

ARTICLE 86-03
RULES AND REGULATIONS FOR ADMISSION AND RESIDENCY
AT THE NORTH DAKOTA VETERANS' HOME

Color coded changes for Article 86-03. (1987 law is the **Yellow strikethrough** highlighted & White typing) (Rescinded request is **Red highlight**) Amended request is **Blue highlight**).

CHAPTER

- 86-03-01 Admissions -- Application, Eligibility Requirements, Board of, Denial of, Orientation, Readmission
- 86-03-02 Resident -- Funds, Charges, Finances
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CHAPTER 86-03-01

ADMISSIONS -- APPLICATION, ELIGIBILITY REQUIREMENTS,
BOARD OF, DENIAL OF, ORIENTATION, READMISSION

SECTION

- 86-03-01-01 Application for Admission -- Form, Content, Approval
- 86-03-01-02 Admission Eligibility Requirements
- 86-03-01-03 Board of Admissions -- Composition, Duties
- 86-03-01-04 Denial of Admissions -- Appeal
- 86-03-01-05 Admission Orientation
- 86-03-01-06 Readmission Requirements

**86-03-01-01. Application for Admission -- Form, Content, Approval
(Basic Care)**

1. Application must be made on forms provided by the Veterans' Home will be submitted to the North Dakota Veterans Home Basic or Skilled Care Unit in accordance with the current state and/or federal licensing rules and regulations and facility policies and procedures.
 - a. The financial statement is a part of the application and all information requested must be included in the application.
 - b. The applicant must be examined by a physician whose findings shall become a part of the application and recorded under the caption "Medical Certificate" of the application.
 - a. If a member of the board of admission determines that insufficient medical, psychiatric, or financial information is available to properly process the application, a release of information must an authorization to disclose information form shall be sent to the applicant to be signed and returned so that additional specific information may be obtained.
 - b. A certificate verification of residency must be signed by an elected or appointed county official of the county of residence at the time of application prior to admission. An individual seeking admission to the home does not lose legal residency of the county of residence at the time of admission to the home. If the applicant entered the service from North Dakota, and this state received credit for the applicant's service, the residency requirement shall be waived if the applicant is not a resident of this state at the time application is made.
2. The completed application for residency, together with the discharge copy of form DD 214 (discharge papers) or certificate of service from the last period of service in the armed forces, must will be forwarded to the commandant Admissions Coordinator who shall submit the application and discharge papers to the board of admissions for action. Upon approval, the applicant must be admitted for residency. The priorities for admission shall be in accordance with North Dakota Century Code section 37-15-10.1.
3. An applicant whose application for admission has been approved shall report to the Home between eight a.m. and four p.m., contact the admissions coordinator within thirty days of receipt of their acceptance letter to schedule admission to the North

Dakota Veterans Home. An admission date will be scheduled Monday through Friday, holidays excluded. Special arrangements must be made if ~~an~~ the applicant wishes to report ~~at~~ on any other ~~time~~ day. Applicants whose applications for admission have been approved and who fail to ~~report~~ contact the admissions coordinator within thirty days ~~from~~ of the date of their acceptance letter shall be denied admission, ~~unless~~ until another medical assessment has been submitted and approved or an extension has been approved, ~~must be denied admission until another application has been submitted and approved~~ granted by the North Dakota Veterans Home Administrator or their designee.

4. Priorities for admission to the North Dakota Veterans Home Basic Care Unit. Admission to the Basic Care Facility must be according to the following list of priorities, so long as the individual meets the admissions requirements as set by the North Dakota Veterans Home Governing Board and the State and/or Federal Requirements for Basic Care.
 - a. Residents of the North Dakota Veterans Home Skilled Care unit in need of Basic Care.
 - b. Veterans with service-connected disability.
 - c. American ex-prisoners of war.
 - d. Discharged North Dakota National Guard members who have become disabled in the line of duty.
 - e. Veterans
 - f. Spouses and surviving spouses of veterans.
5. Priorities for admission to the North Dakota Veterans Home Skilled Nursing Facility. Skilled Nursing residents who have been medically discharged will be eligible for readmission in accordance with State and Federal Regulation. Admission to the Skilled Nursing Facility must be according to the following listing of priorities, so long as the individual meets admission requirements as set by the North Dakota Veterans Home Governing Board and the State and Federal requirements for Nursing Home Placement.
 - a. Veterans requiring skilled nursing care due to a service-connected disability or complications from a service-connected disability.
 - b. Residents of North Dakota Veterans Home Basic Care Unit in need of skilled nursing care.
 - c. Former residents of North Dakota Veterans Home Basic Care Unit who have been medically discharged and placed into an outside skilled nursing home.
 - d. Veterans with service-connected disability.
 - e. American ex-prisoners of war.
 - f. Discharged North Dakota National Guard members who became disabled in the

line of duty.

g. Veterans.

h. Spouses and surviving spouses of veterans.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03; 37-15-10; 37-15-10.1

86-03-01-02. Admission Eligibility Requirements

1. ~~All residents must voluntarily choose to reside at the home, as the home is not staffed or equipped to accept an individual committed by a court.~~ An applicant must come within the definition of domiciliary "Basic Care" as defined in the North Dakota Century Code section ~~37-15-00.1~~ 23-09.3-01 to be eligible for admission to the Basic Care Unit of the home. Applicants to the Skilled Nursing Facility must meet the screening requirements for a skilled nursing home. No applicant may shall be considered eligible for residency whose last period of service in the armed forces was terminated under dishonorable conditions.
2. No applicant shall be admitted to the home who has been convicted of a felony or a crime involving moral turpitude, without producing sufficient evidence of subsequent good conduct and reformation of character so as to be satisfactory to the board of admissions. An applicant who has a history of chronic alcoholism or drug addiction may be accepted only if the problem is under control as determined by a home physician or addiction counselor and assurance is received from the applicant that prescribed medical advice shall be followed after admission to the home. Stipulations for admission shall be contained in the acceptance letter. ~~An applicant who has a history of substance abuse shall become involved in counseling programs, evaluation periods, or other stipulations as a requirement for admission.~~
3. ~~An applicant who is eligible for Medicare must be enrolled in the program to assist the applicant in defraying the costs of hospitalization in the event that the applicant may become hospitalized while a resident of the home. Applicants who are not eligible for Medicare when admitted, but become eligible while a resident, shall enroll in the program.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-10.1, 37-15-02, 37-15-03

86-03-01-03. Board of Admissions -- Composition, Duties

1. The board of admissions shall consist of multidisciplinary team with each member having specific as well as general items of concern to review in the application. All applications shall be processed by the board of admissions for action. The board of admissions shall consist of five members who include: the **Commandant, Administrator, or the assistance commandant in the commandant's absence, or designee**, a home physician, addiction counselor, a licensed or registered nurse, and a **North Dakota Licensed Social Worker**. The **commandant-Administrator, or the assistance commandant in the commandant's absence or designee**, shall act as chairman of the board of admissions.
2. All members of the board shall review the medical records and application file completely before making a decision. Each board member shall make their decision on the merits of the submitted application, or additional information received, and shall be responsible for their decision. Each board member, with the exception of the **Commandant, Administrator, or assistant commandant designee**, shall record their vote on a preprinted form. A decision for disapproval of the application must be fully documented.
3. Each board member, with the exception of the **commandant, Administrator or the assistance commandant-designee** in the **Commandant's Administrator's** absence, shall have one vote to accept or reject the application. If a tie vote occurs, or an application is disapproved, the **Commandant Administrator, or the assistant commandant in the commandant's absence or designee**, shall call a meeting of the board the reasons for the denial shall be reviewed. The **Commandant Administrator** or **his**-designee shall vote to break the tie, request additional information if sufficient information is not available to make a decision, or write a letter of denial to the applicant.
4. Processing of an application shall be completed within ten working days of receipt; provided the application is completed properly, and sufficient medical information is available to make a determination.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-01-04. Denial of Admission – Appeal

1. ~~If an applicant is disapproved, the applicant must be notified promptly. Any personal papers such as a will or honorable discharge must be returned to the applicant. All other information remains the property of this state. The applicant must be notified, in writing, as to the reason or reasons for denial of admission to the home. The applicant must also be given notice of the right to appeal the decision, and that any appeal must be in writing and received by the commandant within thirty days of the notice of denial of admission. Any appeal of the denial must contain a statement of the grounds for the appeal.~~
2. Any notice of appeal received by the ~~commandant~~ Administrator ~~must~~ shall be reviewed and forwarded to the Chairman of the ~~Administrative Committee on Veterans' Affairs~~ North Dakota Veterans Home Governing Board. All documents submitted with the appellant's application for admission must also be forwarded to the said chairman. The ~~Administrative Committee on Veterans' Affairs~~ North Dakota Veterans Home Governing Board must give the appellant at least forty-five days' notice as to the time, date, and place of the hearing of ~~the~~ appeal. This notice ~~must~~ will be sent by certified mail return receipt requested. If the appellant is not satisfied with the decision of the ~~Administrative Committee on Veterans' Affairs~~ North Dakota Veterans Home Governing Board the appellant may appeal to the court under the procedures outlined in the Administrative Agencies Practice Act as set forth in the North Dakota Century Code Chapter 28-32.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implement: NDCC 28-32-05, 37-15-03, 37-15-10(3), 37-18.1-03(2)

86-03-01-05. Admission Orientation ~~RESCIND~~

1. ~~All residents shall have a social intake completed upon admission. If any special requirements for admission were stipulated in the acceptance letter, they must be discussed upon admission. Any additional recommendations made by the counselor must also be discussed. Any follow-up required of a new resident must be in writing and signed by the new resident. All new residents must be interviewed by medical, administration, housekeeping, food service, and resident services personnel to determine a new resident's needs, review procedures, and answer any questions.~~
2. ~~New residents shall receive a temporary room assignment, and after a week or two, a permanent assignment must be made. During a new resident's stay in the temporary room, a resident must be assigned to assist in familiarizing the new resident with the home. A new resident must be given a limited physical~~

examination. Various staff members shall visit with a new resident to inform the resident of the services provided by the various departments and to learn more about the new resident. The staff shall provide the new resident with opportunities to become acquainted with the home's facilities, staff, and other residents. After the initial orientation, a new resident must be assigned to a room with a roommate or roommates the staff determines to be the most compatible with the new resident from the prospective roommates available. However, if a resident has a specific request for a room change, it must be directed to the staff person responsible for room assignments. If a new resident is married, every effort must be made to allow the new resident and spouse to share a room.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-01

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-01-06. Readmission Requirements A former resident may be readmitted if a new application has been submitted and approved by the board of admissions and all money ~~which may have been~~ owed to the Home by the former resident has been paid ~~or~~ **arrangements made for payment and approved by the Admissions Board.** ~~If the behavior of a former resident has resulted in a disciplinary or medical discharge, the former resident may readmitted only if the board of admissions is satisfied that the conduct leading to such discharge will not be repeated.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-15-10(3), 37-18.1-03(2)

CHAPTER 86-03-02 RESIDENTS -- FUNDS, CHARGES, FINANCES

Section

86-03-02-01	Membership Contribution Fund
86-03-02-02	Hospital Emergency Fund - - Rescinded
86-03-02-03	Residents -- Payment of Charges
86-03-02-04	Resident Income - - Rescinded
86-03-02-05	Annual Review of Resident Finances

86-03-02-01. Membership Contribution Fund—Resident Rent. A membership contribution fee Rent is based on the resident's ability to pay and on the rate structure established by the Administrative Committee on Veterans' Affairs. must be charged monthly The rate structure varies in accordance with a resident's net income.

It is the policy of the North Dakota Veterans Home to charge rent to residents in accordance with Veterans Administration and the State of North Dakota laws and regulations. Rent is based upon a resident's income and allowable expenses, in accordance with the Rent Policy established by the Administrative Committee on Veterans Affairs.

History: Effective May 1, 1987.

General Authority: NDCC 38-32-02

Law Implemented: NDCC 37-15-03, 37-15-14.1

86-03-02-02. Hospital Emergency Fund. - - Rescinded

1. Residents shall make a deposit, as determined by the administrative committee on veterans' affairs into the hospital emergency fund. The deposit may be made either in a lump sum or in the amount of twenty percent per month of the resident's net income until fully paid. Applicants who have no income and cannot make the deposit may not be denied admission because of the requirement. Residents may earn money through the home's work therapy program and may make payments into the fund from such earnings.

2. Money from the hospital emergency fund deposit may be used, at the discretion of the commandant, to defray the cost of hospital care, drugs, ambulance fees, doctor fees, and other expenses which may arise in emergencies. Any part or all of the deposit may be expended on behalf of a resident if the resident is unable or

unwilling to pay these costs. — Residents are not allowed to make withdrawals from this account if they become "short of funds". If a resident is discharged, the balance of the resident's money in the account must be returned to the resident or the resident's guardian as outlined in subsection 3 of section 86-03-07-03. In the event of a resident's death, the balance of the resident's money in the account becomes part of the resident's estate for disposition in accordance with the laws of this state.

3. — Any resident with a full hospital emergency fund deposit on account on January first of each year, and maintains the full deposit on account during the year, will earn five percent interest.

4. — A resident who makes a full deposit at any other time during the year, or who withdraws from the fund, will not receive interest for that year.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-02-03. Resident -- Payment of charges. Residents have an obligation to pay charges which they incur at the home. Residents who become delinquent in paying these charges may be subject to discharge. Resident or their guardians are responsible for payment of monthly charges. All payments must be made within thirty days following the month in which they were incurred. Residents shall pay their charges prior to going on leave. A resident who is hospitalized may wait until returning to the home before making payment.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-02-04. Resident Income. - - Rescinded Residents who receive monthly income or who have net worth may handle their own finances unless they are declared incompetent. However, residents may not retain large sums of money on their person or in their quarters. If a resident chooses not to deposit money with a financial institution, the money may be deposited with the home's office for safekeeping. The resident may have access to those funds at any time during normal business hours as posted by the office.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-02-05. Annual Review of Resident Finances – Basic Care.

Each resident's finances must be reviewed at least annually or as income changes in December of each year or as financial situations change. Generally, the review must be after the Veterans' Administration, processed, and adjustments made. Residents shall must declare all of their assets, which include but are not limited to, real estate, personal property, monthly income received, retirement checks, savings accounts, checking accounts, and certificates of deposit monthly income and expenses, and provide verification of amounts. A resident unable to furnish such information shall sign a release form to allow the home to obtain the necessary financial information it needs to complete the annual review. A resident who refuses to divulge such information is subject to discharge. When accurate information has not been furnished, the facility shall charge the maximum rent until such time that correct information is provided.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

Chapter 86-03-03 SERVICES AVAILABLE TO RESIDENTS

Section

86-03-03-01	Medical Services
86-03-03-02	Meal Service Policies
86-03-03-03	Mail
86-03-03-04	Laundry
86-03-03-05	Transportation
86-03-03-06	Beauty and Barber Services
86-03-03-07	Religious Services

86-03-03-01. Medical Services – RESCIND

- ~~1. A new resident must be given an admission physical by a staff physician within ten days after arrival at the home. Each new resident shall have a chest X ray taken or shall provide the results of a chest X ray taken within one year of admission. Generally, a veteran will be sent to the veteran's administration hospital for a chest X ray. A non-veteran who is unable to have a chest X ray taken at the veterans' administration hospital shall assume the expense for obtaining a chest X ray.~~
- ~~2. All residents must be given annual physicals by one of the home's staff physicians to detect any new medical problems.~~
- ~~3. A resident who is on medication shall turn the medication in to the infirmary; and the nursing supervisor or a staff physician shall determine whether the resident be placed on self-medication or whether the medications be dispensed from the infirmary. All prescription medications must be ordered through the infirmary. A resident may not order prescription medication without specific authorization by the nursing supervisor or a staff physician.~~
- ~~4. Residents on mood-altering drugs shall remain on them if deemed necessary by a staff physician. If a resident's failure to take the prescribed medication results in interference with the resident's behavior, it is grounds for an immediate discharge. Appropriate placement shall be recommended. If it becomes apparent that a resident presents a danger to self or others, emergency commitment procedures must be followed, and the resident must be sent to the state hospital.~~

5. If a resident requires medical attention due to a fever, symptoms of an infection, fall, or other medical problems, the nurse must be notified immediately. Appropriate steps must then be taken, either through treatment at the home by a staff physician, or transfer to the veterans' administration hospital or local hospital. All life-threatening emergencies must be referred to a local hospital first.
6. Residents who require outpatient care or inpatient treatment must be referred to the veterans' administration hospital unless they request otherwise. Non-veterans may choose where they wish to be treated.
7. Residents who have scheduled appointments shall notify the nurse of the appointment to ensure that the necessary follow-up is made.
8. Residents treated on an outpatient basis or who are hospitalized shall sign a release of medical information form, which is confidential and must be used to update the resident's medical file.
9. Residents in need of dental care, eye examinations, physical examinations, speech therapy, occupational therapy, or other medical services are responsible for payment of such services with the exception of the admission physical and annual physical given by a staff physician. Residents who are ineligible for medication through the veterans' administration are responsible for the costs of their medication.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-03-02. Meal Service Policies – Basic Care **RESCIND**

1. Residents must be provided three meals per day. Meals must be served at seven a.m., eleven thirty a.m., and five p.m. Meals must be served cafeteria style, and residents shall carry their own tray unless the nursing supervisor or a staff physician has granted an exemption. To facilitate taking roll at meals, seats must be assigned.

2. If a resident wishes to be excused from a meal, the nurse on duty or the office must be notified at least one hour before mealtime. A resident who wishes not to be present for a meal must check out in person and failure to do so must be treated as an unexcused absence subject to disciplinary action. An exception must be made for a resident who is unable to check out in person because of illness.

3. A resident who wishes to extend an invitation to a meal shall obtain the consent of the commandant or a subordinate in charge.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-03-03. Mail – Basic Care – Each resident must shall be assigned a mailbox at the Home. Mail that a resident receives must should be properly addressed to the resident in care of the North Dakota Veterans Home. The home is responsible for most postal services for the residents. A resident may rent a mailbox at the local post office.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-03-04. Laundry – Rescind A resident need not launder his or her own clothing as the Home is equipped to launder all personal washable clothing. However, if a resident chooses to launder his or her own clothing, it must be done in the resident laundry area where coin-operated washers and dryers are available. A resident may not use the laundry facilities located in the washrooms or janitor closets at the home. A resident may not hang wet clothing on furniture, doors, or heat registers. Wet clothing must be dried in the resident laundry area in the dryers. A resident's clothing must be marked with a stamp provided by the home or with laundry tags ordered at the resident's own expense.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-03-05. Transportation – Rescind The Home furnishes limited transportation to the residents. Transportation is provided once a day to the Lisbon business district on business days. Transportation to Lisbon for medical purposes is furnished on an individual basis. Transportation to Fargo is provided by the home on Tuesdays and Wednesdays, and by the Ransom County seniors on Thursday's. Other transportation is the responsibility of the individual resident.

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-03-06. Beauty and Barber Services – RESCIND A resident may utilize the services of local beauticians and barbers, provided that the resident is responsible for payment of such services. Transportation to a local beauty shop or barber shop shall be provided if arrangements cannot be made with the local beautician or barber to provide services at the home. However, in such event, a resident shall request a member of the staff to make the necessary appointment. A resident may not cut or trim another resident's hair unless the resident has a current barber or beautician license, and in addition, has received the approval of the commandant.

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-03-07. Religious Services - Residents may or may not participate in a religious program of their choice. Catholic and nondenominational services are conducted at the home. Residents with individual preferences may attend a local church of their choice with transportation being the responsibility of the resident.

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

CHAPTER 86-03-04

RESIDENT ROOM POLICIES

Section

86-03-04-01	Room Decoration and Maintenance
86-03-04-02	Food in Resident Rooms -- Restrictions
86-03-04-03	Electrical Appliances in Resident Rooms -- Restrictions
86-03-04-04	Resident Room Furniture
86-03-04-05	Resident Telephones

86-03-04-01. Room Decoration and Maintenance – RESCIND

- ~~1. Residents may decorate their rooms in a manner, which is tasteful and not offensive to other residents or the public. Tape, glue, or nails may not be used on the walls or woodwork. Hanging decorations may be suspended from the cork strips provided on hooks provided and installed by maintenance.~~
- ~~2. Residents shall make their own beds and shall change their bedding weekly or whenever designated by Housekeeping or medical personnel. Resident shall also assist in sweeping and maintaining their quarters in a clean and orderly manner.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-04-02. Food in Resident Rooms – Restrictions – RESCIND. ~~Food which may spoil, such as fresh fruit, cheese, meats and opened canned goods may not be kept in a resident's room unless authorized by the commandant.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-04-03. Electrical Appliances in Resident Rooms – Restrictions - RESCIND. ~~Electrical appliances used in connection with food preparation, heating of water or appliances that are heat producing, are not allowed in a resident's room. Other appliances may be used in a resident's room only with the approval of the commandant.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-04-04. Resident room furniture - RESCIND. ~~The home supplies all the necessary furniture to equip a resident's room. A resident who wishes to bring a piece of their furniture must first obtain permission of the commandant.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-04-05. Resident Telephones - RESCIND. ~~Telephones are located in all the rooms. Residents may receive their calls and place local calls using their telephone. Residents wishing to make long distance calls may use the coin-operated telephones, or install their own private line at their expense.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

CHAPTER 86-03-05
RESIDENT -- RIGHTS, PRIVILEGES, RESPONSIBILITIES

Section

86-03-05-01	Resident Bill of Rights -- Responsibility
86-03-05-02	Resident Dress Code -- Violations
86-03-05-03	Smoking -- Restrictions
86-03-05-04	Use of Alcohol or Controlled Substances -- Prohibited
86-03-05-05	Guests -- Visitation
86-03-05-06	Children -- Visitation
86-03-05-07	Resident Council -- Composition
86-03-05-08	Monthly Meetings
86-03-05-09	Resident Complaints -- Appeals

86-03-05-01. Resident Bill of Rights – Responsibilities - RESCIND. The home has compiled a resident bill of rights which is available to all residents, guardians, next of kin, and other interested individuals upon request. Its purpose is to ensure residents of rights guaranteed to them in the Constitution of the United States. The home imposes the same responsibilities on a resident as citizens are subject to in any community. These responsibilities include: respecting the rights of others, obeying the rules, helping to keep the home safe and clean, and taking care of one's health. A resident must be courteous to visitors, friends, and staff. If a resident's behavior is disruptive or disgraceful, or affects the well-being and comfort of other residents, such behavior shall not be tolerated. Residents are asked to report safety hazards and keep themselves neat and clean, and to assume the major responsibility for personal health and hygiene.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-02. Resident Dress Code – Violations – RESCIND

1. Clothing must be neat, clean, and mended. Pajamas, nightgowns, robes, or housecoats may not be worn to the dining room or first floor areas accessible to the public. White T-shirts, undershirts, and underwear must be adequately covered with an outer garment and may not be worn in the dining room as outerwear. Trousers, shirts, skirts, and blouses must be properly closed. Generally, residents may not wear shorts in the dining room unless they are Bermuda shorts or reach mid thigh.

2. Hair curlers or clips may not be worn in the dining room at mealtime, and hair must be neatly groomed. Socks and shoes, which include boots, tennis shoes, and sandals, must be worn in the dining room. If neither shoes nor socks can be worn, permission must be received from the infirmary and cleared through food service before the resident is served.

3. Violations of the dress code must be reported to the food service supervisor or the commandant or his assistant. A resident violating the dress code must be refused dining room service.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-03. Smoking – RESCIND Smoking is permitted in the home with the exception of the kitchen and dining room, elevators, infirmary, front lobby, and other areas which are specifically marked. Residents may not smoke while in or on the beds.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-04. Use of Alcohol or Controlled Substances -- Prohibited. Residents shall comply with the provisions of the North Dakota Century Code section 48-05-06. Intoxicating liquors or a controlled substance may not be used on the grounds or in the buildings. A resident's person, personal effects, car, and room may be searched if a staff member has reasonable cause to believe that a resident is under the influence of intoxicating liquors or a controlled substance, or is suspected of bringing contraband of any kind onto the grounds or into the buildings. A resident who is intoxicated or who brings liquor or other controlled substances onto the premises shall become involved in the home addiction program. A resident who refuses to do so is subject to immediate disciplinary discharge. A resident who is repeatedly intoxicated or found to have any alcoholic beverages or controlled substances on the premises is, without excuse, subject to discharge. A resident who is found to have any alcoholic beverages or controlled substances on the premise is subject to discharge and civil court for violation of NDCC 48-05-06.

86-03-05-05. Guests – Visitation - RESCIND. A resident may have family or friends visit at the home. Guests may visit each day from eight a.m. to nine thirty p.m. A resident shall remain with his or her guests. Residents and guests may visit either in the resident's room or in the visitor lounges. Residents and guests may play cards, and residents may treat their guests to coffee in the recreation room. However, visitors may not participate in home activities which include, but are not limited to, bingo, movies, and other events sponsored by outside groups or by the home itself. A resident is responsible for the behavior of the resident's guests, and visitors may be asked to leave if they become disruptive. A resident may invite guests to meals, provided that the resident pays a nominal fee for each meal, and that nursing or food service personnel are notified one hour before the meal is served.

86-03-05-06. Children Visitations - RESCIND. Children under eighteen years of age are not allowed in the building unless they are supervised by and remain with a staff member or an adult supervisor. Children visiting a resident unaccompanied by an adult visitor are allowed only in the lobby, recreation rooms, and lounge areas where they can be supervised by a staff member.

History: Effective May 1, 1987.
General Authority: 28-32-02
Law Implemented: 37-15-03, 37-18.1-03(2)

86-03-05-07. Resident Council – Composition - RESCIND. A resident council consisting of a delegate and alternate delegate from each floor must be elected by the residents and serve for a term of eight months. A chairman must be elected from the delegates and is the representative of the council to the administration

86-03-05-08. Monthly Meetings - RESCIND. Residents shall attend monthly meetings unless they are away on pass or leave. Generally, monthly meetings are scheduled for the third working day of each month, and are conducted by the commandant or a subordinate. The agenda for monthly meetings includes: announcements, observations, complaints, and other matters which may require discussion by staff or residents.

History: Effective May 1, 1987.
General Authority: 28-32-02
Law Implemented: 37-15-03, 37-18.1-03(2)

86-03-05-09. Resident Complaints -- Appeals. The Regional Ombudsman may be

contacted at anytime about a complaint or be asked to assist you in the complaint process. The North Dakota Veterans Home will have a formal complaint/grievance process in place.

1. A resident who has a complaint may take it to the addiction counselor, activity therapist, chaplain, supervisors, aides, or administrative personnel. A complaint which cannot be resolved in this manner must be forwarded to the commandant for appropriate action.
2. A resident who has a complaint or problem with the home or staff may take it to the commandant during regular business hours. If a resident is dissatisfied with the commandant's response, the matter may be appealed to the administrative committee on veterans' affairs, provided that the appeal is in writing, contains reasons for the resident's dissatisfaction, and is submitted to the commandant within seven working days of the commandant's response.
3. The commandant shall forward the appeal together with his report, investigations, and other relevant data to the chairman of the administrative committee on veterans' affairs. The appeal must be reviewed at the next meeting of the administrative committee on veterans' affairs.
4. A resident who is dissatisfied with the decision of the administrative committee on veterans' affairs may appeal the decision to a court under the procedures outlined in the Administrative Agencies Practice Act as set forth in North Dakota Century Code chapter 28-32.

CHAPTER 86-03-06
ACTIVITIES -- RESTRICTIONS -- EMPLOYMENT

Section

86-03-06-01	Canvassing -- Peddling -- Soliciting
86-03-06-02	Searches to Enforce Home Rules and State Laws
86-03-06-03	Resident Possession of Firearms
86-03-06-04	Resident Automobiles
86-03-06-05	Riding of Bicycles at the Home
86-03-06-06	Use of the Home's Park
86-03-06-07	Fishing on the Premises
86-03-06-08	Off Limit Areas
86-03-06-09	Work Details at the Home
86-03-06-10	Resident Employment

86-03-06-01. Canvassing -- Peddling -- Soliciting. Canvassing, peddling, or soliciting may not be conducted in the buildings or on the grounds of the home. However, the **Commandant Administrator** may authorize and establish conditions for solicitation at the home by charitable or veterans organizations. Solicitations may not be made, in any event, from room to room.

History: Effective May 1, 1987

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-06-02. Searches to enforce home rules and state laws. The **Commandant Administrator** or other staff may examine automobiles, baggage, clothing and other personal items if such examination is considered necessary to enforce the rules and regulations of the Home and the laws of this state and is based upon a reasonable suspicion.

History: Effective May 1, 1987

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-06-03. Resident Possession of Firearms. A resident may not possess or discharge a firearm in the buildings or on the grounds of the home without the permission of the **Commandant Administrator**. A resident shall turn firearms and other weapons in to the **Commandant Administrator for safekeeping**. Failure to do so is grounds for a

~~disciplinary discharge.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2), 62.1-02-05

86-03-06-04. Resident Automobiles - RESCIND.

~~1. An applicant who wishes to have an automobile at the home shall make that desire known during the initial interview. The applicant's name must be placed on a waiting list and a parking space must be assigned when one becomes available. An applicant who has been admitted to the home may not bring an automobile to the home without receiving specific authorization prior to arrival.~~

~~2. A resident with an automobile at the home must show proof of a paid liability insurance premium and must possess a valid driver's license. Failure to comply with these requirements shall result in the loss of a parking space and loss of the privilege to have an automobile on the premises.~~

~~3. A resident may park in the resident parking lot only, and not in the public parking area or in front of or on the side of the barracks building.~~

~~4. A resident convicted of driving under the influence shall automatically lose their parking space and remove the vehicle from the premises until such time as it is re-granted at the discretion of the commandant.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-06-05. Riding of Bicycles at the Home - RESCIND. ~~Residents may ride their own bicycle or a bicycle provided by the home when weather permits. All cyclists shall remain on the main roadways or bicycle trails. Cyclists who have been advised of these requirements and who continue to disregard them must be reported to the commandant or his assistant.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-06-06. Use of the Home's Park - RESCIND. ~~Residents and their guests~~

~~may use the home's park. Children who are unsupervised are not allowed in the park unless permission has been obtained from the commandant or other designated subordinates. Under no circumstances may bicycles be allowed in the area.~~

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-06-07. Fishing on the Premises - RESCIND. ~~A resident may fish in the Sheyenne River which borders the home's grounds; provided that the resident has purchased a fishing license in compliance with the laws of this state. Fish caught by a resident must be cleaned outside in an area away from the home's buildings. A resident shall obtain the approval of food service personnel before storing fish in the home's refrigerator or freezer.~~

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-06-08. Off Limit Areas- RESCIND. ~~Only authorized personnel may enter the home's kitchen or storage rooms. Residents may enter these areas only with the permission of staff members. A resident may not enter buildings on the grounds other than the barracks building unless it is in the line of duty or with the permission of the commandant or staff supervisors.~~

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-06-09. Work Details at the Home- RESCIND. ~~A resident shall assist the commandant or other staff, when requested, in accomplishing work details at the home. No resident may be excused from a work detail without a written excuse from a staff physician.~~

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-06-10. Resident Employment- RESCIND. A resident physically present at the home may engage only in work assigned by the staff, and may not engage in any employment outside of the home. However, a resident on pass or leave may engage in employment.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

CHAPTER 86-03-07
HOURS -- PASSES AND LEAVES -- DISCHARGES

Section

86-03-07-01 Hours
86-03-08-02 Passes and Leaves
86-03-07-03 Discharges

86-03-07-01. Hours- RESCIND

1. A resident may not arise before five thirty a.m. creating a disturbance in the various wards and corridors to the annoyance and discomfort of others. Radios and televisions in the lounges may not be operated after ten thirty p.m. unless special permission has been obtained. Radios and televisions in resident rooms may be operated any time, provided that it is agreeable with roommates and no one else is disturbed. Residents who are unable to sleep and do not want to disturb their roommate may watch television all night in the recreation room on the ground floor of the new addition to the home.

2. The home must be locked and all public access lights with the exception of the emergency lights must be turned out at ten p.m. Special arrangements may be made with the aide on duty for a resident to remain out until twelve a.m. on occasion. Residents who desire to remain out later than twelve a.m. may obtain a Twenty four hour pass, and may not return to the home before six a.m. the following day.

History

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-07-02. Passes and Leaves- RESCIND.

1. A resident may obtain a pass for a maximum of ninety six hours from the commandant or other designated staff member. Residents going on pass or leave must sign themselves out before leaving and upon returning to the home, must sign themselves in and report to the infirmary. A resident may not return to the home prior to six a.m. or after ten p.m. A resident returning from pass or leave shall remain at the home for twenty four hours or more before being granted another pass or leave.

2. A resident absent without leave for a period of twenty four hours must be issued a disciplinary discharge. A resident may be on regular leave for a maximum of one hundred twenty consecutive days. Prior to going on leave, a resident shall sign out, and at that time, must be issued a leave slip. During a leave period a resident's papers must be left in the care of the commandant. A resident going on leave may place personal effects in storage or shall sign a waiver releasing the home from responsibility for the loss of items which are left in the resident's room. The home assumes no financial or personal responsibility for a resident on pass or leave.
3. A resident who wishes a longer leave than one hundred twenty consecutive days shall return to the home prior to the leave expiration date and obtain another leave slip from a staff physician during the physician's regular visit to the home. A resident who fails to return to the home to obtain another leave slip must be discharged. A resident who chooses not to return within the one hundred twenty days shall notify the home and request a discharge. Failure to do so shall result in the resident receiving a disciplinary discharge as absent without leave.
4. A leave may be extended in special circumstances. Outside employment of a resident, or avoidance of hardship may be considered by the commandant in granting extensions. However, the extensions may not be granted if other applicants have been denied and are awaiting admission to the home due to lack of space.
5. A resident who is admitted to a hospital must be placed on medical leave for a maximum of sixty consecutive days, after which a medical discharge must be issued. After receiving a medical discharge, an individual need only resubmit a medical certificate provided by the home. An individual must reapply for admission prior to discharge from the hospital or follow the regular application procedure.
6. Enforced disciplinary leaves may be issued by the commandant for infringement of the home's rules and regulations.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-07-03. Discharge

1. A resident may ~~obtain an honorable~~ discharge at any time upon request.
2. The ~~Commandant~~ Administrator may issue a ~~disciplinary~~ discharge for infringement of the home's rules and regulations. ~~The Administrator would provide a 30 day Notice of Discharge.~~ Arrest and conviction of a felony of a resident ~~or conduct of a resident off the premises that would be considered unacceptable by community standards~~ are grounds for ~~disciplinary~~ discharge. Issuance of a ~~disciplinary~~ discharge ~~by the Administrator for disciplinary reasons~~ disqualifies ~~a~~ the resident from gaining readmission to the home for six months thereafter and requires submission of another application and medical certificate. ~~A resident who receives a disciplinary discharge must leave the premises immediately, unless specific authorization is obtained from the commandant to remain overnight.~~
3. Upon discharge, a resident's personal property ~~must~~ shall be returned to the resident and ~~must~~ shall then be removed from the buildings and grounds. ~~Money credited to a resident shall be released only after all outstanding bills have been paid.~~
4. ~~A resident must be given a medical discharge, if in the opinion of the commandant; the resident is no longer able to care for his or her personal needs. Prior to discharge, every effort must be made to place a resident. A resident refusing placement is responsible for making his or her own arrangements after discharge.~~
5. ~~Under the rules and regulations prescribed by the administrative committee on veterans' affairs for admission and residency at the North Dakota veterans' home, when a resident can no longer care for their personal needs, the resident shall become a charge of the county of residence at the time of admission to the home.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

CHAPTER 86-03-08
RULES GOVERNING PROPERTY

Section

86-03-08-01	Borrowing of Money -- Prohibited
86-03-08-02	Concealment and Removal of State Property -- Prohibited
86-03-08-03	Disposition of Personal Property upon Discharge
86-03-08-04	Gift of Property by a Resident
86-03-08-05	Loan of Property to a Resident
86-03-08-06	Sale of Property by a Resident

86-03-08-01. Borrowing of Money – Prohibited - RESCIND. ~~A resident may not borrow from, nor loan money to another resident or staff member. A resident violating this rule is subject to discharge.~~

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-08-02. Concealment and Removal of State Property – Prohibited - RESCIND. ~~The concealment or removal of state property from the buildings or grounds is prohibited, and violators are subject to discharge and may be prosecuted for their actions.~~

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-08-03. Disposition of Personal Property upon Discharge. A resident who is discharged and who has personal items remaining at the home ~~must be notified in writing, at the resident's last known address, and~~ shall have thirty days to remove those items from the premise. If a resident fails to make arrangements for the disposition of personal items remaining at the home within the allotted time, the **Commandant Administrator** may dispose of the property ~~at his discretion~~ **using proper procedure.**

~~2. A resident who receives a medical discharge must be notified in writing of personal items remaining at the home. These items must then be sent or delivered at the resident's own expense to the discharged resident or the named individual to~~

be notified in the event of an emergency.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-08-04.-Gift of property by a resident.—RESCIND. A gift of property by a resident to a nonresident is invalid unless the donee received physical possession of the gifted property at the time of the gift, and such property has been removed from the home's premises prior to the death of the donor. A gift made by a resident to another resident or a nonresident during the donor's lifetime is invalid if made with the understanding that the resident donor may retain physical possession of the gifted property until the resident donor's death, or if the gift is to take effect only upon the death of the resident donor. In these cases, such property becomes part of the estate of the resident donor.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-08-05. Loan of Property to a Resident - RESCIND. Property loaned to a Resident must be declared loaned property at the time possession is transferred to the resident. The lender at the time of transfer shall file a sales slip, invoice, or other evidence of ownership with the home's office. The lender shall attach an identifying tag to the loaned property which shall remain attached to the property during the resident's stay at the home. Loaned property not so identified becomes part of the deceased resident's estate.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-08-06. Sale of property by a resident. - RESCIND Property sold by a resident to another resident or a nonresident must be declared at the time of transfer from the seller to the buyer. A sales slip, invoice, or other evidence of ownership which must include serial numbers, model numbers, or other identifying features shall be filed with the home's office. Any property sold by a resident, not so identified, becomes a part of the estate of the resident seller if the sale is questioned by the seller's next of kin.

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

CHAPTER 86-03-09
DEATHS -- WILLS -- DISPOSITION OF ESTATES

Section

86-03-09-01 Death of Residents at the Home
86-03-09-02 Disposition of Estates without Wills

86-03-09-01. Death of Residents at the Home. ~~If a resident dies at the home, the resident's room must be locked immediately. A designated staff member and the deceased resident's roommate shall make a physical inventory of the deceased's possessions and place them in storage. Exceptions to this policy may be made by the commandant.~~ **In the event of a death, the resident's bed will be held for 24 hours (one day) to allow removal of the resident's personal belongings. If requested, the facility will pack and store the resident's belongings for a reasonable length of time.** If a resident dies at the home, the next of kin listed by the resident must be contacted. The ~~local~~ **designated** funeral director must also be contacted to remove the deceased from the premises and to wait **for** further instructions from the next of kin. Should the family wish, the funeral service may be held at the home, and burial may be in the Veterans' Home plot **at** Oakwood Cemetery **in** Lisbon, North Dakota.

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-09-02. Disposition of Estates without Wills - **RESCIND.** ~~Residents are encouraged to complete a will and the staff shall assist residents in contacting an attorney if residents so desire. Disposition of estates without wills must be made pursuant to North Dakota Century Code section 37-15-16 or 37-15-17.~~

History: Effective May 1, 1987.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 37-15-03, 37-15-16, 37-15-17

CHAPTER 86-03-10
VIOLATION -- ENFORCEMENT OF RULES AND REGULATIONS

Section

86-03-10-01 Violation -- Enforcement of Rules and Regulations

86-03-10-01. Violation -- Enforcement of Rules and Regulations. The **Commandant Administrator** ~~may make and~~ **shall** enforce all necessary rules **and regulations** for the government of the home ~~provided that such rules are not in conflict with the rules and regulations for admission and residency at the North Dakota Veterans Home as promulgated by the administrative committee on veterans' affairs North Dakota Veterans' Home Governing Board.~~ The **Commandant Administrator** may discharge a resident or impose disciplinary action considered consistent with the nature of the offense committed for any willful violation of the rules and regulations for admission and residency at the North Dakota Veterans Home. ~~A resident convicted of a felony must be discharged.~~

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)