

## Chapter VA 6

## WISCONSIN VETERANS HOME

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**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 complete personal maintenance and medical 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 must be accompanied by a complete financial statement of the applicant, a physician's report of physical examination of the applicant, 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 section 45.35 (5) (a) through (g), Wis. Stats., or which establish that the veteran was entitled to receive either the Armed Forces Expeditionary Medal or the Vietnam Service Medal or served pursuant to section 1 of executive order 10957, and, except in the case of a veteran applicant who was a Wisconsin resident at the time of entry into active service or the spouse of such a veteran applicant, 2 affidavits 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 OF.** 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 if a new application has been submitted and approved by the commandant and all money which may have been owed to the Home by the former member has been paid, and in case of an undesirable or dishonorable discharge, if the commandant is satisfied that the conduct leading to such discharge will not be repeated.

(9) **DEPENDENTS OF MEMBERS.** Nonmember dependents of members will not be quartered or maintained at the Home, except under the policy for guests established by the commandant, unless employed by the Home in a capacity requiring them to live in available housing on the Home grounds.

(10) **QUARTERS, ASSIGNMENT OF.** Assignment of quarters to members shall be based on the Home medical director's recommendations and the availability of space appropriate to the member's needs.

(11) **CLOTHING AND COMFORT ITEMS.** Clothing, tobacco, stationery, toiletries, and necessary aids to good grooming, including barber and beautician services, will be furnished to members as their needs may require. All clothing issued will remain the property of the state of Wisconsin.

(12) **MEDICAL CARE.** Complete medical care, including surgical procedures, 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) **ASSETS.** Prior to admission, applicants must turn over all assets in excess of the maximum assets which may be retained under the provisions of sections 49.45 and 49.46, Wis. Stats., and rules adopted thereunder, to the state in prepayment for care and maintenance actually provided by the Home during their period of residence. Property or any interest therein conveyed or disposed of by the applicant within 5 years immediately prior to application for admission by gift or for less than adequate consideration shall be considered assets upon admission to the extent of the value of the gift or to the extent consideration therefor was inadequate, unless such assets were conveyed to the state or unless it is determined by the department that the conveyance or disposal of such assets had no relation to prospective entrance into the Home. An applicant's just and legal debts will be taken into consideration for the purpose of determining the amount of excess assets due the state.

(14) **DEFINITION OF ASSETS.** Assets for the purpose of this section means any property of value, to include without limitation by reason of enumeration real property, tangible and intangible personal property, accrued interest, cash, cash value of life insurance, monies to which applicant is entitled by award, judgment or settlement as received, life

insurance proceeds to which applicant may be entitled, annuities containing unexecuted options to select lump sum payments, gifts, devises, bequests, inheritances and hereditaments, except personal clothing and personal effects of no apparent market value.

(16) **CHARGES FOR CARE AND MAINTENANCE.** Charges for care and maintenance made pursuant to section 45.37 (16) (b), Wis. Stats., shall be computed every January and July for the various categories of care provided by the Home and such computations shall be based upon the average daily costs of care for the preceding months of July through December and January through June respectively. Charges shall be made for actual care and maintenance provided, and such charges shall be based upon the average daily costs of care as established by such computations for the various categories of care provided members during the month for which such charges are made.

**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.

**VA 6.02 Duties and responsibilities of the commandant. (1) OPERATION OF THE HOME.** The commandant, under the direction of the secretary, shall operate the Grand Army Home for Veterans pursuant to Wisconsin Statutes and in accordance with the policies established by the board.

(2) **MEDICAL AND NURSING CARE.** He shall conduct a complete program of medical and nursing care for all members of the Home as their needs may require.

(3) **MEMBER RECORDS.** He shall 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.

(4) **CUSTODY OF PROPERTY.** He shall have charge and custody of the Home including all property appertaining thereto or within the boundaries thereof, and he 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.

(5) **EMPLOYES.** He shall employ such persons as may be necessary and authorized to carry out the functions of the Home.

(6) **LAW ENFORCEMENT.** He shall designate as his deputies such employes as may be necessary to assist him 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 he and his deputies shall have all the powers of constables.

(7) **WORK THERAPY PROGRAM.** He shall establish a work therapy program at the Home and shall 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. Members participating in the work therapy program will be permitted to retain additional income or will be paid for their services pursuant to the provisions of section 45.37 (9) (a) and (c), Wis. Stats.

(8) **BUDGET.** He shall prepare the Home's budget request for the ensuing biennium so as to permit operation of the Home to meet applicable minimum standards established by state regulatory agencies and shall present such budget request to the secretary.

(9) **FUNDS, ACCOUNTABILITY FOR.** He shall supervise all funds of the Home and see that proper records are kept, shall maintain internal fiscal control, shall account for all funds received and disbursed and shall take all necessary steps to recover any property or funds transferred, assigned or withheld contrary to law.

(10) **ANNUAL REPORT.** He shall prepare an annual report covering operations of the Home as soon as practicable after the close of each fiscal year.

(11) **BOND.** He shall provide a surety bond at the expense of the Home in an amount sufficient to cover his financial responsibility as commandant and shall be adequately bonded for his responsibilities as legal guardian of members and administrator of the estates of deceased members.

(12) **SAFEGUARDING RECORDS.** He shall safeguard all records of the Home and maintain the confidential nature of medical and personal information regarding employes and members pursuant to section 45.36, Wis. Stats., and Wis. Adm. Code section VA 1.10.

(13) **MEETING AND REPORTS.** He shall attend all meetings of the board and King Committee and shall make such monthly reports on the operation of the Home as may be necessary to keep the board informed. He shall submit such other reports and attend such other meetings as the secretary may require.

(14) **EMERGENCY MEDICAL TREATMENT.** He may authorize emergency first aid medical service to a person not connected with the Home when transportation to a local doctor or hospital would, in the opinion of the Home medical director, endanger the life of such person.

(15) **EMPLOYEE RULES.** He shall establish and publish such rules as may be necessary for the regulation of employe conduct.

(16) **VISITOR RULES.** He shall establish rules governing non-member visitors to the Home including guests and relatives of members. Such rules will not become effective until they have been approved by the board and published.

(17) **MEMBER RULES.** He shall establish rules for the regulation of conduct of members and shall be responsible for the enforcement of such rules. Such rules will not become effective until they have been approved by the board and published.

(18) **DEFINITION—"PUBLISHED."** For the purposes of this chapter, "published" shall mean printing of regulations, making them available to members, employes and visitors and posting them on a bulletin board which will be maintained for that purpose in a public place on the Home grounds.

**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.

Register, July, 1976, No. 247

**VA 6.03 Traffic and conduct on home property.** (1) **DRIVER'S LICENSE REQUIRED.** No person shall operate any motor vehicle on any roadway, driveway or parking lot of the Home unless he holds a valid and current operator's license issued under chapter 343, Wis. Stats., or unless exempt under the provisions of section 343.05 (2), Wis. Stats., from the requirement that he hold such a license in order to operate a motor vehicle on the highways of this state, and no person shall operate a motor vehicle anywhere on such grounds except on a roadway, driveway or parking lot. Members using power wheelchairs are exempt from the requirements of this section.

(2) **VEHICLE LICENSE REQUIRED.** No person shall operate any motor vehicle on any roadway, driveway, or parking lot of the Home unless the same has been properly registered as provided by chapter 341, Wis. Stats., unless exempt under an applicable provision of section 341.05, Wis. Stats., 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 section.

(3) **TRUCKS AND TRAILERS PROHIBITED.** Operation of trucks or motor vehicles towing trailers on any roadway, driveway or parking lot of the Home is prohibited except as may be authorized by the commandant.

(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 him.

(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 shall be subject to arrest and prosecution.

(9) **CANVASSING, PEDDLING AND SOLICITING.** Call 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.** Use of the Home lakeshore, beaches, piers, boating and swimming facilities by persons other than members and employes or guests of members or employes in their personal company is prohibited. Use of such facilities shall be at their own risk and shall be limited to daylight hours.

(11) **CAMPING AND PICNICKING.** Camping on the Home grounds is prohibited. Picknicking may be authorized by the commandant on the Home grounds in areas specifically designated by him as picnic grounds. He 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 section 946.73, Wis. 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.

**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.

(2) **MEMBER INCOME.** All members receiving income shall deposit evidence thereof with the commandant as received. Members may not retain on their persons or in their quarters a sum of money larger than the commandant shall deem reasonable and safe. Member accounts at the Home or a bank designated by the commandant must be used for deposit of members' funds.

(3) **DEFINITION OF INCOME.** Income for the purpose of this chapter means money, property or anything of monetary value received from any source to which a member may become entitled subsequent to admission, to include, without limitation by reason of enumeration, pensions, annuities, compensation, social security, railroad retirement, public or private retirement, insurance benefits, wages, salaries, alimony, rents, interest, dividends, profits, returns on investment, monies received for loss, damage or injury, awards, gifts, devises, bequests, hereditaments, inheritances, discoveries and powers. Income shall not include wages, salary or payment to a member for services rendered to the home as an employe thereof, income received by a member from the sale of products through the hobby shop, or the personal property of a deceased member which is received by the decedent's member spouse. Any renunciation or transfer of income by a member shall be void.

(4) **MEMBER INCOME PAYMENTS.** Each member will pay to the State of Wisconsin from his income on the date of its receipt such sum of money as is required by section 45.37 (9), Wis. Stats. When a member fails to pay money due to the state within 10 days of receipt of income from which such money should be paid, the commandant shall take such reasonable steps to collect the obligations as circumstances warrant. If an obligation to the state is not paid within 30 days of the receipt of income from which said obligation should be paid, the member may be given an undesirable discharge.

(5) **ADMINISTRATION OF MEMBERS PERSONAL FINANCES.** Members will 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 his funds wisely, the commandant will automatically assume control over such member's

funds and will prepare a letter setting forth such determination and assumption of control, copies of which will 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 will be deposited in a personal account in the Home administrative office and withdrawals from such account must be confirmed by the commandant or his designee. Relatives and friends of members whose funds are under the control of the commandant will not be permitted to receive or disburse such members' funds or exercise control over such 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 must be available for inspection between the hours of 8:00 a.m. and 8:00 p.m. All members must remain in their quarters during the period for which formal inspections or fire drills are scheduled, unless excused by the commandant or in the case of sickness by a Home physician.

(14) **GIFT OF PROPERTY BY A MEMBER.** A gift of property by a member shall be invalid unless physical possession of such property is transferred to the donee at the time the gift is made and unless such property is removed from the premises of the Home before the death of the member. A gift of property by a member during his lifetime with the understanding that the member may retain physical possession of such property until his 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 his 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 his death, and will be distributed to the state.

(16) **MARRIAGE OF MEMBERS.** Members who marry without the consent of the commandant shall be subject to the provisions of Wis. Adm. Code section VA 6.05 (6).

(17) **FUNERAL TRUST AGREEMENT.** A woman member who plans to be buried away from the Home or a member who plans to have features in his or her funeral arrangements that are more costly than those routinely provided, may, with the approval of the commandant, enter into the funeral trust agreement with a funeral home of his or her choice to accomplish such plan.

**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.

**VA 6.05 Discipline, discharges and leaves of absence.** (1) **DISCIPLINARY PROCEDURE.** The Home shall maintain a complete record of each offense by a member against rules and regulations of the Home showing the name of the offender, date and place of the offense, and the nature of the offense. Each member charged with a violation of Home rules and regulations shall be furnished with a copy of the charge or charges placed against him. No member shall be discharged, suspended, or disciplined in any way without a hearing before the commandant at a time and place to be fixed by him. A summary of evidence introduced, the findings and the decision of the commandant must be filed in each case.

(2) **DISCIPLINARY ORDERS, REVIEW AND APPEAL.** A member found guilty by the commandant of violating rules and regulations of the Home may be 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 may deem 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 such order. The member involved may, within 10 days of such action by the secretary, appeal from the decision by the department before the appropriate departmental committee. In such 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 he 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 he may refer the matter to the secretary, and the commandant shall promptly transmit such grievance or complaint together with his 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 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 has paid all money due the Home, has accounted for all property issued to him not suitable for reissue, that no disciplinary action has been currently imposed or is pending against him, and that he is able to exercise sound judgment in planning and providing for his own physical welfare. When a member requires special living or travel facilities or is unable to exercise sound judgment in planning for his own physical welfare, the commandant may refer the request for discharge to the county veterans service officer in the veteran's home county for assistance, and may delay granting an honorable discharge until proper facilities for his 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 30 days of the date of receipt of income from which that obligation should be paid, if he marries without the consent of the commandant, or if he 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 section 45.37 (9), Wis. 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 women 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.

**VA 6.06 Employe rules. (1) RULES AND DUTIES.** Employes 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 employe 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.

(3) **DRUNKENNESS PROHIBITED.** Any employe found in an intoxicated condition while on duty or in such condition on the Home grounds while off duty shall be subject to discipline in accordance with established rules of the personnel board, and may be subject to immediate suspension or discharge.

(4) **FINANCIAL DEALINGS PROHIBITED.** Except as provided in Wis. Adm. Code section VA 6.03 (9), no employe 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 employe, and no employe shall make any loan to or borrow from any member. An employe 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 employes at the Home exchange.

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

(6) **CHARGES TO EMPLOYEES.** Employes shall pay for meals, living quarters, laundry and other services furnished to them and their dependents by the Home at rates or charges to be set by the board.

**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.