fide resident of the state of Idaho at the time of admission to a Home. (6-1-95)
- 02. Disability. The applicant must be unable to earn a living and have no adequate means of support due to wounds, old age, or physical or mental disabilities. However, each Home resident must be capable of performing at the time of admission, and for the duration of his residency, all of the following without assistance: (6-1-90)
 - a. Making his bed daily; and (6-1-90)
 - b. Maintaining his room in a neat and orderly manner at all times; and (6-1-90)
 - c. Keeping all clothing clean through proper laundering; and (6-1-90)
 - d. Observing cleanliness in person, dress and living habits and dressing himself; and (6-1-90)
 - e. Bathing or showering frequently; and (6-1-90)

- f. Shaving daily and/or keeping his mustache or beard neatly groomed; and (6-1-90)
 - g. Proceeding to and returning from the dining room and feeding himself; and (6-1-90)
 - h. Securing medical attention on an ambulatory basis and managing medications; and (6-1-90)
 - i. Maintaining voluntary control over body eliminations or control by use of an appropriate prosthesis; and (6-1-95)
 - j. Making rational and competent decisions as to his desire to remain or leave the Home. (6-1-90)
03. Physical Examination. Each applicant must provide proof of a physical examination, performed at the VA Medical Center and/or by the clinical specialist assigned to a Home. (6-1-90)
04. Placement Restriction. A Home shall not accept applicants or continue to extend care to residents for whom the facility does not have the capability or services to provide an appropriate level of care. (6-1-90)
05. Financial Statement. Each applicant must file a signed, dated statement with the Home Administrator containing a report of income from all sources and a report of all liquid assets which will be used to determine the amount of the maintenance charge which is required in accordance with Section 66-907, Idaho Code, and this chapter. (12-31-91)
06. Social Security Benefits. If eligible for Social Security benefits, the applicant/resident and/or spouse must apply for those benefits unless waived by the Home Administrator. (8-1-95)
07. Medicare Coverage. If eligible for Medicare parts "A" and "B", the applicant/resident must elect to participate unless participation is waived by the Home Administrator. (5-7-93)
08. Income Limitation. An applicant whose total monthly net income, at the time of his application for residency, exceeds the current maximum annual rate of VA pension for a single veteran pursuant to Public Law 95-588 divided by twelve (12) cannot be admitted unless granted a waiver by the Home Administrator. This waiver must include a statement from a VA Medical Center physician indicating the veteran is in "need of continuing medical care". (5-7-93)

101. -- 149. (RESERVED).

150. APPLICATION PROCEDURE.

- 01. Availability of Application Forms. Forms to apply for residence in a Home are available: (6-1-90)
 - a. From the Idaho Division of Veterans Services; or (6-1-90)
 - b. From any county service officer; or (8-9-77)
 - c. From any active post or barracks service officer of veterans organizations. (8-9-77)
- 02. Submission of Application. An application can be submitted to the administrative offices of an Idaho State Veterans Home. (6-1-90)
- 03. Application Processing. Completed applications will be processed no later than three (3) working days from receipt. (6-1-90)
- 04. Waiting List. An applicant who is approved for admission for whom a vacancy does not exist will be placed on a waiting list and accepted on a first come, first serve basis dependent on the Home's ability to provide a level of care consistent with the needs of the applicant. The Home Administrator may award "priority status" to prospective Home residents resulting in their names being placed near the top of the Home waiting list, provided they have completed all preadmission requirements and meet one or more of the following criteria: (6-1-90)

- a. Veterans of World War I who are currently eligible to receive priority treatment at a VA Medical Center. (6-1-90)
 - b. Previous residents of Idaho State Veterans Homes who for their own well-being have been encouraged to leave the Home to live in a lesser level of care or in an independent setting and whose discharge plan indicates a readmission priority. (6-1-90)
 - c. Current Home residents who demonstrate a need for a level of care provided by an Idaho State Veterans Home and who would benefit from maintaining a stable environment. (6-1-90)
 - d. Receive special consideration as per the request of the medical director because of his desire to provide a very specific continuum of care. (6-1-90)
05. Provision if Application Rejected. An applicant whose application has been rejected and who feels he meets the eligibility requirements can request a hearing in accordance with the provisions specified in Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Section 700, "Rules Governing Contested Cases and Declaratory Rulings". (6-1-95)

151. -- 199. (RESERVED).

200. CONDITIONS FOR ADMISSION.

Prior to admission to an Idaho State Veterans Home, an eligible applicant must agree that while he is a resident of a Home, he will assign the following, under the conditions specified: (6-1-90)

01. Assignment Following Death. Pursuant to Section 66-906, Idaho Code, all personal property owned, money held, or assets to which he is entitled at the time of his death -- unless disposed of by will or rightfully claimed within five (5) years of the death of the resident by an heir or person named in the resident's will -- must be assigned to the Director at the time of application for the sole use and benefit of a Home. (12-31-91)

02. Assignment Upon Voluntary Departure or Discharge. Upon discharge or voluntary departure from a Home, and after written notification is sent to the resident, all personal property owned or money deposited with the Home which is unclaimed by the former resident will be converted for the sole use and benefit of a Home as specified below: (6-1-90)

a. Personal property unclaimed within thirty (30) days of departure or discharge will be made available to needy Home residents or disposed of at public auction or private sale and the proceeds deposited with the state; or (6-1-90)

b. Money deposited with the Home will be retained and deposited with the state; however, said money may be claimed by the former resident within five (5) years of departure or discharge. (6-1-90)

201. WEAPONS.

Weapons including, but not limited to, firearms, ammunition, knives with long or two (2) edged blades, and straight razors are not allowed. (6-1-90)

202. ACKNOWLEDGMENT OF CONDITIONS LEADING TO DISCHARGE.

Upon admission to an Idaho State Veterans Home, each resident will be advised in writing of the conditions under which immediate discharge will occur, as specified in Subsection 350.01. Each resident must acknowledge receipt of this information by signature, and that acknowledgment will be a permanent part of each resident's file. (12-31-91)

203. LIABILITY.

An Idaho State Veterans Home will not be responsible for loss or damage to residents' clothing, personal property, sensory aids, dentures, or prosthetic devices. (6-1-90)

204. -- 299. (RESERVED).

300. CONDUCT OF RESIDENTS.

Each resident must comply with applicable rules of this chapter and with any order or directive of the Home Administrator. All complaints made by the residents concerning food, quarters, ill treatment, neglect, abusive language, or other violations of the rules contained in this chapter, or complaints against the operation of a Home may be made either verbally or in writing to the Home Administrator. (12-31-91)

01. Operation of Motor Vehicles. Each resident who drives a motor vehicle onto the grounds of a Home must adhere to the following: (6-1-90)

a. Requirements: (12-31-91)

i. Possessing a valid driver's license; and, (6-1-90)

ii. Possessing a current vehicle registration; and (6-1-90)

iii. Carrying public liability and property damage car insurance; and (6-1-90)

iv. Parking only in assigned spaces. (6-1-90)

b. Prohibitions. Nonoperable motor vehicles and/or motor vehicle repairs are not permitted on the grounds of a Home. (6-1-90)

02. Housekeeping. Each resident must adhere to the following: (6-1-90)

a. Requirements: (12-31-91)

i. Making his bed daily; and (6-1-90)

ii. Maintaining his room in a neat and orderly manner at all times; and (6-1-90)

iii. Assuring that all clothing is appropriately marked, stored and kept clean through proper laundering. (6-1-90)

b. Prohibitions: (12-31-91)

i. Washing clothes or other articles which present a health or safety hazard in resident rooms or bathrooms; or (6-1-90)

ii. Using electrical devices (i.e., televisions, radios, recorders, shavers, etc.) until they have been certified by Home maintenance staff as being safe for use; or (6-1-90)

iii. Entering the kitchen, laundry, shop or mechanical spaces without permission; or (6-1-90)

iv. Interfering or tampering with the heating, refrigeration or air conditioning systems, televisions, lighting, appliances, plumbing, or mechanical equipment at the Home without authorization. (6-1-90)

03. Personal Conduct. Each resident must adhere to the following: (6-1-90)

a. Requirements: (12-31-91)

i. Observing cleanliness in person, dress and in living habits; and (6-1-90)

ii. Bathing or showering frequently; and (6-1-90)

iii. Observing the smoking policies of a Home; and (5-7-93)

iv. Retiring to a recreation area or utilizing an individual bed light if desiring to read between 10:00

- p.m. and 6:30 a.m. during which time all room overhead lights are turned off; and (6-1-90)
- v. Being present during inspection unless otherwise authorized. (5-7-93)
 - b. Prohibitions: (12-31-91)
 - i. Creating a disturbance and/or using intoxicating beverages or nonprescribed controlled substances in the buildings or on the grounds; or (6-1-90)
 - ii. Marking or writing on the walls of a building, or damaging the grounds or any other property; or (6-1-90)
 - iii. Using profanity or exhibiting vulgar behavior in the Home or in any other public place; or (6-1-90)
 - iv. Becoming involved in quarrels and dissension or persistent grumbling and fault-finding; or (6-1-90)
 - v. Lending money to, or borrowing money from, another resident or an employee of the Home; or (6-1-90)
 - vi. Smoking in an unauthorized area; or (6-1-90)
 - vii. Sleeping in a reclining position in a common area; or (6-1-90)
 - viii. Taking food (other than fresh fruit for consumption within a reasonable time period), condiments, or utensils from the dining room; or (6-1-90)
 - ix. Entering the dining room in advance of any meal unless authorized; or (6-1-90)
 - x. Cooking or using heating devices in residents' rooms or other unauthorized areas. (6-1-90)

301. -- 349. (RESERVED).

350. PENALTIES.

Upon determination that a resident has failed to comply with an order or rule of a Home and/or the Department, the Home Administrator must notify the resident, in writing, of pending disciplinary action which can include: (6-1-90)

01. Discharge. A resident may be discharged from the Home for a period of time to be determined by the Home Administrator: (6-1-90)

a. If a resident has been determined, by the Home Administrator, to have committed one (1) or more of the following acts, the resident will be given notice in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Subsection 700.01, "Rules Governing Contested Cases and Declaratory Rulings," and immediately discharged from the Home. (5-7-93)

- or
- i. Possession of wine, beer, liquor, controlled substance or a lethal weapon of any kind in the Home; (6-1-95)
 - ii. Excessive intoxication; or (11-1-80)
 - iii. Disturbing the peace; or (11-1-80)
 - iv. Striking or threatening another person; or (1-1-84)
 - v. Willful destruction or wrongful appropriation of state or another person's property; or (6-1-95)
 - vi. Commission of a felony; or (6-1-90)

- vii. Abusive language or gestures. (6-1-90)
- b. The resident will be given notice of his eventual discharge in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Subsection 700.01, "Rules Governing Contested Cases and Declaratory Rulings," for the following acts: (5-7-93)
 - i. Habitual intoxication; or (11-1-80)
 - ii. Willful disobedience or persistent violations of Home rules; or (6-1-90)
 - iii. Refusal or failure to pay established charges (see Sections 880 through 980); or (6-1-95)
 - iv. Any behavior that continually infringes upon the rights of another person; or (6-1-90)
 - v. Unauthorized absences (6-1-95)
 - (1) No more than three (3) unauthorized absences are allowed to be accumulated in a thirty (30) day period. If more than three (3) unauthorized absences are accumulated, the resident will be discharged for a period of thirty (30) days; and (6-1-90)
 - (2) The maximum number of unauthorized absences allowable in a one (1) year period is twelve (12). Any resident who exceeds twelve (12) unauthorized absences in one (1) year will be discharged for a period of up to one (1) year. (6-1-90)
- 02. Restriction. A resident may be restricted to the Home for a period of time to be determined by the Home Administrator. (6-1-90)
- 03. Procedure Following Notification of Disciplinary Action or Discharge. Upon notification to the resident of restriction to or discharge from a Home by the Home Administrator, the resident may request a hearing in accordance with the provisions in Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Section 700, "Rules Governing Contested Cases and Declaratory Rulings". Any additional violation of Home rules by a resident while on notice for disciplinary action will be treated independent of any pending appeal. (6-1-95)

351. -- 850. (RESERVED).

851. AVAILABLE SERVICES.

- The Division of Veterans Services will attempt to make available those services listed below for Home residents: (5-7-93)
- 01. Barber/Beauty Shop; and (5-7-93)
 - 02. Chaplain; and (1-1-84)
 - 03. Dietitian; and (1-1-84)
 - 04. Financial Counseling; and (1-1-84)
 - 05. Laundry; and (1-1-84)
 - 06. Nursing (limited); and (6-1-90)
 - 07. Referral; and (1-1-84)
 - 08. Security; and (1-1-84)
 - 09. Social Work; and (6-1-90)

- 10. Therapeutic Recreation; and (6-1-90)
- 11. Transportation; and (5-7-93)
- 12. Volunteer Support. (6-1-90)

852. -- 879. (RESERVED).

880. FINANCIAL CONDITION OF APPLICANTS/RESIDENTS.

Each applicant/resident or his legal representative must submit a signed and dated financial statement to the Home Administrator on which his income and liquid assets from all sources must be reported. The statement must also indicate whether the applicant/resident is responsible for the support of any legal dependent who should be considered in fixing the amount of monthly charges. If changes occur in the applicant's/resident's income or liquid assets, it shall be the applicant's/resident's responsibility to submit an accurate financial statement immediately. (12-31-91)

01. Investigation of Financial Condition. The Division of Veterans Services is authorized to investigate the financial condition of applicants/residents to determine their ability to pay maintenance charges. Applicants/residents may be required to provide a power of attorney and/or a release of information to the Home Administrator, in order to assist in the investigation of the applicant's/resident's financial condition and to aid in securing any benefits he may be eligible for. (12-31-91)

02. Retroactive Income. In the event an applicant/resident is awarded retroactive income from any source, he is responsible to report this award. He is then required to pay his maintenance charge retroactive to the effective date of income. (6-1-90)

881. -- 914. (RESERVED).

915. MAINTENANCE CHARGES.

Upon becoming a resident of an Idaho State Veterans Home, each resident is liable for the payment of a maintenance charge as well as expenses for supplies, medication, equipment, and services (other than basic domiciliary care services) that are not provided or paid for by the VA, Medicare, or other insurance unless otherwise determined by the Home Administrator. Residents living in a Home for any part of a month must pay for each day, based on the actual number of days in the month, at that fraction of their total charge. Refusal or failure to pay the established maintenance charge or related expenses is cause for discharge from the Home. (6-1-95)

- 01. Charges. Charges will be computed by the Home Administrator, based on the following factors: (12-31-91)
 - a. If the resident has an income, those items used to compute the charge will include: (1-1-84)
 - i. Social Security benefits; and (1-1-84)
 - ii. Retirement benefits; and (1-1-84)
 - iii. Income from annuities; and (1-1-84)
 - iv. Insurance benefits; and (1-1-84)
 - v. Rental from property; and (1-1-84)
 - vi. Farm income; and (1-1-84)
 - vii. VA pensions or compensations; and (6-1-90)
 - viii. Tax refunds; and (1-1-84)

- ix. Income from any and all other sources. (1-1-84)
- b. If the resident is single, incompetent, and has liquid assets in excess of five hundred dollars (\$500), he will be assessed the current maximum charge until those assets are reduced to below five hundred dollars (\$500). (6-1-90)
- c. If the resident is single, competent, and has liquid assets in excess of fifteen hundred dollars (\$1,500), he will be assessed the current maximum charge until those assets are reduced to below fifteen hundred dollars (\$1,500). (6-1-90)
- d. Joint income will be used in computing charges for married persons. If the resident has dependents who are relying upon him for financial support, the amount of liquid assets will not be drawn upon after they have declined to a level of five thousand dollars (\$5,000). (6-1-90)
02. Exclusions from Income and/or Payment. The only exclusions in computing monthly charges will be: (1-1-84)
- a. Those funds which a resident receives from the sale of hobby/craft items constructed and sold as part of a Home occupational therapy program; or (5-7-93)
- b. Those unusual expenses specified below, which are incurred after the resident's admission to a Home and are approved by the Home Administrator, up to a maximum monthly allowance which is established pursuant to Section 980: (6-1-95)
- i. Prosthetic, orthopedic, and paraplegic appliances; and/or (1-1-84)
- ii. Sensory aids; and/or (1-1-84)
- iii. Wheelchairs; and/or (1-1-84)
- iv. Therapy services; and/or (1-1-84)
- v. Hospital, medical, surgical expenses and bills for prescription drugs incurred and paid by the individual in the current month and documented by a paid receipt; or (6-1-90)
- c. Reasonable medical insurance premiums, as paid, with documentation of payment. Other insurance premiums are excluded from consideration; or (6-1-95)
- d. An allowance established pursuant to Section 980 for retention by a resident for personal needs; or (6-1-95)
- e. That amount necessary for a resident of a Home to contribute to the support of a legal dependent where proof of actual payment is documented. A monthly allowance will be established for a spouse and/or additional dependents pursuant to Section 980. (These allowances take into consideration housing and utility costs.) (6-1-95)
03. Income Eligibility Limit. A resident's total monthly net income, from all sources, may not exceed the current maximum annual rate of VA pension for a single veteran pursuant to Public Law 95-588 divided by twelve (12) unless waived by the Home Administrator in accordance with Subsection 100.08. However, while in residence at a Home, a resident may seek outside employment and receive income so that his total monthly net income from all sources will exceed the current maximum annual rate of VA pension for a single veteran pursuant to Public Law 95-588 divided by twelve (12) for a one (1) month transitional period. At the end of this period the resident will be discharged. (6-1-95)
04. Continued Eligibility. After admission to a Home, if a resident's net monthly income exceeds the income eligibility limit, the resident may appeal to the Home Administrator for a waiver of the income eligibility

limit which may be granted for good cause. Consideration for good cause must include "need for continuing medical care" as documented by a VA Medical Center physician. (6-1-95)

05. Domiciliary Care Charges. After allowable deductions, a resident will be assessed a fee of sixty percent (60%) of the remaining portion of his net monthly income up to the maximum charge. The maximum monthly maintenance charge shall be sixty percent (60%) of the current maximum annual rate of VA pension for a single veteran pursuant to Public Law 95-588 divided by twelve (12). (6-1-95)

06. Payment Schedule. Maintenance charges are due the first of each month for the preceding month, and must be paid in full by the resident or guardian on or before the tenth (10th) day of the month. Payments can be made either by cash or by check, and a receipt will be issued. (6-1-95)

07. Security Deposit. A deposit of one hundred dollars (\$100) will be required upon admission to a Home, unless waived by the Home Administrator. This deposit will be held until the resident leaves. Any debts and/or liabilities on behalf of the resident will be offset against this deposit when he leaves. After payment of any debts and/or liabilities, the remaining balance of the deposit will be returned to the outgoing resident. (6-1-95)

08. Leave of Absence or Hospitalization. No reduction in charges will be made for leave of absence or hospitalization, and each day will count as if the resident were present at a Home. Also, in the case of a leave of absence in excess of four (4) days or a hospital stay in excess of ten (10) days, the resident will be charged the current VA per diem rate for each absent day unless waived by the Home Administrator. (12-31-91)

916. -- 949. (RESERVED).

950. FINANCIAL GROUNDS FOR REJECTION OR DISCHARGE.

The following circumstances may be considered as grounds for rejection of an application for residency or for revocation of residency and subsequent discharge. (When an application is rejected, or a resident discharged, the applicant/resident will be given written notification of his intended application rejection or his discharge, in accordance with the provisions in Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Subsection 700.01, "Rules Governing Contested Cases and Declaratory Rulings".) (6-1-95)

01. Disposal of Assets. If the Home Administrator determines that an applicant/resident has disposed of assets following or within one (1) year preceding initial application for residency, which would have the effect of reducing his maintenance charge, such action can lead to rejection of the application or discharge from a Home. (6-1-95)

02. Failure to Pay Maintenance Charge. Refusal or failure to pay the established maintenance charge can be cause for discharge from a Home. If the resident is so discharged, or leaves a Home voluntarily, he will not be eligible for readmission to a Home until all indebtedness to the Home is paid in full or acceptable arrangements have been made with the Home Administrator for repayment. (6-1-95)

03. Failure to Pay for Services. (5-7-93)

a. Residents who are excluded from receiving free services from a VA Medical Center may elect to purchase such services through a sharing agreement or contract between a Home and a VA Medical Center or an outside provider when such sharing agreement or contract exists. In those cases where sharing agreement or contract costs are borne by a Home, the resident must reimburse the Home for the costs of services provided. (5-7-93)

b. Failure to reimburse a Home or a service provider within ten (10) days after receipt of a bill for services provided under a sharing agreement or contract may result in a resident's discharge from the Home. (5-7-93)

951. -- 979. (RESERVED).

980. MONTHLY ALLOWANCES.

Pursuant to Section 66-907, Idaho Code, monthly allowances are established by the Board, a schedule of which will be available in the business office of each Home. Allowances will be reviewed from time to time by the Division Administrator and the Commission. (6-1-95)

01. Changes to Allowances. Members of the public may comment on proposed changes at meetings of the Commission when changes are considered. All changes to allowances must be approved by the Board. (6-1-95)

02. Notification and Posting. When changes are made to allowances, residents and/or their families or sponsors will receive written notification, and changes will be posted in the business office of each Home, a minimum of thirty (30) days prior to the effective date of the change. (6-1-95)

981. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings". (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records". (11-1-80)

998. INCLUSIVE GENDER.

For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, where appropriate. (11-1-80)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16.07.01 are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (5-7-93)