

Final Rule

LSA Document #05-314(F)

DIGEST

Adds [410 IAC 30](#) to establish rules regarding admission, maintenance, and discharge of residents of the Indiana Veterans' Home. Effective 30 days after filing with the Publisher.

[410 IAC 30](#)

SECTION 1. [410 IAC 30](#) IS ADDED TO READ AS FOLLOWS:

ARTICLE 30. SPECIAL INSTITUTIONS

Rule 1. Definitions

[410 IAC 30-1-1](#) Applicability

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 1. The definitions in this rule apply throughout this article.

*(Indiana State Department of Health; [410 IAC 30-1-1](#); filed May 11, 2007, 3:00 p.m.:
[20070606-IR-410050314FRA](#))*

[410 IAC 30-1-2](#) "Applicant" defined

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 2. "Applicant" means a person applying for admission into the home.

*(Indiana State Department of Health; [410 IAC 30-1-2](#); filed May 11, 2007, 3:00 p.m.:
[20070606-IR-410050314FRA](#))*

[410 IAC 30-1-3](#) "Date of application" defined

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 3. "Date of application" means the date that a completed application for admission is received in the admissions office of the home.

*(Indiana State Department of Health; [410 IAC 30-1-3](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-1-4](#) "Home" defined

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#); [IC 16-19-6](#)

Sec. 4. "Home" means the Indiana Veterans' Home governed by [IC 10-17-9](#) and [IC 16-19-6](#).

(Indiana State Department of Health; [410 IAC 30-1-4](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-1-5](#) "Legal representative" defined

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)
Affected: [IC 10-17-9](#); [IC 16-19-3](#); [IC 16-36-1-5](#)

Sec. 5. "Legal representative" means a person who is:
(1) a guardian;
(2) a health care representative;
(3) an attorney in fact; or
(4) a person authorized by [IC 16-36-1-5](#) to give health care consent.

(Indiana State Department of Health; [410 IAC 30-1-5](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-1-6](#) "Maintenance charge" defined

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)
Affected: [IC 10-17-9-11](#); [IC 16-19-3](#)

Sec. 6. "Maintenance charge" means the amount the resident is required to pay for his or her stay at the home, which is established under [IC 10-17-9-11](#). The term is also known as the daily room rate. The maintenance charge will be less than or equal to the maintenance costs for the applicant or resident.

(Indiana State Department of Health; [410 IAC 30-1-6](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-1-7](#) "Maintenance costs" defined

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)
Affected: [IC 10-17-9-8](#); [IC 16-19-3](#)

Sec. 7. "Maintenance costs" means the full cost of maintaining a resident at the home calculated under [IC 10-17-9-8](#). The term is also known as the per capita cost.

(Indiana State Department of Health; [410 IAC 30-1-7](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-1-8](#) "Resident" defined

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)
Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 8. "Resident" means a member or person who has been admitted to the home and resides there.

(Indiana State Department of Health; [410 IAC 30-1-8](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-1-9](#) "Superintendent" defined

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)
Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 9. "Superintendent" means the superintendent of the home who:

- (1) has the immediate charge and management of the home;**
- (2) directs and controls the home's employees; and**
- (3) superintends the care and management of the residents in the home.**

The term includes a designee of the superintendent.

*(Indiana State Department of Health; [410 IAC 30-1-9](#); filed May 11, 2007, 3:00 p.m.:
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Rule 2. Application and Admission Process

[410 IAC 30-2-1](#) Application for admission

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 1. (a) An applicant shall apply for admission to the home by submitting a completed application form prescribed by the home. The completed application shall be:

- (1) signed by the applicant; and**
- (2) notarized.**

(b) In addition to the application required under subsection (a), an applicant shall submit the following:

(1) A copy of the applicant's military discharge.

(2) Information concerning current income, including, but not limited to, the following:

(A) Pensions.

(B) Compensation or income from any source.

(C) Benefits from:

(i) the Social Security Administration;

(ii) the railroad retirement law; or

(iii) a retirement annuity or insurance annuity.

(3) A resident services agreement signed by the applicant.

(4) Either:

(A) a letter by the auditor of the applicant's county of residence stating whether the applicant has owned property within the last three (3) years; or

(B) the applicant's property tax statement.

(5) Information concerning assets including, but not limited to, the following:

(A) Cash accounts, including, but not limited to, the following:

(i) Cash.

(ii) Checking.

(iii) Savings.

(iv) Security deposits.

(B) Securities including, but not limited to, the following:

(i) Bonds, notes, and mortgages.

(ii) Stocks, options, and commodity contracts.

(C) Loans to others and accounts receivable.

(D) Interest in any business.

(E) Real estate.

(F) Vested interests in trusts.

(G) Personal property, including, but not limited to, the following:

(i) Jewelry.

(ii) Art.

(iii) Antiques.

(iv) Gold and precious metals.

(v) Vehicles.

(6) Copies of all health insurance cards and values for life insurance.

(7) Any other documentation that the home may require in order to determine financial assets.

(c) In addition to the application required under subsection (a) and additional items required under

subsection (b), an applicant who is a spouse or surviving spouse of a veteran shall submit the following:

- (1) A copy of the veteran's military discharge.
- (2) A copy of a certificate of marriage to the veteran.
- (3) If the veteran spouse is deceased, a certified copy of the death certificate.

(d) The applicant is responsible for reporting any changes that occur in the applicant's income or assets during the application and admission process.

(e) The application form required by subsection (a) and additional documentation required by subsections (b) through (d) shall be submitted to the Admissions Office, Indiana Veterans' Home, 3851 North River Road, West Lafayette, Indiana 47906.

(f) The burden is on the applicant to complete the application and submit the required documentation. An incomplete application may be returned to the applicant.

(Indiana State Department of Health; [410 IAC 30-2-1](#); filed May 11, 2007, 3:00 p.m.: [20070606-IR-410050314FRA](#))

[410 IAC 30-2-2](#) Application for benefits or assistance programs

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 2. (a) This section applies only to applications received after the effective date of this article.

(b) An applicant shall apply for the maximum of every benefit or assistance program for which the applicant may be eligible that will increase the income of the applicant or provide reimbursement to the home for the resident's care. Such benefits or assistance programs include, but are not limited to, the following:

- (1) Social Security benefits.
- (2) Veterans benefits.
- (3) Retirement benefits.
- (4) Private pensions.
- (5) Medicare Part A and Part B.
- (6) Long term care insurance.
- (7) Medicaid.
- (8) Any combination of benefit or assistance programs.

(c) The staff shall:

- (1) provide an applicant with information about benefits or assistance programs; and
- (2) help in applying for those benefits.

(d) An applicant may be required to provide a power of attorney or a release of information to the superintendent in order to:

- (1) assist in investigating the applicant's financial condition; and
- (2) to aid in securing any benefits or assistance programs for which the applicant may be eligible.

(e) An applicant shall agree that when the applicant's available resources are insufficient to pay the entire cost of care or maintenance on a current basis, he or she will apply for the maximum of every benefit or assistance program for which the applicant or resident may be eligible, including, but not limited to, the benefits or assistance programs listed in subsection (b).

(Indiana State Department of Health; [410 IAC 30-2-2](#); filed May 11, 2007, 3:00 p.m.: [20070606-IR-410050314FRA](#))

[410 IAC 30-2-3](#) Admission process

Sec. 3. (a) Upon receipt of an application for admission, the superintendent may conduct an:

- (1) assessment to determine the home's ability to meet the applicant's medical, cognitive, and psychosocial needs; and
- (2) investigation to determine the financial status of the applicant.

(b) The purpose of the initial financial status review is to determine the applicant's maintenance charge.

(c) The admissions committee shall require documentation of the following:

- (1) A chest x-ray in compliance with [410 IAC 16.2-3.1-18\(c\)](#).
- (2) Compliance with the health assessment and tuberculosis testing required by [410 IAC 16.2-3.1-18](#).

(d) An admissions committee shall:

- (1) review each application and all pertinent documentation to ensure inclusion of all information and documents necessary to determine eligibility for admission; and
- (2) determine whether the applicant has satisfied the applicable requirements of sections 1 and 2 of this rule.

(e) If the application is complete and the applicable requirements of sections 1 and 2 of this rule have been satisfied, the admissions committee shall arrange for a preadmission assessment. The preadmission assessment may be conducted at:

- (1) the home;
- (2) a nursing home;
- (3) another facility; or
- (4) the applicant's residence.

(f) In addition to the preadmission screening, the applicant shall participate in the state's Prescreening Assessment and Resident Review (PASRR), if the admission is to the comprehensive care portion of the home.

(g) After receiving the results of the preadmission screening, the admissions committee shall recommend to the superintendent that an applicant's admission be approved or denied.

(h) Applications will be reviewed in the order of receipt of completed applications.

(Indiana State Department of Health; [410 IAC 30-2-3](#); filed May 11, 2007, 3:00 p.m.: [20070606-IR-410050314FRA](#))

[410 IAC 30-2-4](#) Admission to the home

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 4. (a) The superintendent may approve an applicant's admission to the home, provided that the following:

(1) The applicant:

- (A) submits a completed application;
- (B) satisfies all requirements of sections 1 and 2 of this rule;
- (C) agrees to a voluntary admission; and
- (D) completes and signs a resident services agreement.

(2) The applicant satisfies the:

- (A) eligibility requirements described in [IC 10-17-9-7](#); and

(B) requirements for the level of care for which the applicant applies.

(3) The admissions committee recommends admission.

(b) The superintendent may deny an admission if the applicant fails to meet the requirements of subsection (a).

(c) If an appropriate bed is not available at the time of admission, the superintendent shall place the applicant's name on a waiting list in order by date of application approval.

(d) Applicants are admitted from the waiting list in the order in which their applications are approved, subject to bed availability in the program or service area for which admission has been approved.

(e) The superintendent shall notify an applicant of the date and time that an applicant may be admitted to the home. An applicant on a waiting list longer than thirty (30) days shall submit an updated medical information form completed by his or her physician before receiving such notification.

(f) An applicant may be denied admission when, in the interim between application approval and scheduled admission date, the applicant's:

(1) health care needs have changed to the extent that the program or service for which the applicant was originally approved can no longer meet the applicant's health care needs; or

(2) service needs have changed to such an extent that the home can no longer meet the applicant's health care or service needs.

(g) An applicant who declines a scheduled admission may be placed at the bottom of the appropriate service waiting list. The next person on the waiting list will be invited for admission.

(h) If the applicant has any change in financial status in the interim between application approval and scheduled admission, or additional financial information becomes available, the applicant shall submit an updated financial information form within fourteen (14) days after learning of the information or change in status.

(Indiana State Department of Health; [410 IAC 30-2-4](#); filed May 11, 2007, 3:00 p.m.: [20070606-IR-410050314FRA](#))

[410 IAC 30-2-5](#) Resident payment information

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 5. Before admission, all applicants receive information that states all of the following:

(1) The applicant's maintenance charge and the maintenance costs.

(2) The due date for monthly payments of the maintenance charge.

(3) The source of funds from which payment is to be made.

(4) The consequences of nonpayment.

(Indiana State Department of Health; [410 IAC 30-2-5](#); filed May 11, 2007, 3:00 p.m.: [20070606-IR-410050314FRA](#))

Rule 3. Maintenance

[410 IAC 30-3-1](#) Maintenance costs

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 1. The maintenance cost of each resident shall be calculated annually.

*(Indiana State Department of Health; [410 IAC 30-3-1](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-3-2](#) Declaration of resident's income and resources

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 2. (a) Each resident shall promptly provide the superintendent with a statement reflecting all income and resources of the resident at the following times:

(1) Annually.

(2) Within fourteen (14) days of any change in income.

(3) Within fourteen (14) days of receipt of any lump sum/back-award payment of benefits.

The home shall provide forms for reporting of income and resources.

(b) The statement required in subsection (a) shall include all of the resident's resources including those listed in [410 IAC 30-2-1\(b\)](#).

(c) A resident unable to furnish the information required by subsections (a) and (b) may be required to provide the superintendent with a power of attorney or release of information to enable the superintendent to obtain financial information that is needed to satisfy the requests for information under subsections (a) and (b).

(d) The staff of the home may:

(1) help residents complete and submit appropriate statements required by subsections (a) and (b) in a timely manner; and

(2) resolve any underpayment or overpayment of benefits.

*(Indiana State Department of Health; [410 IAC 30-3-2](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-3-3](#) Review of resident's finances

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 3. (a) The superintendent shall review the financial status of each resident as follows:

(1) Annually.

(2) Upon any change of circumstances that may affect the resident's financial status or ability to pay the resident's maintenance costs.

(b) The financial status review described in subsection (a) shall include a determination of the ability of each resident to pay for the resident's maintenance costs.

(c) The resident's ability to pay the maintenance costs shall be determined from all of the resident's financial resources including those listed in [410 IAC 30-2-1\(b\)](#).

(d) The home shall notify the resident of any change in the resident's maintenance charge following a financial status review.

*(Indiana State Department of Health; [410 IAC 30-3-3](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-3-4](#) Resident services agreement

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 4. The resident services agreement is a contract that shall be signed by the applicant or resident and shall include, but not be limited to, the following:

- (1) The name and address of the applicant or resident and his or her legal representative, if any.
- (2) The detail of the applicant or resident's income and resources used to calculate the maintenance charges.
- (3) The amount of the maintenance charge for the applicant or resident.
- (4) A statement that the applicant or resident agrees to comply with the following:
 - (A) All home policies regarding residents.
 - (B) All applicable state laws.
 - (C) This article.

(Indiana State Department of Health; [410 IAC 30-3-4](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-3-5](#) Payment of maintenance costs

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 5. (a) Residents admitted to the home before the effective date of this article are not required to comply with subsections (c), (e) through (g), and (j)(3).

(b) Each resident is responsible for payment of the resident's maintenance costs.

(c) A resident whose available resources are insufficient to pay the entire maintenance costs on a current basis shall apply for the maximum of every benefit or assistance program for which the resident may be eligible, including, but not limited to, the benefits or assistance programs listed in [410 IAC 30-2-2\(b\)](#).

(d) The home shall provide each resident with information about possible available benefits or programs of assistance and assistance in applying for those benefits.

(e) Each resident shall comply with any reporting requirements necessary to initiate or continue any benefits to which a resident is entitled.

(f) Each resident, who may be eligible for benefits including, but not limited to, the benefits listed in subsection (c), shall provide necessary information and fully cooperate with the superintendent in the application for and maintenance of such benefits.

(g) A resident may be required to provide a power of attorney or a release of information to the superintendent in order to assist in securing any benefits for which the resident may be eligible.

(h) A resident shall be billed for maintenance charges as follows:

(1) The maintenance charge shall be:

(A) billed monthly; and

(B) mailed to the address designated by the resident on the resident's application for admission.

(2) A resident shall be charged for the day of admission but not for the day of discharge. For purposes of this subdivision, one (1) day is the twenty-four (24) hour period ending at midnight.

(3) A billing shall state the date by which payment shall be received.

Failure of the home to comply with subdivisions (1) through (3) shall not relieve the resident of the obligation to pay.

(i) The amount of the billed maintenance charge may be redetermined at any time upon a change in circumstances related to the resident's ability to pay.

(j) A resident's account is considered delinquent if a resident willfully refuses or willfully fails to pay the maintenance charge bill by the due date. Residents shall be notified if payment has not been received by the due date printed on the bill. A willful refusal or willful failure to pay occurs when:

- (1) the decision of whether to pay is completely within the control of the resident;
- (2) a resident has the ability or resources to pay the maintenance charge and fails to pay; or
- (3) a resident has not paid his or her maintenance costs and fails to apply for the maximum of every benefit or assistance program available, as required by [410 IAC 30-2-2\(b\)](#).

(k) The home shall not require a third party guarantee for payment to the home as a condition of admission or continued stay at the home.

(Indiana State Department of Health; [410 IAC 30-3-5](#); filed May 11, 2007, 3:00 p.m.:
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Rule 4. Discharge of Residents

[410 IAC 30-4-1](#) Voluntary discharge

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 1. A resident shall be voluntarily discharged from the home when the resident:

- (1) has satisfactorily demonstrated a readiness to return to independent living; or
- (2) no longer wishes to remain a resident.

(Indiana State Department of Health; [410 IAC 30-4-1](#); filed May 11, 2007, 3:00 p.m.:
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[410 IAC 30-4-2](#) Involuntary discharge

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 2. A resident may be discharged from the home under [410 IAC 16.2-3.1-12](#).

(Indiana State Department of Health; [410 IAC 30-4-2](#); filed May 11, 2007, 3:00 p.m.:
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Rule 5. Rights of Appeal

[410 IAC 30-5-1](#) Discharge appeal

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 1. A resident may appeal a transfer or discharge by following the procedures detailed in [410 IAC 16.2-3.1-12](#).

(Indiana State Department of Health; [410 IAC 30-5-1](#); filed May 11, 2007, 3:00 p.m.:
[20070606-IR-410050314FRA](#))

[410 IAC 30-5-2](#) Admission appeal

Authority: [IC 10-17-9-7](#); [IC 16-19-3-5](#)

Affected: [IC 4-21.5](#); [IC 10-17-9](#); [IC 16-19-3](#)

Sec. 2. An applicant may appeal under [IC 4-21.5](#) the superintendent's decision of approval of admission or denial of admission under [410 IAC 30-2-4](#).

(Indiana State Department of Health; [410 IAC 30-5-2](#); filed May 11, 2007, 3:00 p.m.: [20070606-IR-410050314FRA](#))

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Small Business Regulatory Coordinator: Lance Rhodes, Indiana State Department of Health, 2 North Meridian Street, 2F, Indianapolis, Indiana 46204, (317) 233-7102, lrhodes@isdh.in.gov

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