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State Veterans Affairs Board

State Veterans Affairs Board
Policies, Rules and Regulations

Title 25: State Veterans Affairs Board

Part 101: State Veterans Affairs Board

Part 101 Chapter 1: Board

Rule 1.1 Repeal of Prior Rules. Upon their effective date, these rules and regulations supercede and repeal all previous rules and regulations previously filed by the State Veterans Affairs Board.

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Rule 1.2 Purpose. The State Veterans Affairs Board will assist all service men and women, veterans and/or dependents, widows, and orphans, with problems relating to or contingent on service in the armed forces of the United States or its allies when requested and authorized to do so.

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Rule 1.3 Board Established. The State Veterans Affairs Board shall consist of seven (7) members, to be appointed by the Governor, with advice and consent of the Senate, one (1) member from each congressional district, and two (2) members shall be appointed from the state at large.

Source: *Miss. Code Ann.* § 35-1-1 (Rev. 2007).

Rule 1.4 Chairman and Vice-Chairman. Members of the board shall annually elect as chairman one of their number and another member as vice-chairman.

Source: *Miss. Code Ann.* § 35-1-1(1)(b) (Rev. 2007).

Rule 1.5 Meetings. Members of the board shall hold regular monthly meetings on the second Friday of each month and such other meeting as may be called by the chairman or the vice-chairman in his/her absence. Board meetings shall be governed by Robert's Rules of Order (as amended).

A. The Executive Secretary to the Board will mail notices of Statutory meeting to all Board members at least one week prior to meeting date. Such notice will include an agenda of known items to come before the Board.
B. All Board Meetings will comply with *Miss. Code Ann. §§* 25-41-5 and 25-41-13.

Source: *Miss. Code Ann.* § 35-1-1(2) (Rev. 2007).

Rule 1.6 Quorum and Proxies. A quorum shall consist of four (4) members duly appointed in accordance with *Miss. Code. Ann. §* 35-1-1(1)(b). A quorum is required for this Board to conduct business unless otherwise noted in this document. Proxies shall not be allowed.

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Rule 1.7 General Duties and Power. The duties of the State Veterans Affairs Board shall be to:

A. Assist former and present members of the Armed Forces of the United State, and their dependents, in securing any benefits or privileges under any federal or state law or regulation to which they are entitled
B. Advise the Governor and Legislature on Veterans affairs
C. Fully cooperate with all congressionally chartered veterans organizations within the state, including servicing the power of attorney of the congressionally chartered veterans organizations upon the request of the organizations to the State Veterans Affairs Board in the prosecution of all claims on behalf of veterans.
D. Inspect, approve and supervise school, institutions and establishments for war orphan and veteran training as the "State Approving Agency" for the State of Mississippi and to enter into contract with the Department of Veterans Affairs for salary and travel reimbursement for personnel employed for this purpose
E. Operate and manage all state veterans nursing homes to provide domiciliary care and other related services for eligible veterans in the most cost efficient manner.
F. Adopt policies and prescribe rules and regulations for the proper administration of it general duties and powers
G. Appointments as local representatives of the State Veterans Affairs Board may be revoked at any time by the State Veterans Affairs Board. At no time and under no circumstance will members of the Board, while representing the Board, engage in controversial matters or promotional activities of any veterans organization or other similar organization. It is desired that members of the Board will take interest in veterans affairs, keep in touch with veterans, and impart information to them.
H. Cooperate with all agencies and organizations in providing assistance to servicemen

and women, veterans and/or their dependents, widows and orphans. Particular attention will be given to cooperation with County Veteran Service Officers and Service Officers of the various veterans organizations in the prosecution of claims and the handling of problems relating to or contingent on service with the armed forces.

I. Preference will not be shown to individuals, counties, or organizations. The service will be given courteously and on an equal basis. However, emergency or distress cases shall take priority. No services will be undertaken or any privilege extended any are, county, or organization which cannot be provided for all. No special records will be maintained and no special information will be compiled for one that is not available for all as taken from the available records of the Board.

J. The Board shall provide training and certification of County Veteran Service Officers. In addition, County Service Officers undergoing initial certification will be required to receive one (1) day of training at the Board's Claims Office with the Claims Office providing two (2) days (different sessions) of training.

Source: *Miss. Code Ann.* § 35-1-7 and §35-3-21 (Rev. 2007).

Title 25: State Veterans Affairs Board

Part 102: Organization

Part 102 Chapter 1: Organization

Rule 1.1 Purpose: The State Veterans Affairs Board (Board) including the State Approving Agency, shall be organized to carry out the statutory duties of the Board. The Board shall be organized in three (3) divisions. The Board shall be headed by an Executive Director, who shall also serve as Executive Secretary to the Board, a Deputy Director, and three (3) division directors (Claims, SAA, and Homes), plus additional personnel, as needed, to carry out the duties of the Board. The Executive Director, Deputy Director, and Division Directors shall be appointed as dictated by statute with additional personnel being employed in accordance with State Personnel Board Policies. (Note: There shall be no distinction between the Executive Director and Executive Secretary as used in this document.)

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Part 102 Chapter 2: Personnel

Rule 2.1 The Executive Director, Deputy Director, Division Directors (or equivalents), and Branch Directors (or equivalents) shall serve, per statute, at the will of the Board.

Source: *Miss. Code Ann.* § 35-1-3 (Rev. 2007).

Rule 2.2 Executive Director and Executive Secretary to the Board. The Executive Director shall:

A. Serve as the Executive Secretary to the Board and *as* the Executive Director of the State Veterans Affairs Board.
B. Demonstrate an excellent knowledge of the various benefits or privileges accruing to former and present members of the armed forces of the United States and their dependents under federal or state laws or regulations.
C. Be directly responsible to the Board for the efficient operation of the Board. Duties are as prescribed by policies, rules, regulations, and instructions of the Board.
D. The Executive Director shall provide, at the expense of the Board, such publications and informational material as he deems advisable.
E. Delegate authority to subordinate personnel as necessary to ensure efficient functioning of the Board.
F. Meet minimum requirements for selection to the position of Executive Director and Executive Secretary to the Board *as* prescribed by statute or the State Personnel Board.

Source: *Miss. Code Ann.* § 35-1-3 and § 35-1-7 (Rev. 2007).

Rule 2.3 The Executive Director may be selected from among qualified Deputy or Division Directors or the position may be filled through open recruitment. In recruiting for the position of Executive Director, the Board shall first recruit for individuals who are honorable discharged or

honorably released veterans of the Armed Forces of the United States. If no suitably qualified individual is found, the Board, upon a vote taken during either Statutory or Special Called Board Meetings, will then open recruitment to any veteran regardless of period of service.

Source: *Miss. Code Ann.* § 35-1-3 and § 35-1-7 (Rev. 2007).

Rule 2.4 Board Oversight.

A. The Executive Director shall be responsible for the day to day operations of the Veterans Affairs Board. The Executive Director shall be responsible for hiring (as stipulated in this document), supervision, and firing (as stipulated in this document) of employees of the Board.

B. The Executive Director shall be responsible for managing the day to day activities of the Board and planning the budget and administering the financial affairs of the Board. The Board shall set policies in regard to the Executive Director's management of the Agency. Those policies shall be set forth in the Minutes of the Board and shall be carried out by the Executive Director according to the instructions of the Board as stated in the minutes.

C. All supervision of the Executive Director shall be by the complete Board and it is the stated policy of this Board that individual members of the Board shall not engage in day to day direction of the Agency unless specifically authorized and directed to by a vote of the full Board in specific circumstances.

D. From time to time, the Board may designate a member or members of the Board to serve on an Ad Hoc Committee to assist the Executive Secretary in management of specific activities or functions of the Board, but such activities shall be limited in time, scope, and nature.

E. The Executive Secretary should consult with the Board with regard to all major management decisions which transcend normal day-to-day operations. The Executive Secretary shall also seek approval of the Board for the hiring of contractors to perform services on behalf of the Agency. (Individual contract workers are excluded from this provision. For example, RNs, LPNs, DCWs, Laundry and Housekeeping Aides are considered contract workers).

F. The Executive Director shall have authority to purchase and authorize payment for those items/services necessary for day-to-day operation of the agency and its divisions. Examples include things such as utilities, fuel, food services, legal and contractual obligations, personnel services, travel expense, licenses and fees, business and medical supplies, drugs and medications, repairs, maintenance, etc. Purchases and payments to comply with Mississippi Law and Department of Finance and Administration rules and regulations.

G. The Board must approve the expenditure of funds when state law requires bids.

Source: *Miss. Code Ann.* §§ 35-1-3, 35-1-7 and 35-1-21 (Rev. 2007).

Rule 2.5 Deputy Director.

A. Shall report directly to the Executive Director. Duties will be as prescribed by the

Executive Director.
B. Minimum requirements for selection to the position of Deputy Director shall be prescribed by statute or the State Personnel Board.
C. In recruiting for the position of Deputy Director, the Board shall first recruit for individuals who are honorable discharged or honorably released veterans of the Armed Forces of the United States. If no suitably qualified individual is found, the Board, upon a vote taken during either Statutory or Special Called Board Meetings, will then open recruitment to any veteran regardless of period of service.

Source: *Miss. Code Ann.* § 35-1-3 and § 35-1-7 (Rev. 2007).

Rule 2.6 Managers of Major Functional Areas and Managers of the State Veterans Homes.

A. Managers of major functional areas of the Administrative Office and Managers (Administrator) of the State Veterans Homes will report to the Executive Director, through the Deputy Director. Duties will be as prescribed by the State Personnel Board.
B. In recruiting for the above positions, the Board shall first recruit for individuals who are wartime veterans. If no suitably qualified individual is found, the Board will the open recruitment to any veteran regardless of period of service. If there is still no suitably qualified individual, the Board will open recruitment to include non-veterans. A vote, taken during either Statutory or Special Called Board Meetings, is required to move recruitment to each successive level.

Source: *Miss. Code Ann.* § 35-1-3 and §35-1-7 (Rev. 2007).

Rule 2.7 Additional Personnel.

A. All employees of the State Veterans Affairs Board will report directly to assigned supervisor and perform duties as assigned in accordance with position in which employed as outlined in State Personnel Board job characteristics.
B. The Executive Director is responsible for requesting, from the State Personnel Board, a list of eligibles for positions to be filled and will interview those applicants to determine their suitability for the position being filled.
C. The Executive Director must get Board approval prior to the hiring/promotion of individuals to fill positions of Deputy Director, Managers of major functional areas in the Administrative Office and Managers (Administrator) of the State Veterans Nursing Homes.

Source: *Miss. Code Ann.* §§ 35-1-3 and 35-1-21(4) (Rev. 2007).

Rule 2.8 Personnel Actions.

A. A simple majority vote of the Board, during either a Regular of Special Called meeting, is required to appoint the Executive Director, Deputy Director, Managers of major functional areas in the Administrative Office and Managers (Administrator) of the State Veterans Homes.

B. A quorum, is required to terminate the Executive Director, Deputy Director, and Managers of major functional areas in the Administrative Office and the Managers (Administrator) of the State Veterans Nursing Homes.
C. The Executive Director, with the approval of the Board Chairman (Vice Chairman in Chairman's absence) may suspend, with pay, the Deputy Director, and Managers of functional areas of the Administrative Office and Managers (Administrator) of the State Veterans Nursing Home for cause pending final action by the Board.
D. The Executive Director will take other personnel actions in accordance with State Personnel Board policies, rules, and regulations.
E. For the purpose of carrying out the intent of this paragraph, the Executive Director will, as much as possible, keep the Board informed of potential actions.

Source: *Miss. Code Ann.* §§ 35-1-3 and 35-1-7 (Rev. 2007).

Rule 2.9 Benefits. Benefits shall be in accordance with State Personnel Board Policies and Procedures.

Source: *Miss. Code Ann.* § 35-1-7.

Rule 2.10 Work Schedule. The normal office hours of employees of the State Veterans Affairs board shall be from 8:00 a.m. to 5:00 p.m., five (5) days a week, Monday through Friday. However, Supervisors may modify, with Executive Director's approval, work schedule providing for flextime to facilitate efficient operation of the Division or Board. Each office will be staffed, however, from 8:00 a.m. until 5:00 p.m.

Source: *Miss. Code Ann.* § 25-1-98.

Rule 2.11 Leave. All leave will be administered as provided in the state law. In addition:

A. Supervisors will have approval authority on all leave requests. EXCEPT, those personal or compensatory leave requests for leave in excess of eight (8) consecutive hours, not submitted at least 30 days in advance, must be forwarded to the Executive Director, along with justification, for approval.
B. Work which would result in an employee receiving credit for compensatory time must be approved by the employee's immediate supervisor (or by individual at next level in the chain should immediate supervisor not be available) and the appropriate "Director" in order for the employee to receive credit.

Source: *Miss Code Ann.* §35-1-7 and §25-3-91 through §25-3-99 (Rev. 2007).

Part 102 Chapter 3: Operation of Organization

Rule 3.1 Donated Funds. The Board is to receive and accept gifts and\or donations for the benefit of the State Veterans Nursing Homes and to use said gifts for carrying out the object and purpose of the State Veterans Nursing Homes. The Board's policies and guidelines for the use of said funds, are hereby set forth.

A. The Board will accept private donations from any source with the understanding that the donation may be designated for general use in the discretion of the Board or for use for a specific purpose. All donated funds will be used for the general welfare and benefit of all the residents.

B. Any person or entity specifying a particular use for donated funds should do so in writing. The funds so received shall be earmarked for the particular purpose and expended only for that purpose. If the Board determines that the purpose for which the funds have been designated is not a realistic purpose or is not legal or otherwise appropriate, then the Board shall return said funds to the donor with a specific statement of the reason why the funds cannot be used for the particular, designate purpose.

C. The Board shall only use accrued interest from donated funds previously received and hereafter received where such donated funds were/are given with the understanding that the principle would be placed in an endowment with only accrued interest being expended. However, the Board may expend such principle on a two-thirds(2/3 vote of Board members present for an emergency or other special circumstance relating to the health, safety, and welfare of Home residents for which state or federal funds cannot be (or cannot be timely used for that emergency or special circumstance.

D. Any funds received from any person or entity for which a specific purpose is not designated shall be placed in a general donation fund for use in the discretion of the Board (two-thirds vote of members present required) pursuant to Board Policies and guidelines. Examples of appropriate expenditures of not-specified donated funds are as follow:

(1) Christmas presents

(2) Movies, parties, and other types of entertainment. This would include equipment such as popcorn machine, ice cream machine, aquarium, etc.

(3) Other items for which state or federal funds cannot be (or cannot be timely) used.

(4) The staff of the State Veterans Affairs Board shall provide the Board with a monthly report on the status of the private donations account. Said report shall include the following details:

a. Balance
b. Interest
c. Expenditures and other expenses
d. Donations received
e. Any other information deemed appropriate by the Board.

E. The State Veterans Affairs Board shall provide an annual report on donations received and expenditures, including accrued interest, from donated funds to donors and other interest, from donated funds to donors and other interested parties.

Source: *Miss. Code Ann.* § 35-1-29 (Rev. 2007).

Rule 3.2 Personal Service Contracts.

A. The State Veterans Affairs Board shall enter into personal services contracts, in accordance with State and/or Federal policies, rules, and regulations, as the board deems necessary to carry out the duties assigned.

B. Personal services contracts will be renewed upon expiration EXCEPT in those instances where a majority of the Board finds the contract to no longer be needed or becomes dissatisfied with the contractor's performance. In these instances, the Board will seek replacement of the contractor utilizing a formal bid process or by accepting quotes (as applicable). The key consideration in determining a contract shall be contractor performance.

C. Personal services contracts may be terminated prior to expiration with termination being for cause or convenience in accordance with the terms of the contract.

D. All personal services contracts shall contain a clause mandating that the contractor meet with the Board or its representative upon request.

Source: *Miss. Code Ann.* § 35-1-21(4) and § 35-1-25 (Rev. 2007).

Rule 3.3 Vehicles. State Veterans Affairs Board vehicles will be used only for official business as necessary to carry out the duties of the Board.

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Rule 3.4 Travel. Board members will, when practical, attend meetings of veterans groups or other organizations where attendees are likely to have interest in issues affecting veterans, availing themselves of such opportunities as a means of reaching and informing as many veterans as possible of benefits and programs available to the state's veteran population.

A. Board members will only receive per diem for those days on which the Board member is primarily engaged in Board business.

B. Board members will not be paid per diem for attending conventions and/or conferences (except or NASDVA), in or out of state, unless the Board is also meeting at that location and reimbursement for travel expenses for Board members' attendance of out of state conferences and/or conventions will be limited. The NASDVA conference would not count against this limit to one (1) trip each fiscal year.

C. Taxable meals will not be reimbursed.

D. Travel reimbursement for use of privately owned vehicles will be at the current rate with mileage being computed from departure city to destination city using a "recognized" road map.

E. All travel that is reasonably anticipated will be pre-approved by the Board. However, routine travel performed by the SAA to inspect, approve, and supervise schools and other training establishments as part of its operation is at the discretion of the Executive Director and shall require no further specific approval action by the Board. Executive Director’s approval must be spread on the Board minutes.

F. Travel that could not be reasonably anticipated may be authorized by the Executive Director but still must be approved by the Board, with the Board action to be spread on minutes.

G. The Executive Director shall assign appropriate staff personnel to attend conferences, conventions, and Service Officer's schools when such attendance is in the interest of service work and the cost is considered practical and within budgetary limits.

H. Staff Personnel will visit counties, at the direction of the Executive Director, for the purpose of contacting, informing and assisting county and local service officers with

special problems. Such visits will be as methodical as the work load and personnel will permit. The visits will be made to the representative of the Board in person. Special visits may be authorized by the Executive Director as required.

Source: *Miss. Code Ann.* § 35-1-5 (Rev. 2007).

Rule 3.5 POW and Congressional Medal of Honor Auto Tag.

A. The Board shall issue a certificate that will be used to establish the eligibility of an individual to receive a tax free auto tag.

B. Any legal resident of the State of Mississippi who was a prisoner of war and the unmarried surviving spouse of such person is privileged to obtain annually one (1) motor vehicle license plate or tag for a private passenger vehicle or pickup truck in the county of his or her residence. The EX-POW license plate or tag is exempt from all motor vehicle registration fees and privilege taxes. The following items will be accepted as proof of an individual's prisoner of war status:

(1) Original letter mailed home from POW camp
(2) Original newspaper clippings
(3) Original war claims letter
(4) Original telegrams
(5) Discharge
(6) VA Records

C. Any legal resident of the State of Mississippi, who is a recipient of the Congressional Medal of Honor and the unmarried surviving spouse of such person is privileged to obtain annually, one (1) motor vehicle license plate or tag for a private passenger motor vehicle or pickup truck in the county of his residence. The CMH license plate or tag is exempt from all motor vehicle registration fees and privilege taxes.

Source: *Miss. Code Ann.* § 27-19-54 (Rev. 2010).

Rule 3.6 County Veterans Service Officer Training and Certification. The Board shall provide training and certification of County Veteran Service Officers in accordance with MS Code of 1972, annotated, Section 35-3-21. In addition, County Service Officers undergoing initial certification will be required to receive one (1) day of training at the Board's Claims Office with the Claims Office providing two (2) days (different sessions) of training.

Source: *Miss. Code Ann.* § 35-3-21 (Rev. 2007).

Rule 3.7 Fixed Asset Accounting Policies. The State Veterans Affairs Board has implemented the TRACK computerized inventory bar code and scanning system to assist in maintaining a complete and current inventory of property items that cost $500.00 or more and for the following items: (1) Weapons (2) Cameras and Camera Equipment (3)Tape Recorders (4) Two-Way Radio Equipment (5) Typewriters (6) Appliances (refrigerators, freezers, air conditioners, stoves, microwave ovens, etc.) (7) Televisions, VCR (8) Lawn Maintenance Equipment (9) Sterling Silver (10) Cellular Telephones (11) Computers and computer Equipment Chain Saws (12). Mr Compressors (13) Welding Machines (14) Generators (15) Motorized Vehicles (16) Dictating

Equipment (16) Antiques. The TRACK system will aid in internal and State Property Control Division audits of our property inventory.

A. Responsible Parties.

(1) Each division director will be responsible for the equipment items located in their division. This responsibility includes doing periodic visual checks of equipment in their areas as well as informing the agency property officer of additions of equipment, repairs, disposals, and missing items as prescribed in the procedures listed below.

(2) Equipment items such as pagers, cellular phones, and laptop computers will be assigned to specified employees. Employees assigned these items may be held financially responsible in the case of loss of, theft of, or damage to these items.

B. Internal Audits.

(1) The agency's property officer and a designee will conduct an annual physical audit of all agency equipment to identify all equipment items.

(2) The maintenance supervisor at each of our nursing homes will do a complete physical audit of all maintenance equipment on a monthly base. If any items are missing, the supervisor is to follow the procedures listed below for reporting missing equipment:

Source: *Miss. Code Ann.* §35-1-25 and §35-1-27 (Rev. 2007).

Rule 3.8 Fixed Asset Accounting Procedures.

A. Properly Secured Equipment. All audio and visual equipment is to be stored in a secured area when not in use.

B. Equipment Additions

(1) Packing Slips. When new equipment is purchased for the homes, the division director or his/her designee will need to forward the packing slip to the administrative office. The packing slip must indicate that the item has been received in good condition. The packing slip should then be dated and initialed by the person that took delivery of the equipment item.

(2) Equipment Addition Form. The branch director or his/her designee will need to record dates received, the manufacturer, description of property, and serial number on the equipment addition form. This form is to e submitted once a month to the property officer. The form must be received by the 5th of the month following receipt of the goods.

C. Equipment Repair and Disposal

(1) Equipment Repair. When equipment needs to be repaired, call the property officer. You will be asked for the equipment's inventory number, serial number and description of the problem. The property officer will check to see if the equipment is under warranty or a maintenance agreement and inform you of what steps to take to have the equipment repaired.

(2) Equipment Disposal. Equipment will only be disposed after it has been determined that it cannot be repaired or the cost of repair is too great. Once an item has been deemed to be unrepairable, the division director or his/her designee will record the date that the item was deemed un-repairable, a description of the property, the item's equipment inventory number and the serial number on the request for disposal form. This

form should then be forwarded to the property officer. After the form has been completed, the piece of equipment should then be placed in a secure area. Equipment items to be disposed of are not to be taken out of the secure area until the property officer has contacted the division director with instructions of how and when to dispose of the property.

D. Missing Equipment. When an equipment item is missing, the division director must call the police or sheriff's office and report the missing item. The division director will then send a memo to the property officer stating the date the item was found to be missing, description of the item, and giving the police report number.

Source: *Miss. Code Ann.* §35-1-25 and §35-1-27 (Rev. 2007).

Rule 3.9 Cellular Telephones. Cellular telephones may be obtained by the State Veterans Affairs Board and issued or assigned to individuals as deemed necessary to promote the efficient operation of the agency and to provide for the safety and well being of employees and for those in our care.

A. State Veterans Affairs Board employees or units assigned a cellular telephone are responsible for the proper care and operation of such equipment. Theft, damage or malfunction should be reported to the Director of Accounting and Finance immediately.

B. Administrative office personnel shall routinely review cellular telephone billings/audits to determine if unauthorized cellular calls are being made. Unauthorized cellular calls are to be reported to the Executive Director.

C. Cellular telephones are to be utilized for official business purposes only and the cost of unauthorized cellular calls is the responsibility of the employee making that call. Unauthorized calls may lead to an employee receiving a verbal or written reprimand, suspension or termination.

D. Cellular telephones utilized by the State Veterans Homes (SVH) are intended for official business only and are not intended for routine personal use. It is acceptable for the Veterans Nursing Home van driver and/or CNA/DCW accompanying the van to briefly utilize the cellular telephone to notify appropriate family members when a late return to the Home creates unanticipated problems for the employee, for their spouse, their children or parents.

Source: *Miss. Code Ann.* § 35-1-7 and § 35-1-27 (Rev. 2007).

Part 102 Chapter 4: Veterans Nursing Homes

Rule 4.1 Purpose. The object and purpose of the establishment of the State Veterans Nursing Homes shall be to provide domiciliary care and other related services for eligible veterans of the State of Mississippi.

Source: *Miss. Code Ann.* § 35-1-19 (Rev. 2007).

Rule 4.2 Admission Eligibility. In order to be eligible for admission to a State Veterans Nursing Home, the applicants must be:

A. A former United States Armed Forces service member
B. A spouse who was legally married to a former United States Armed Forces service member who is a resident of a Mississippi State Veterans Home
C. The un-remarried surviving spouse of a former United States Armed Forces service member

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2007).

Rule 4.3 Admission Criteria. In order to be admitted to a State Veterans Nursing Home, the eligible applicant must meet the following criteria:

A. The former U.S. Armed Forces service member must be or have been a Mississippi resident; the spouse must be legally married to a former U.S. Armed Forces service member who is resident of a Mississippi State Veterans Home; the un-remarried surviving spouse must be a Mississippi resident and have been legally married to a former U.S. Armed Forces service member who was a Mississippi resident at the time of death.
B. The former U.S. Armed Forces service member must meet at least one of the three (3) following criteria to be eligible for admission to the Veterans Home;
(1) had regular federal active duty in the U.S. Armed Forces and have been discharged under other than dishonorable conditions (applicant must supply DD 214, or Report of Separation from Service or other acceptable proof of service);
(2) be approved by the federal Department of Veterans Affairs VA Medical Center of jurisdiction to receive VA per diem payments for care in the State Veterans Home; or
(3) be a former member of the U.S. Armed Forces Reserves or National Guard with Honorable Active Duty for Training service and, if not entitled to VA per diem payments for care in the Home, shall pay the full daily charge (current daily resident fee plus daily VA per diem reimbursement rate) set by the Board, provide their own prescribed medications and drugs and be responsible for any personal medical care deductibles and co-payments.
C. Former U.S. Armed Forces Service members not meeting (A.) above, i.e., resident of another state, may be admitted to a Mississippi State Veterans Home to fill vacant bed(s), up to a total of 148 occupied beds, when there is no Mississippi resident on the active waiting list or ready to enter the Home. However, the cost of care for such out of state resident will be at no expense to the State of Mississippi regardless of the length of stay. In the event that this should occur, such resident shall not be discharged from the Home for the sole purpose of vacating a bed to accommodate a subsequent Mississippi resident who desires admission.
D. To be admitted to a State Veterans Home the applicant must have a medically documented need for nursing home care. The applicant shall have a medical examination by a personal or VA physician within 30 days of the admission request and as a result, it is shown that he/she does not:
(1) Require medical or hospital care for which the State Veterans Homes are not equipped or staffed to provide.
(2) Have violent or dangerous traits or behaviors which may prove harmful or

dangerous to the physical or mental well being or result in unacceptable harassment of other residents, employees, or the resident himself/herself.

E. There shall not be any income and /or net worth bar for admission to a State Veterans Home.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2007).

Rule 4.4 Admittance Priority.

A. Former U.S. Armed Forces Service members with wartime military service receive first preference for admission. Service members with peacetime military service receive second preference for admission. Eligible spouses and un-remarried surviving spouses receive third preference for admission. Applicants will be admitted in preference order; however, if there is no wartime service member ready to accept a bed, peacetime service members may be admitted; if no wartime nor peacetime service members are ready to accept a bed, eligible spouses and eligible un-remarried surviving spouses may be admitted.

B. When a bed in a Mississippi State Veterans Home becomes available, first (1st) priority will be current resident of another Mississippi State Veterans Home or patient in VA Medical Center (to include individuals in nursing homes under VA contract); second (2nd) priority will be veteran currently on Mississippi State Veterans Home waiting list(s); and third (3rd) priority will be new application for admission to a Mississippi State Veterans Home. Individuals on waiting list(s) who decline admission when a bed is available and offered will have their name moved to the bottom of the list. Individual(s) who decline the offer of a bed on two (2) successive occasions will have their name(s) place on an inactive waiting list until they subsequently inform the Board of their desire to once again be placed on the active waiting list. Position on active waiting list will be determined by date Board notified of desire to return to active waiting list.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.5 Veteran Resident's Contribution to Cost of Care. The State Veterans Affairs Board shall set and may revise the daily charge for resident care in the State Veterans Nursing Homes as the Board deems prudent and necessary.

A. Every resident of the home shall be responsible for full payment of the nursing home care charge which must be paid in advance (remainder of month) upon admission and by the 10th day of each succeeding month. The nursing home care charges include: nursing care, laundry and room and board. The prorated monthly charge is due upon admission unless otherwise approved by the Executive Director.

B. Any new admissions will be responsible for the following items not covered by the nursing home care. These items include, but are not limited to: physician services, podiatry care, transportation to appointments not ordered by Nursing Home physicians, any specialized rehabilitation service, specialty beds and mattresses. The resident will be responsible for all costs for items not covered by the nursing home care charges. Any items not covered by Medicare/Medicaid or other insurance policy will be the sole responsibility of the resident.

C. Residents of the Veterans Nursing Home shall be responsible for any and all co-payments and/or deductibles for treatments, services, ancillaries, etc. that are billed to Medicare and/or other insurance.
D. There will be a $10.00 charge for each returned resident check.

Source: *Miss. Code Ann.* §35-1-27(Supp. 2010).

Rule 4.6 Seventy Percent (70%) Service Connected Veterans.

A. There shall be no State Veterans Nursing Home resident daily charge for those residents in need of nursing home care for a VA adjudicated service-connected disability; or who have a singular or combined service-connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability and are in need of nursing home care.
B. The SVAB may not accept drugs and medicines from the VA on behalf of those veterans in need of nursing home care for a VA adjudicated service-connected disability; or who have a singular or combined service connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability and are in need of nursing home care.
C. State Veterans Affairs Board may reimburse State Veterans Home daily care charges retroactive to March 21, 2007, for eligible 70% service-connected State Veterans Home residents and for residents whose service-connected disabilities require State Veterans Home care

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.7 Eligible Spouse and Un-Remarried Surviving Spouse Charges. Eligible spouses and un-remarried surviving spouses not entitled to VA per diem payments for care in a Veterans Nursing Home shall pay the full daily charge set by the Board, which is the current daily resident fee plus daily VA per diem reimbursement rate. These residents shall:
A. Pay for prescribed medications and drugs.
B. Be responsible for any and all co- payments and/or deductibles for treatments, services, ancillaries, etc. that are billed to Medicare and/or other insurance.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.8 Non-veteran Resident Charges.

A. The care charge for non-veteran residents of the Homes will be, at a minimum, double (2X) the rate paid by veteran residents. The prorated monthly charge is due upon admission unless otherwise approved by the Executive Director. The resident will be responsible for all costs for items not covered by the nursing home care charges.
B. All non-veteran residents shall be responsible for the cost of all drugs and medications administered while residing at the Veterans Nursing Home.
C. The following items are not covered by the nursing home care for non-veteran residents. These items include, but are not limited to: physician services, podiatry care,

transportation to appointments not ordered by Nursing Home physicians, any specialized rehabilitation service, specialty beds and mattresses.

D. Any items not covered by Medicare/Medicaid or other insurance policy will be the sole responsibility of the resident.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.9 Emergency Transportation. Residents shall be responsible for the cost of non-emergency transportation if their medical condition would make it unsafe to transport utilizing the SVAB vehicles. In addition, SVAB transportation, to other than VA appointments, will be provided on an as available basis. The resident will be responsible for arranging and paying for the cost of transportation in those instances where SVAB transportation is not available.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.10 Indigent Veterans. An Indigent Veteran is defined as a single veteran or veteran with one dependent who, after Home care charged and Medicare Part B premiums are paid/deducted from income, shall have less than $90.00, if single, and an amount equal to a single widow's death pension benefit, if resident has one dependent remaining. An Indigent Veteran may be admitted to the State Veterans Nursing Home under the following conditions (indigent funds will be used to make up the difference in veteran's share of care costs):

A. The applicant must provide documentation of income and /or authorization for SVAB to review Social Security, retirement, tax, or other pertinent sources of information to determine eligibility.

B. Must be a Mississippi resident at the time of application.

C. A single veteran with some income, including VA pension, is allowed to retain $90.00 per month for personal use. However, once the balance in the personal funds account reaches $1,000.00, the $90 per month of indigent funds will cease. If the personal funds account drops below $500.00, the $90 per month of indigent funds will be reinstated and deposited into the personal funds account.

D. The balance, if any, of the personal funds account of a deceased indigent veteran shall be utilized to defray the cost of the burial or cremation of the deceased indigent veteran. Payment shall be made to the personal representative upon presenting to the SVAB proof of burial or cremation and expenses incurred.

E. A veteran having income and with dependent(s) will be allowed to retain an amount equal to the death pension that would be payable to the dependent.

F. Veterans who have no income may receive up to $15.00 per week from:

(1) funds from the issuance of distinctive veterans license plates and deposited in the Special Fund account for the benefit of indigent veterans who are residents in the state veterans homes; or

(2) from donated funds for personal items.

* tobacco products and/or alcohol are excluded from purchase with the above funds*

G. For purposes of eligibility for indigent funds single or married U. S. Armed Forces service member residents may retain up to $1,000.00 in liquid assets/cash/savings be eligible for indigent funds if other requirements are met.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.11 Indigent Surviving Non-Veteran Spouse. An indigent surviving non-veteran spouse is defined as one admitted while the veteran spouse was a resident at a Veterans Nursing Home and who, subsequent to veteran resident's death, after Home care charges and Medicare Part B premiums are paid/deducted from income shall have less than $44.00 remaining. An indigent surviving non-veteran spouse may remain in a State Veterans Home under the following conditions (indigent funds will be used to make up difference in surviving spouse's share of care costs):

A. The resident must provide documentation of income and /or authorization for SVAB to review Social Security, retirement, tax, or other pertinent sources of information to determine eligibility.

B. A surviving spouse with some income, including VA pension, is allowed to retain $44.00 per month for personal use. However, once the balance in the personal funds account reaches $1,000.00, the $44 per month of indigent funds will cease. If the personal funds account drops below $500.00, the $44 per month of indigent funds will be reinstated and deposited into the personal funds account.

C. The balance, if any, of the personal funds account of a indigent surviving non-veteran spouse shall be utilized to defray the cost of the burial or cremation of the indigent surviving non-veteran spouse. Payment shall be made to the personal representative upon presenting to the SVAB proof of burial or cremation and expenses incurred.

D. Surviving spouses who have no income may receive up to $15.00 per month from:

(1) funds from the issuance of distinctive veterans license plates and deposited in the Special Fund account for the benefit of indigent veterans who are residents of the state veterans homes; or

(2) from donated funds for personal items

tobacco products and/or alcohol are excluded from purchase with the above funds

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.12 Discharge or Transfer of Resident.

A. Failure of resident to follow all rules and regulations governing the Veterans Nursing Homes and to follow the course of treatment prescribed by the Home medical staff or the Home's outside medical consultant is cause for discharge.

B. The Executive Director has the authority to discharge a resident based on the recommendation of physician with a right to appeal the discharge to the State Veterans Affairs Board.

C. Residents shall accept discharge from the Homes when medical and/or administrative review determines such action to be appropriate. Residents desiring discharge from the Home are required to provide a three (3) day notice. Failure to do so will result in resident being charged for three (3) days (care) beyond actual discharge date.

D. Failure to pay for nursing home care or repeated late payment shall result in dismissal from the Home. Such dismissal shall require a majority of the Board members present at do not enter into a signed agreement (with guarantor) to bring and keep the account

current, shall be discharged. The Executive Director is authorized to use all state laws to recoup monies due the Home for nursing home care. Residents entering a Home and having insufficient funds to cover care costs (e.g. awaiting start/increase in VA pension benefits) or who, subsequent to admission allows an arrears in his/her care account to occur, must have all income come directly to the SVAB with the SVAB being authorized to deposit such income into the resident's personal funds account and to transfer such agreed upon amounts from that personal funds account for purposes of payment on the resident's care account. Branch Directors, with approval of the Executive Director, may waive requirement as stipulated in the preceding sentence.

E. If a resident account balance reaches $4,000, the account shall be turned over to the SVAB attorney for collection. If the account balance reaches $6,000, the resident may be discharged.

F. Residents desiring transfer to a different State Veterans Home shall be responsible for all associated costs.

G. Residents of the State Veterans Home shall accept transfer to other facilities, including those operated by the Department of Veterans Affairs, if medical condition, as determined by the Veterans Home's Medical Staff, mandates. Any and all costs of treatment/care outside the Home is the responsibility of the resident/responsible parties.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.13 Order and Rules of the Home. All veterans shall consent to abide by all rules and/or regulations governing the Veterans Nursing Homes and to follow the course of treatment prescribed by the Veterans Nursing Home medical staff or the Home's outside medical consultants.

A. Any resident may elect to have his/her own physician provide care and treatment inside a State Veterans Home. However, such physician will be subject to and must comply with all laws, regulations, and/or policies of the Homes and/or regulatory agencies. The resident is responsible for ensuring that physician is in compliance as stated. If physician does not comply as stated, resident may be discharged.

B. Residents shall apply for all state and federal monetary/medical benefits for which he/she may be entitled. He/she shall be counseled about benefit entitlement by a representative of the Veterans Affairs Board.

C. Residents requiring dental care will be responsible for all associated costs.

D. Residents shall furnish their own items of personal clothing and bring with them any orthopedic appliances, braces, wheelchairs, walkers, etc. (beds excepted) which may have been issued to them by the Department of Veterans Affairs.

(1) Any clothing or items brought in to the Home for the Resident should be given to staff at admissions or the Nurses' Station so that the clothing can be properly labeled by the Laundry Department and listed on the Resident's inventory sheet.

(2) The nursing home is not responsible for the resident's lost or damaged items of any kind.

E. Resident, upon admission, shall designate a beneficiary to receive all personal belongings, to include funds on deposit with Board, should the resident die or be incapacitated at the time of discharge.

F. Residents of a State Veterans Home will not be permitted to operate a motor vehicle on the State Home grounds. Exceptions:

(1) Residents with specially adapted vehicles will be allowed to operate same if accompanied by a responsible party.

(2) Residents who were admitted to the State Veterans Home on or before January 7, 1994, may operate a motor vehicle on State Veterans Home Grounds unless medically contraindicated (as documented by the physician in the individual's medical records). Residents who wish to maintain a motor vehicle on a State Veterans Home grounds, will be required to leave the keys with a family member or the administrator.

G. In order to insure the safety of the residents, a resident may leave the Home only after signing out.

(1) Residents may sign self out/in unless medically contraindicated, as documented by the physician in the individual's medical record.

(2) If medically contraindicated, resident must be signed out/in and accompanied by a member of the State Veterans Affairs Board's staff, a family member or other responsible party.

H. There shall not be any income and /or net worth bar for admission to a State Veterans Home.

I. Residents are encouraged to deposit excess personal funds with the State Veterans Affairs Board. Such funds will be held on deposit in an interest-bearing account in a local bank account. There is no charge for this service.

J. If requested and appointed by appropriate authority, the Board will act as fiduciary for incompetent residents. However, the Board will NOT accept this appointment unless income **from all sources** is also under the Board's control. This is to permit the Board to be able to comply with regulations and policies requiring timely and accurate reporting of the resident's income and assets. A fiduciary is liable for the consequences of inaccurate and/or untimely reporting.

K. Residents shall recognize that the Home will be operated in full compliance with the Civil Rights Act without discrimination as to race, color, creed or religion.

L. **Dietary Order Policy.** It is the policy of the Mississippi State Veterans Affairs Board to follow the dietary order of the physician of the Home. The staff will not follow any diet order contrary to the order of the Home physician. Each resident must comply with the dietary order written by the Home physician for him/her. A resident’s failure, or failure of the family of the resident, to comply with this policy will result in the discharge of the resident from the Home.

M. **Cardiopulmonary Resuscitation (CPR) Policy.** In the event of cardiopulmonary arrest:

(1) Basic CPR will be performed if there is a staff member available with the requisite skills and knowledge to perform basic CPR, UNLESS, in the opinion of the physician, this intervention is medically unnecessary or inappropriate OR the resident (or surrogate) has directed AGAINST this action.

(2) An ambulance will be summoned unless, in the opinion of the physician, this intervention is medically unnecessary or inappropriate.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.14 Bedhold After Accepted To Home. An applicant, once offered a bed at a Veterans Nursing Home, will be allowed four (4) working days (with day bed offered counting as the 1st day), from date bed is offered, to be admitted. If applicant wishes the bed to be held beyond the allowed four (4) working days, applicant is responsible for payment of the regular daily resident's charge plus the current daily VA per diem rate for each day, beyond the allowed days, that the bed is held.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.15 Bedhold for Hospitalization or Voluntary Pass. Per diem will be paid for a bed hold only if the qualified veteran has established residency by being in the facility for 30 consecutive days (including overnight stays) and the facility has an occupancy rate of 90 percent or greater. In addition, per diem for a bed hold will be paid only for the first ten (10) consecutive overnight absences at a VA or other hospital (this could occur more than once in a calendar year) and for the first twelve (12) other types of overnight absences (pass) in a calendar year.

A. Hospitalization

(1) If the veteran has not established residency by being in the facility for thirty (30) consecutive days (including overnight stays) prior to hospitalization, the veteran will pay the current daily resident charge for up to fourteen (14) consecutive overnight absences at a VA or other hospital in order for the veteran's bed to be held at the Veterans Nursing Home.

(2) If the veteran has established the thirty (30) day residency, then the veteran will pay the current daily resident charge for up to ten (10) consecutive overnight absences at a VA or other hospital in order for the veteran's bed to be held at the Home. However, if the veteran is rated as in need of nursing home care for a VA adjudicated service-connected disability; or the veteran has a singular or combined service connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability, the veteran will not have a charge to hold his bed at the Home for the first ten (10) consecutive overnight absences at a VA or other hospital.

(3) If the veteran has established the thirty (30) day residency, but the hospitalization exceeds ten (10) consecutive overnight absences at a VA or hospital, a veteran who has a singular or combined service connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability must pay a bed hold rate consisting of a combination of the current daily resident charge and the current VA daily per diem reimbursement rate. All other veterans will continue to pay only the current resident daily rate.

(4) However, any resident who is hospitalized for more than 14 consecutive days shall be discharged from the facility. The resident will remain responsible for charges set forth in preceding paragraphs until the actual date of discharge from the veterans home. Upon discharge from the hospital, the resident will be given priority placement within the Veterans Nursing Homes.

B. Voluntary Pass Other Than Hospitalization. If the resident is on pass other than for hospitalization, the bed will be held for the resident as follows:

(1) If the veteran has not established residency by being in the Home for thirty (30) consecutive days (including overnight stays) prior to being on voluntary pass, the veteran is responsible for payment of regular daily resident's charge for each day on pass plus the current daily VA per diem rate for each day on pass.

(2) If the veteran has established residency, and the veteran returns to the Home after having been on pass for less than twelve (12) days in a calendar year, the veteran is responsible for payment of only the regular daily resident's charge for each day he/she was on pass. However, if the veteran is rated as in need of nursing home care for a VA adjudicated service-connected disability; or the veteran has a singular or combined service connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability, the veteran will not have a charge to hold his bed at the Home for the first twelve (12) days in a calendar year.

(3) Any veteran who remains away from the Home for more than twelve (12) days in a calendar year, he/she is responsible for payment (beginning with the 13th day) of the regular daily resident's charge for each day on pass plus the current daily VA per diem rate for each day on pass. This adjustment to the charge for nursing home care is necessary to cover the loss of VA per diem (which helps keep the regular rate down).

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.16 Private Rooms. The policy and priority for private room assignment is as follows:

A. Contagious or infectious disease;

B. Oxygen or terminally ill resident, or a resident who would suffer a negative impact on his/her medical condition as documented by the Home physician.

C. Female admissions (where private room is available and female is #1 on the waiting list and home occupancy would preclude admittance of the female); and

D. First-come first-serve basis. Any occupant of a private room, due strictly to the choosing of the resident, will be charged an additional $100.00 per month for each month in which a private room is occupied, irregardless of length of occupancy.

E. Private room occupants in categories A, B, and/or C will vacate the private room when the conditions(s) and/or situation is resolved. Private room occupants from category D will be required to vacate the private room for category A, B, and/or C residents on a last in, first out basis. The vacated resident would be placed back at the top of the first-come first-served waiting list.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.17 Searches. The following policy shall be enforced to assist in deterring theft of residents', visitors' and employees' personal property; and property belonging to the State of Mississippi.

A. The Homes may conduct unannounced searches, for illegal drugs, alcohol, or stolen property, of items and vehicles owned by the State of Mississippi, employees, residents, and/or visitors on Home premises at any time without reasonable suspicion. This includes desks, lockers, etc. All individuals are expected to cooperate during such searches.

B. Searches of employees, residents, and /or visitors and their personal property may be

conducted on random basis or when there is reasonable suspicion to believe that such searches will be limited to requesting the removal of hats, shoes, coats, or other outerwear, purses and other unsecured personal possessions for search purposes, asking that individual(s) turn their pockets, and observing what is in plain sight. Purses, briefcases, bags and any other parcels may also be completely searched on a random basis or when there is reasonable suspicion to believe that the individual(s) may have non-permitted contraband or stolen items in their possession.

C. Searches of vehicles maybe conducted when on a random basis or when there is reasonable suspicion that illegal drugs, alcohol, or stolen goods are in the vehicle.

D. An employee's consent to this search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action including termination even for a first refusal. A resident's consent to this search is a condition for admittance and continued residency. A resident's refusal to consent will result in discharge even for a first refusal. A visitor's refusal to consent may result in visitor's being barred from the facility.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.18 Advanced Directives. A competent person, of legal age, has the right to accept or refuse medical or surgical treatment. In general, an individual has the right to make health care decisions for himself/herself. Generally, if you are a competent adult, you can consent to any treatment of care which will become effective if the individual is no longer competent to make treatment decisions. These instructions are commonly referred to as "Advance Directives."

A. The State Veterans Affairs Board will provide a copy of its advanced directives policy to all applicants, for admission to a Mississippi State Veterans Home, as part of the application package.

B. All State Veterans Home Social Worker will provide the resident or personal representative with written information concerning advanced directives and rights under law and on the facility's policies regarding advanced directives and refusal of medical treatment.

C. An Advanced Directive can be a LIVING WILL, A DURABLE POWER OF ATTORNEY FOR HEALTH CARE, or other evidence of the individual's wishes concerning health care decisions.

(1) A Living Will is a directive to be allowed to die naturally. The Living Will comes into play only when the attending physician, along with two (2) other physicians, believes that the individual will not regain consciousness or a state of health that is meaningful to the individual and but for the use of life -sustaining mechanisms, the individual would soon die.

(2) A Durable Power of Attorney for Health Care (DPAHC) is a document where an individual designates someone as their agent to make health care decisions for them if the are unable to make such a decision. The DPAHC comes into play when the individual cannot make a health care decision either because of a permanent or temporary illness or injury. The DPAHC must specifically authorize the individual's attorney in fact to make health care decisions for the individual and must contain the standard language set out in the law. Otherwise, the DPAHC can contain any instruction which the individual wishes.

(3) Decisions to accept or refuse treatment, internal nutrition via feeding tubes or

gastric devices, and/or artificial hydration rest with the resident or appropriate legal representative. The Mississippi State Veterans Home and employees have no official opinion on the care and treatment decisions of the individual residents.

(4) It is the policy of Mississippi State Veterans Homes to follow the directions given by each resident with regard to accepting or refusing treatment to the extent permitted by law and within State Veterans Affairs Board policy.

(5) No individual shall be discriminated against or have care conditioned on whether the individual has executed any advance directive.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.19 Succession of Surrogates. If an incompetent resident did not execute and advance directive specifying care and treatment decisions while still competent, State Veterans Nursing Homes will consult with the appropriate person from the following list of successions:

A. Attorney-in-fact (designated by the Durable Power of Attorney for Health Care);
B. Court appointed guardian;
C. Spouse;
D. Adult children (all adult children are co-equal);
E. Parent(s)
F. Adult siblings (all adult siblings are co-equal); and
G. Grandparents (maternal and paternal grandparents are co-equal if the father is authorized and is legitimate, otherwise, maternal grandparents shall have priority over paternal grandparent).

Part 102 Chapter 5: Mississippi Veterans Memorial Cemetery

Rule 5.1 Eligibility For Burial in the Mississippi Veterans Memorial Cemetery.

A. Eligibility criteria for interment in the Mississippi Veterans Memorial Cemetery is the same as required for interment in a national cemetery as provided by federal law (Title 38 USC) and rules and regulations applicable thereto.

B. Generally, burial in the Mississippi Veterans Memorial Cemetery is open to all members of the Armed Forces and Veterans who have met minimum service duty requirements and have been discharged under honorable conditions. Their spouse, widow or widower, minor children, and under certain conditions, unmarried adult children are also eligible for burial. Eligible spouses may be buried, even if they predecease the veteran. Members of the reserve components of the Armed Forces who die while on active duty or while performing training duty, or who have 20 years of service in reserve components of the Armed Forces credible for retired pay, may also be eligible for burial.

C. Specific eligibility:

(1) Shall be determined by the cemetery staff in accordance with criteria set forth in federal law and as defined in U.S. Department of Veterans Affairs regulation(s). The Cemetery Director shall be responsible for ensuring that burials are conducted only for eligible Veterans and/or spouses/dependents.

(2) In any case where Cemetery Director determines an individual is ineligible for burial, request must be immediately forwarded to the Executive Director for review and

decision. The Executive Director shall retain authority for any disapproval determination.

(3) In any case where eligibility is denied, next of kin or responsible party/entity may appeal that decision to the State Veterans Affairs Board.

Source: *Miss. Code Ann.* § 35-1-41(4) (Supp. 2010).

Rule 5.2 Request(s) for burial in the Mississippi Veterans Memorial Cemetery.

A. At the time of need, the next of kin, responsible party, or the family's funeral director of choice makes arrangements directly with Mississippi Veterans Memorial Cemetery staff.

B. Before burial can take place, cemetery staff must verify the Veteran's eligibility. To enable staff to do this, the next of kin or funeral director must provide the staff with a copy of the Veteran's military discharge papers, or the Veteran's military service number, social security, or VA claim numbers. No burial may be conducted prior to verification of eligibility.

C. Gravesite reservations cannot be made in advance.

Source: *Miss. Code Ann.* § 35-1-41(4) (Supp. 2010).

Rule 5.3 Cost of burial. In the case of eligible Veterans, there will, generally, be no cost.

A. U.S. Department of Veterans Affairs burial plot allowance will be paid to the Mississippi Veterans Memorial Cemetery.

B. Headstone (upright white marble) or niche cover (as appropriate) will be provided by the U.S. Department of Veterans Affairs.

C. In accordance with U.S. Department of Veterans Affairs regulation/policy, an eligible Veteran may only receive a one-time burial allowance and headstone benefit. In the rare case where this benefit may have been previously exhausted, the next of kin or responsible party (as appropriate) will be responsible for any incurred cost(s).

D. There will be a minimal cost for the burial of eligible spouse and/or dependents. Cost, consistent actual cost incurred, shall be determined and approved by the State Veterans Affairs Board.

Source: *Miss. Code Ann.* § 35-1-41(4) (Supp. 2010).

Rule 5.4 Cemetery Operations. A Cemetery standard operating procedure (SOP) shall be developed and approved by the Executive Director. The procedure shall include, but is not limited to, hours of operation, requirements for care, maintenance and operation of the cemetery and any other information as may be deemed necessary for safe and efficient Cemetery operations. The SOP shall be readily available for public review.

Source: *Miss. Code Ann.* § 35-1-41(4) (Supp. 2010).

Part 102 Chapter 6: Persian Gulf War Memorial Wall

Rule 6.1 Eligibility for Inclusion on Persian Gulf War Memorial Wall.

A. Service Member

(1) Was Member of the United States Armed Forces and,

(2) Died during the period 2 August 1990 – a date determined by law or Presidential Proclamation and,

(3) Died as a result of:

a. Hostile action in the Persian Gulf Area of Operations (as defined by DOD), or

b. Injuries received while serving in the Persian Gulf Area of Operations, or

c. Terrorist attack.

B. Service Member is considered a Mississippi resident (for inclusion) if:

(1) A Mississippi resident, as indicated by military documents, at time of death or,

(2) Mississippi is Service Member's Home of Record, as indicated by military documents or,

(3) Member was assigned to a Mississippi based unit at time of death.

Source: *Miss. Code Ann.* § 35-1-43 (Supp. 2010).

Title: Military and Veterans

Part 103 Administrative Rules

Part 103 Chapter 1: Public Record Request

Rule 1.1 Purpose. To ensure the privacy of individuals served by the State Veterans Affairs Board and the Veterans Nursing Homes and to comply with the laws of the State of Mississippi and federal regulations.

Source: *Miss. Code Ann.* § 43-11-16 (Rev. 2009).

Rule 1.2 Release of Patient/Resident Information. Information concerning a current or former patient/resident shall be released only:

A. Upon written authorization of the patient/resident.
B. For an active resident, when requested by a person with legal authority to make health care decisions, a court-appointed legal guardian or a general power of attorney.
C. For a deceased resident, when requested by a person with legal authority to act on behalf of the decedent or the estate (e.g., executor of the estate, next of kin or other family member).
D. To his attending medical personnel and his duly authorized nominees.
E. Upon order of a court of competent jurisdiction.
F. When the continued treatment of the patient/resident requires the exchange of information between the MBVA/MVNH and other treatment facilities.
G. When in the opinion of the Director of the facility, release of information is necessary for the determination of benefits, compliance with statutory reporting requirements, or other lawful purpose.
H. Nothing in this section shall be construed to deny access to medical records by the Attorney General, the licensing agency, or his or its agents and investigators in the discharge of their official duties under state law.

Source: *Miss. Code Ann.* § 43-11-16 (Rev. 2009).

Rule 1.3 Request for Documents. When information is requested:

A. The appropriate facility must be in receipt of written authorization or authority for release of information prior to any search of records.
B. Upon request for release, the facility will make every effort to comply with request within five (5) working days. If for some reason this is impractical, the facility will notify the person requesting the information of the delay and the approximate time the information will be available.
C. Request for information must be specific as to whether all available information or what part thereof is being requested.

Source: *Miss. Code Ann.* § 43-11-16 (Rev. 2009).

Rule 1.4 Costs.

A. Estimates as to cost will be made upon request.
B. Fees charged will be according to the following schedule: Photocopies - $20.00 for the first twenty pages; $1.00 per page for the next 80 pages; $ .50 per page for all pages thereafter. Ten percent of the total charge may be added for postage and handling. $15.00 may be recovered by the MVAB/MVNH for retrieving medical records in archives at a location off the premises where the facility/office is located.
C. Requested information will not be released until fees are paid.

Source: *Miss. Code Ann.* § 43-11-16 (Rev. 2009).

Part 103 Chapter 2: Request for Public Information

Rule 2.1 Purpose. To ensure that public documents are disseminated according to statutory requirements.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.2 Definitions

A. Public Record: A public record shall mean any book, record, paper, account, letter, map, photograph, film, card, tape, recording or reproduction thereof, and any other documentary material, regardless of physical form or characteristic, having been used, being in use or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction work, duty or function of the Board or a Veterans Nursing Home (hereinafter "VNH"), or required to be maintained by the Board or a VNH.
B. Non-exempt Record: A non-exempt record is that part of a public record which does not fall under one of the exceptions to or exemptions from disclosure in the Public Records Act.
C. Identifiable Record: A record is identifiable if a reasonable specific description of the record has been given, such as the date of the record, the subject matter, division of person involved, etc. which will permit location or retrieval of the record.
D. Working Day: A working day is any day other than a weekend, state holiday, or other day on which by executive order the Board or a VNH administrative office is closed or all the administrative employees are authorized to be absent.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.3 Availability of Records. Access of all non-exempt record of the MVAB or a MVNH will be allowed during regular business hours (8:00 to 5:00 on working days). These records will be made available for inspection and/or copying. If any public record which is held to be exempt from disclosure, as designated below, contains material which is not exempt, the MVAB

or the MVNH shall separate and make the non-exempt material available for examination and/or copying.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.4 Procedures for Handling Public Record Requests.

A. A request for information under the Mississippi Public Records Act shall be submitted in writing to the Mississippi Veterans Affairs Board, P.O. Box 5947, Pearl, MS 39208, or directly to the Administrator of each of the four Mississippi Veterans Nursing Homes.
B. All requests for information should be marked "Request for Public Documents," and shall identify the records, give the name, address, and telephone number of the requesting party, and must be signed by the requesting party. This requirement may be waived on a case by case basis by the Executive Director or his designee to facilitate the orderly and timely release of the information.
C. The Board of VNH shall respond to the request in writing within 14 working days from the date of request. Denials shall contain the specific reasons for the denial. Copies of all denials shall be maintained on file by the Board or VNH for not less than three years from the date the denial is made. The person making the request may appeal any denial directly to the Executive Director.
D. If the records will be disclosed, the Board or VNH will give an estimate of the total cost, if any, for the compliance with the request. If the estimate is agreeable to the requestor, the Board or VNH will produce the records requested no later than 14 working days from the date the request was received. Payments must be made by case, money order, or cashier's check prior to the requestor receiving the materials.
E. Records furnished to the Office by third parties, which are not public bodies as defined in the Public Records Act, will not be released until notice to the third parties has been given. The records shall be released in 14 days unless the third party obtains a court order protecting the records as confidential.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.5 Exempt Records. Any record expressly exempt from the Public Records Act or any record specifically declared to be confidential or privileged by any other Mississippi or Federal statute or constitutional provision shall not be subject to mandatory inspection and copying. Those records which are specifically exempt by Mississippi statute and which fall within the jurisdiction of the MVAB/MVNH include the following:

A. Personnel records and applications for employment, except those which may be released to the person who made the application or with the prior written consent of the person who made the application. Employee consent to release information shall be recorded in writing. This shall not be construed to prohibit the disclosure of the following information about employees: name, address, date of employment, length of employment, qualifications, and salary;
B. Test questions and answers which are to be used in employment examinations;
C. Letters of recommendation respecting any application for employment;

D. Records which represent and constitute the work product of any attorney and which are related to litigation initiated by or against the MVAB/MVNH or in anticipation of prospective litigation, including all communications between such attorney made in the course of an attorney/client relationship;

E. Appraisal information which concerns the sale or purchase of real or personal property for public purposes prior to public announcement of the purchase or sale, where the release of such records would have a detrimental effect on such sale or purchase;

F. Trade secrets and commercial or financial information obtained from outside government to the extent that disclosure would result in substantial harm to the competitive position of the person from whom or about whom the information was obtained;

(1) For the purpose of providing advance notice to submitters of trade secret or confidential commercial or financial information, twenty-five days from the submitter's receipt of written notice shall be deemed a reasonable time for the disclosure of the requested records in the absence of a court order to the contrary.

G. Investigator records compiled for law enforcement purposes, security purposes, or employment purposes, to the extent that the records could:

(1) deprive a person of a right to a fair trial or an impartial administrative adjudication;

(2) disclose the identity of a confidential source;

(3) disclose investigative techniques and procedures not generally known outside of government;

(4) endanger the life or physical safety of law enforcement or investigative personnel; or,

(5) disclose matters under criminal investigation or consideration for criminal investigation by any investigatory or prosecutorial agency.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.6 Fees.

A. Any person desiring copies of public records who does not officially represent a public body, as defined in the Public Records Act, shall be entitled to obtain mechanically reproduced copies at a charge of $ .25 per page. Official representatives of public bodies, as defined, shall be entitled to reasonable copies of such records with no charge.

B. If the searching, reviewing, duplicating or separating of non-exempt material from documents, etc., containing exempt material requires more than one hour of work, then any requesting party may be charged for the work time above an hour in addition to a mechanical reproduction charge of $ .25 per page. The charge of the hours shall be based upon the hourly salary of the lowest paid employee of the MVAB/MVNH qualified to do the job.

C. Mailing costs calculated at the applicable United States Postal Services rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Part 103 Chapter 3: Declaratory Opinions

Rule 8.1 Application of Chapter. This chapter sets forth the State Veterans Affairs Board rules governing the form, content, and filing of requests for declaratory opinions, the procedural rights of persons in relation to the written requests, and the Board's procedures regarding the disposition of requests as required by Mississippi Code § 25-43-2.103.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).

Rule 8.2 Scope of Declaratory Opinions. The State Veterans Affairs Board will issue declaratory opinions regarding the applicability to specified facts of:

A. a statute administered or enforceable by the Board,
B. a rule promulgated by the Board, or
C. an order issued by the Board.

Source: Miss. Code Ann.§ 25-43-2.105 (Rev. 2006).

Rule 8.3 Scope of Declaratory Opinion Request. A request must be limited to a single transaction or occurrence.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).

Rule 8.4 How to Submit Requests. When a person with substantial interest, as required by Section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the requestor must submit a printed, typewritten, or legibly handwritten request.

A. Each request must be submitted on 8-1/2" x 11" white paper.
B. The request may be in the form of a letter addressed to the [Agency] or in the form of a pleading as if filed with a court.
C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.
E. Each request must clearly state that it is a request for a declaratory opinion.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).

Rule 8.5 Signature Attestation. Any party who signs the request shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Source: *Miss. Code Ann.*§ 25-43-2.105 (Rev. 2006).

Rule 8.6 Request Content Requirement. Each request must contain the following:

A. A clear identification of the statute, rule, or order at issue;

B. The question for the declaratory opinion;

C. A clear and concise statement of all facts relevant to the question presented;

D. The identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, and telephone number; and

E. A statement sufficient to show that the requestor has a substantial interest in the subject matter of the request.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).

Rule 8.7 Reasons for Refusal of Declaratory Opinion Request. The State Veterans Affairs Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

A. The matter is outside the primary jurisdiction of the Board;

B. Lack of clarity concerning the question presented;

C. There is pending or anticipated litigation, administrative action or anticipated administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;

D. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

E. The facts presented in the request are not sufficient to answer the question presented;

F. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;

G. The request seeks to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statute, or order on which a declaratory opinion is sought;

H. No controversy exists or is certain to arise which raises a question concerning the application of the statute, rule, or order;

I. The question presented by the request concerns the legal validity of a statute, rule, or order;

J. The request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct;

K. No clear answer is determinable;

L. The question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime;

M. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

N. The question is currently the subject of an Attorney General's opinion request;

O. The question has been answered by an Attorney General's opinion;

P. One or more requestors have standing to seek an Attorney General’s opinion on the proffered question;

Q. A similar request is pending before this agency, or any other agency, or a

proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law; or

R. The question involves eligibility for a license, permit, certificate or other approval by the State Veterans Affairs Board or some other agency and there is a statutory or regulatory application process by which eligibility for said license, permit, or certificate or other approval may be determined.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).

Rule 8.8 Agency Response. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the State Veterans Affairs Board shall, in writing:

A. Issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances;

B. Agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request; or

C. Decline to issue a declaratory opinion, stating the reasons for its action.

The forty-five (45) day period shall begin on the first business day after which the request is received by the Board.

Source: *Miss. Code Ann*.§ 25-43-2.105 (Rev. 2006).

Rule 8.9 Availability of Declaratory Opinions and Requests for Opinions. Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name, subject, and date of issue. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).

Part 101 Chapter 1: Board

Rule 1.1 Repeal of Prior Rules. Upon their effective date, these rules and regulations supercede and repeal all previous rules and regulations previously filed by the State Veterans Affairs Board.

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Rule 1.2 Purpose. The State Veterans Affairs Board will assist all service men and women, veterans and/or dependents, widows, and orphans, with problems relating to or contingent on service in the armed forces of the United States or its allies when requested and authorized to do so.

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Rule 1.3 Board Established. The State Veterans Affairs Board shall consist of seven (7) members, to be appointed by the Governor, with advice and consent of the Senate, one (1) member from each congressional district, and two (2) members shall be appointed from the state at large.

Source: *Miss. Code Ann.* § 35-1-1 (Rev. 2007).

Rule 1.4 Chairman and Vice-Chairman. Members of the board shall annually elect as chairman one of their number and another member as vice-chairman.

Source: *Miss. Code Ann.* § 35-1-1(1)(b) (Rev. 2007).

Rule 1.5 Meetings. Members of the board shall hold regular monthly meetings on the second Friday of each month and such other meeting as may be called by the chairman or the vice-chairman in his/her absence. Board meetings shall be governed by Robert's Rules of Order (as amended).

> A. The Executive Secretary to the Board will mail notices of Statutory meeting to all Board members at least one week prior to meeting date. Such notice will include an agenda of known items to come before the Board.
> B. All Board Meetings will comply with *Miss. Code Ann. §§* 25-41-5 and 25-41-13.

Source: *Miss. Code Ann.* § 35-1-1(2) (Rev. 2007).

Rule 1.6 Quorum and Proxies. A quorum shall consist of four (4) members duly appointed in accordance with *Miss. Code. Ann. §* 35-1-1(1)(b). A quorum is required for this Board to conduct business unless otherwise noted in this document. Proxies shall not be allowed.

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Rule 1.7 General Duties and Power. The duties of the State Veterans Affairs Board shall be to:

A. Assist former and present members of the Armed Forces of the United State, and their dependents, in securing any benefits or privileges under any federal or state law or regulation to which they are entitled

B. Advise the Governor and Legislature on Veterans affairs

C. Fully cooperate with all congressionally chartered veterans organizations within the state, including servicing the power of attorney of the congressionally chartered veterans organizations upon the request of the organizations to the State Veterans Affairs Board in the prosecution of all claims on behalf of veterans.

D. Inspect, approve and supervise school, institutions and establishments for war orphan and veteran training as the "State Approving Agency" for the State of Mississippi and to enter into contract with the Department of Veterans Affairs for salary and travel reimbursement for personnel employed for this purpose

E. Operate and manage all state veterans nursing homes to provide domiciliary care and other related services for eligible veterans in the most cost efficient manner.

F. Adopt policies and prescribe rules and regulations for the proper administration of it general duties and powers

G. Appointments as local representatives of the State Veterans Affairs Board may be revoked at any time by the State Veterans Affairs Board. At no time and under no circumstance will members of the Board, while representing the Board, engage in controversial matters or promotional activities of any veterans organization or other similar organization. It is desired that members of the Board will take interest in veterans affairs, keep in touch with veterans, and impart information to them.

H. Cooperate with all agencies and organizations in providing assistance to servicemen and women, veterans and/or their dependents, widows and orphans. Particular attention will be given to cooperation with County Veteran Service Officers and Service Officers of the various veterans organizations in the prosecution of claims and the handling of problems relating to or contingent on service with the armed forces.

I. Preference will not be shown to individuals, counties, or organizations. The service will be given courteously and on an equal basis. However, emergency or distress cases shall take priority. No services will be undertaken or any privilege extended any are, county, or organization which cannot be provided for all. No special records will be maintained and no special information will be compiled for one that is not available for all as taken from the available records of the Board.

J. The Board shall provide training and certification of County Veteran Service Officers. In addition, County Service Officers undergoing initial certification will be required to receive one (1) day of training at the Board's Claims Office with the Claims Office providing two (2) days (different sessions) of training.

Source: *Miss. Code Ann.* § 35-1-7 and §35-3-21 (Rev. 2007).

Title 25: State Veterans Affairs Board

Part 102: Organization

Part 102 Chapter 1: Organization

Rule 1.1 Purpose: The State Veterans Affairs Board (Board) including the State Approving Agency, shall be organized to carry out the statutory duties of the Board. The Board shall be organized in three (3) divisions. The Board shall be headed by an Executive Director, who shall also serve as Executive Secretary to the Board, a Deputy Director, and three (3) division directors (Claims, SAA, and Homes), plus additional personnel, as needed, to carry out the duties of the Board. The Executive Director, Deputy Director, and Division Directors shall be appointed as dictated by statute with additional personnel being employed in accordance with State Personnel Board Policies. (Note: There shall be no distinction between the Executive Director and Executive Secretary as used in this document.)

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Part 102 Chapter 2: Personnel

Rule 2.1 The Executive Director, Deputy Director, Division Directors (or equivalents), and Branch Directors (or equivalents) shall serve, per statute, at the will of the Board.

Source: *Miss. Code Ann.* § 35-1-3 (Rev. 2007).

Rule 2.2 Executive Director and Executive Secretary to the Board. The Executive Director shall:

A. Serve as the Executive Secretary to the Board and *as* the Executive Director of the State Veterans Affairs Board.
B. Demonstrate an excellent knowledge of the various benefits or privileges accruing to former and present members of the armed forces of the United States and their dependents under federal or state laws or regulations.
C. Be directly responsible to the Board for the efficient operation of the Board. Duties are as prescribed by policies, rules, regulations, and instructions of the Board.
D. The Executive Director shall provide, at the expense of the Board, such publications and informational material as he deems advisable.
E. Delegate authority to subordinate personnel as necessary to ensure efficient functioning of the Board.
F. Meet minimum requirements for selection to the position of Executive Director and Executive Secretary to the Board *as* prescribed by statute or the State Personnel Board.

Source: *Miss. Code Ann.* § 35-1-3 and § 35-1-7 (Rev. 2007).

Rule 2.3 The Executive Director may be selected from among qualified Deputy or Division Directors or the position may be filled through open recruitment. In recruiting for the position of Executive Director, the Board shall first recruit for individuals who are honorable discharged or

honorably released veterans of the Armed Forces of the United States. If no suitably qualified individual is found, the Board, upon a vote taken during either Statutory or Special Called Board Meetings, will then open recruitment to any veteran regardless of period of service.

Source: *Miss. Code Ann.* § 35-1-3 and § 35-1-7 (Rev. 2007).

Rule 2.4 Board Oversight.

A. The Executive Director shall be responsible for the day to day operations of the Veterans Affairs Board. The Executive Director shall be responsible for hiring (as stipulated in this document), supervision, and firing (as stipulated in this document) of employees of the Board.

B. The Executive Director shall be responsible for managing the day to day activities of the Board and planning the budget and administering the financial affairs of the Board. The Board shall set policies in regard to the Executive Director's management of the Agency. Those policies shall be set forth in the Minutes of the Board and shall be carried out by the Executive Director according to the instructions of the Board as stated in the minutes.

C. All supervision of the Executive Director shall be by the complete Board and it is the stated policy of this Board that individual members of the Board shall not engage in day to day direction of the Agency unless specifically authorized and directed to by a vote of the full Board in specific circumstances.

D. From time to time, the Board may designate a member or members of the Board to serve on an Ad Hoc Committee to assist the Executive Secretary in management of specific activities or functions of the Board, but such activities shall be limited in time, scope, and nature.

E. The Executive Secretary should consult with the Board with regard to all major management decisions which transcend normal day-to-day operations. The Executive Secretary shall also seek approval of the Board for the hiring of contractors to perform services on behalf of the Agency. (Individual contract workers are excluded from this provision. For example, RNs, LPNs, DCWs, Laundry and Housekeeping Aides are considered contract workers).

F. The Executive Director shall have authority to purchase and authorize payment for those items/services necessary for day-to-day operation of the agency and its divisions. Examples include things such as utilities, fuel, food services, legal and contractual obligations, personnel services, travel expense, licenses and fees, business and medical supplies, drugs and medications, repairs, maintenance, etc. Purchases and payments to comply with Mississippi Law and Department of Finance and Administration rules and regulations.

G. The Board must approve the expenditure of funds when state law requires bids.

Source: *Miss. Code Ann.* §§ 35-1-3, 35-1-7 and 35-1-21 (Rev. 2007).

Rule 2.5 Deputy Director.

A. Shall report directly to the Executive Director. Duties will be as prescribed by the

Executive Director.
B. Minimum requirements for selection to the position of Deputy Director shall be prescribed by statute or the State Personnel Board.
C. In recruiting for the position of Deputy Director, the Board shall first recruit for individuals who are honorable discharged or honorably released veterans of the Armed Forces of the United States. If no suitably qualified individual is found, the Board, upon a vote taken during either Statutory or Special Called Board Meetings, will then open recruitment to any veteran regardless of period of service.

Source: *Miss. Code Ann.* § 35-1-3 and § 35-1-7 (Rev. 2007).

Rule 2.6 Managers of Major Functional Areas and Managers of the State Veterans Homes.

A. Managers of major functional areas of the Administrative Office and Managers (Administrator) of the State Veterans Homes will report to the Executive Director, through the Deputy Director. Duties will be as prescribed by the State Personnel Board.
B. In recruiting for the above positions, the Board shall first recruit for individuals who are wartime veterans. If no suitably qualified individual is found, the Board will the open recruitment to any veteran regardless of period of service. If there is still no suitably qualified individual, the Board will open recruitment to include non-veterans. A vote, taken during either Statutory or Special Called Board Meetings, is required to move recruitment to each successive level.

Source: *Miss. Code Ann.* § 35-1-3 and §35-1-7 (Rev. 2007).

Rule 2.7 Additional Personnel.

A. All employees of the State Veterans Affairs Board will report directly to assigned supervisor and perform duties as assigned in accordance with position in which employed as outlined in State Personnel Board job characteristics.
B. The Executive Director is responsible for requesting, from the State Personnel Board, a list of eligibles for positions to be filled and will interview those applicants to determine their suitability for the position being filled.
C. The Executive Director must get Board approval prior to the hiring/promotion of individuals to fill positions of Deputy Director, Managers of major functional areas in the Administrative Office and Managers (Administrator) of the State Veterans Nursing Homes.

Source: *Miss. Code Ann.* §§ 35-1-3 and 35-1-21(4) (Rev. 2007).

Rule 2.8 Personnel Actions.

A. A simple majority vote of the Board, during either a Regular of Special Called meeting, is required to appoint the Executive Director, Deputy Director, Managers of major functional areas in the Administrative Office and Managers (Administrator) of the State Veterans Homes.

B. A quorum, is required to terminate the Executive Director, Deputy Director, and Managers of major functional areas in the Administrative Office and the Managers (Administrator) of the State Veterans Nursing Homes.
C. The Executive Director, with the approval of the Board Chairman (Vice Chairman in Chairman's absence) may suspend, with pay, the Deputy Director, and Managers of functional areas of the Administrative Office and Managers (Administrator) of the State Veterans Nursing Home for cause pending final action by the Board.
D. The Executive Director will take other personnel actions in accordance with State Personnel Board policies, rules, and regulations.
E. For the purpose of carrying out the intent of this paragraph, the Executive Director will, as much as possible, keep the Board informed of potential actions.

Source: *Miss. Code Ann.* §§ 35-1-3 and 35-1-7 (Rev. 2007).

Rule 2.9 Benefits. Benefits shall be in accordance with State Personnel Board Policies and Procedures.

Source: *Miss. Code Ann.* § 35-1-7.

Rule 2.10 Work Schedule. The normal office hours of employees of the State Veterans Affairs board shall be from 8:00 a.m. to 5:00 p.m., five (5) days a week, Monday through Friday. However, Supervisors may modify, with Executive Director's approval, work schedule providing for flextime to facilitate efficient operation of the Division or Board. Each office will be staffed, however, from 8:00 a.m. until 5:00 p.m.

Source: *Miss. Code Ann.* § 25-1-98.

Rule 2.11 Leave. All leave will be administered as provided in the state law. In addition:

A. Supervisors will have approval authority on all leave requests. EXCEPT, those personal or compensatory leave requests for leave in excess of eight (8) consecutive hours, not submitted at least 30 days in advance, must be forwarded to the Executive Director, along with justification, for approval.
B. Work which would result in an employee receiving credit for compensatory time must be approved by the employee's immediate supervisor (or by individual at next level in the chain should immediate supervisor not be available) and the appropriate "Director" in order for the employee to receive credit.

Source: *Miss Code Ann.* §35-1-7 and §25-3-91 through §25-3-99 (Rev. 2007).

Part 102 Chapter 3: Operation of Organization

Rule 3.1 Donated Funds. The Board is to receive and accept gifts and\or donations for the benefit of the State Veterans Nursing Homes and to use said gifts for carrying out the object and purpose of the State Veterans Nursing Homes. The Board's policies and guidelines for the use of said funds, are hereby set forth.

A. The Board will accept private donations from any source with the understanding that the donation may be designated for general use in the discretion of the Board or for use for a specific purpose. All donated funds will be used for the general welfare and benefit of all the residents.

B. Any person or entity specifying a particular use for donated funds should do so in writing. The funds so received shall be earmarked for the particular purpose and expended only for that purpose. If the Board determines that the purpose for which the funds have been designated is not a realistic purpose or is not legal or otherwise appropriate, then the Board shall return said funds to the donor with a specific statement of the reason why the funds cannot be used for the particular, designate purpose.

C. The Board shall only use accrued interest from donated funds previously received and hereafter received where such donated funds were/are given with the understanding that the principle would be placed in an endowment with only accrued interest being expended. However, the Board may expend such principle on a two-thirds(2/3 vote of Board members present for an emergency or other special circumstance relating to the health, safety, and welfare of Home residents for which state or federal funds cannot be (or cannot be timely used for that emergency or special circumstance.

D. Any funds received from any person or entity for which a specific purpose is not designated shall be placed in a general donation fund for use in the discretion of the Board (two-thirds vote of members present required) pursuant to Board Policies and guidelines. Examples of appropriate expenditures of not-specified donated funds are as follow:

(1) Christmas presents

(2) Movies, parties, and other types of entertainment. This would include equipment such as popcorn machine, ice cream machine, aquarium, etc.

(3) Other items for which state or federal funds cannot be (or cannot be timely) used.

(4) The staff of the State Veterans Affairs Board shall provide the Board with a monthly report on the status of the private donations account. Said report shall include the following details:

a. Balance
b. Interest
c. Expenditures and other expenses
d. Donations received
e. Any other information deemed appropriate by the Board.

E. The State Veterans Affairs Board shall provide an annual report on donations received and expenditures, including accrued interest, from donated funds to donors and other interest, from donated funds to donors and other interested parties.

Source: *Miss. Code Ann.* § 35-1-29 (Rev. 2007).

Rule 3.2 Personal Service Contracts.

A. The State Veterans Affairs Board shall enter into personal services contracts, in accordance with State and/or Federal policies, rules, and regulations, as the board deems necessary to carry out the duties assigned.

B. Personal services contracts will be renewed upon expiration EXCEPT in those instances where a majority of the Board finds the contract to no longer be needed or becomes dissatisfied with the contractor's performance. In these instances, the Board will seek replacement of the contractor utilizing a formal bid process or by accepting quotes (as applicable). The key consideration in determining a contract shall be contractor performance.

C. Personal services contracts may be terminated prior to expiration with termination being for cause or convenience in accordance with the terms of the contract.

D. All personal services contracts shall contain a clause mandating that the contractor meet with the Board or its representative upon request.

Source: *Miss. Code Ann.* § 35-1-21(4) and § 35-1-25 (Rev. 2007).

Rule 3.3 Vehicles. State Veterans Affairs Board vehicles will be used only for official business as necessary to carry out the duties of the Board.

Source: *Miss. Code Ann.* § 35-1-7 (Rev. 2007).

Rule 3.4 Travel. Board members will, when practical, attend meetings of veterans groups or other organizations where attendees are likely to have interest in issues affecting veterans, availing themselves of such opportunities as a means of reaching and informing as many veterans as possible of benefits and programs available to the state's veteran population.

A. Board members will only receive per diem for those days on which the Board member is primarily engaged in Board business.

B. Board members will not be paid per diem for attending conventions and/or conferences (except or NASDVA), in or out of state, unless the Board is also meeting at that location and reimbursement for travel expenses for Board members' attendance of out of state conferences and/or conventions will be limited. The NASDVA conference would not count against this limit to one (1) trip each fiscal year.

C. Taxable meals will not be reimbursed.

D. Travel reimbursement for use of privately owned vehicles will be at the current rate with mileage being computed from departure city to destination city using a "recognized" road map.

E. All travel that is reasonably anticipated will be pre-approved by the Board. However, routine travel performed by the SAA to inspect, approve, and supervise schools and other training establishments as part of its operation is at the discretion of the Executive Director and shall require no further specific approval action by the Board. Executive Director’s approval must be spread on the Board minutes.

F. Travel that could not be reasonably anticipated may be authorized by the Executive Director but still must be approved by the Board, with the Board action to be spread on minutes.

G. The Executive Director shall assign appropriate staff personnel to attend conferences, conventions, and Service Officer's schools when such attendance is in the interest of service work and the cost is considered practical and within budgetary limits.

H. Staff Personnel will visit counties, at the direction of the Executive Director, for the purpose of contacting, informing and assisting county and local service officers with

special problems. Such visits will be as methodical as the work load and personnel will permit. The visits will be made to the representative of the Board in person. Special visits may be authorized by the Executive Director as required.

Source: *Miss. Code Ann.* § 35-1-5 (Rev. 2007).

Rule 3.5 POW and Congressional Medal of Honor Auto Tag.

A. The Board shall issue a certificate that will be used to establish the eligibility of an individual to receive a tax free auto tag.

B. Any legal resident of the State of Mississippi who was a prisoner of war and the unmarried surviving spouse of such person is privileged to obtain annually one (1) motor vehicle license plate or tag for a private passenger vehicle or pickup truck in the county of his or her residence. The EX-POW license plate or tag is exempt from all motor vehicle registration fees and privilege taxes. The following items will be accepted as proof of an individual's prisoner of war status:

(1) Original letter mailed home from POW camp
(2) Original newspaper clippings
(3) Original war claims letter
(4) Original telegrams
(5) Discharge
(6) VA Records

C. Any legal resident of the State of Mississippi, who is a recipient of the Congressional Medal of Honor and the unmarried surviving spouse of such person is privileged to obtain annually, one (1) motor vehicle license plate or tag for a private passenger motor vehicle or pickup truck in the county of his residence. The CMH license plate or tag is exempt from all motor vehicle registration fees and privilege taxes.

Source: *Miss. Code Ann.* § 27-19-54 (Rev. 2010).

Rule 3.6 County Veterans Service Officer Training and Certification. The Board shall provide training and certification of County Veteran Service Officers in accordance with MS Code of 1972, annotated, Section 35-3-21. In addition, County Service Officers undergoing initial certification will be required to receive one (1) day of training at the Board's Claims Office with the Claims Office providing two (2) days (different sessions) of training.

Source: *Miss. Code Ann.* § 35-3-21 (Rev. 2007).

Rule 3.7 Fixed Asset Accounting Policies. The State Veterans Affairs Board has implemented the TRACK computerized inventory bar code and scanning system to assist in maintaining a complete and current inventory of property items that cost $500.00 or more and for the following items: (1) Weapons (2) Cameras and Camera Equipment (3)Tape Recorders (4) Two-Way Radio Equipment (5) Typewriters (6) Appliances (refrigerators, freezers, air conditioners, stoves, microwave ovens, etc.) (7) Televisions, VCR (8) Lawn Maintenance Equipment (9) Sterling Silver (10) Cellular Telephones (11) Computers and computer Equipment Chain Saws (12). Mr Compressors (13) Welding Machines (14) Generators (15) Motorized Vehicles (16) Dictating

Equipment (16) Antiques. The TRACK system will aid in internal and State Property Control Division audits of our property inventory.

A. Responsible Parties.

(1) Each division director will be responsible for the equipment items located in their division. This responsibility includes doing periodic visual checks of equipment in their areas as well as informing the agency property officer of additions of equipment, repairs, disposals, and missing items as prescribed in the procedures listed below.

(2) Equipment items such as pagers, cellular phones, and laptop computers will be assigned to specified employees. Employees assigned these items may be held financially responsible in the case of loss of, theft of, or damage to these items.

B. Internal Audits.

(1) The agency's property officer and a designee will conduct an annual physical audit of all agency equipment to identify all equipment items.

(2) The maintenance supervisor at each of our nursing homes will do a complete physical audit of all maintenance equipment on a monthly base. If any items are missing, the supervisor is to follow the procedures listed below for reporting missing equipment:

Source: *Miss. Code Ann.* §35-1-25 and §35-1-27 (Rev. 2007).

Rule 3.8 Fixed Asset Accounting Procedures.

A. Properly Secured Equipment. All audio and visual equipment is to be stored in a secured area when not in use.

B. Equipment Additions

(1) Packing Slips. When new equipment is purchased for the homes, the division director or his/her designee will need to forward the packing slip to the administrative office. The packing slip must indicate that the item has been received in good condition. The packing slip should then be dated and initialed by the person that took delivery of the equipment item.

(2) Equipment Addition Form. The branch director or his/her designee will need to record dates received, the manufacturer, description of property, and serial number on the equipment addition form. This form is to e submitted once a month to the property officer. The form must be received by the 5th of the month following receipt of the goods.

C. Equipment Repair and Disposal

(1) Equipment Repair. When equipment needs to be repaired, call the property officer. You will be asked for the equipment's inventory number, serial number and description of the problem. The property officer will check to see if the equipment is under warranty or a maintenance agreement and inform you of what steps to take to have the equipment repaired.

(2) Equipment Disposal. Equipment will only be disposed after it has been determined that it cannot be repaired or the cost of repair is too great. Once an item has been deemed to be unrepairable, the division director or his/her designee will record the date that the item was deemed un-repairable, a description of the property, the item's equipment inventory number and the serial number on the request for disposal form. This

form should then be forwarded to the property officer. After the form has been completed, the piece of equipment should then be placed in a secure area. Equipment items to be disposed of are not to be taken out of the secure area until the property officer has contacted the division director with instructions of how and when to dispose of the property.

D. Missing Equipment. When an equipment item is missing, the division director must call the police or sheriff's office and report the missing item. The division director will then send a memo to the property officer stating the date the item was found to be missing, description of the item, and giving the police report number.

Source: *Miss. Code Ann.* §35-1-25 and §35-1-27 (Rev. 2007).

Rule 3.9 Cellular Telephones. Cellular telephones may be obtained by the State Veterans Affairs Board and issued or assigned to individuals as deemed necessary to promote the efficient operation of the agency and to provide for the safety and well being of employees and for those in our care.

A. State Veterans Affairs Board employees or units assigned a cellular telephone are responsible for the proper care and operation of such equipment. Theft, damage or malfunction should be reported to the Director of Accounting and Finance immediately.

B. Administrative office personnel shall routinely review cellular telephone billings/audits to determine if unauthorized cellular calls are being made. Unauthorized cellular calls are to be reported to the Executive Director.

C. Cellular telephones are to be utilized for official business purposes only and the cost of unauthorized cellular calls is the responsibility of the employee making that call. Unauthorized calls may lead to an employee receiving a verbal or written reprimand, suspension or termination.

D. Cellular telephones utilized by the State Veterans Homes (SVH) are intended for official business only and are not intended for routine personal use. It is acceptable for the Veterans Nursing Home van driver and/or CNA/DCW accompanying the van to briefly utilize the cellular telephone to notify appropriate family members when a late return to the Home creates unanticipated problems for the employee, for their spouse, their children or parents.

Source: *Miss. Code Ann.* § 35-1-7 and § 35-1-27 (Rev. 2007).

Part 102 Chapter 4: Veterans Nursing Homes

Rule 4.1 Purpose. The object and purpose of the establishment of the State Veterans Nursing Homes shall be to provide domiciliary care and other related services for eligible veterans of the State of Mississippi.

Source: *Miss. Code Ann.* § 35-1-19 (Rev. 2007).

Rule 4.2 Admission Eligibility. In order to be eligible for admission to a State Veterans Nursing Home, the applicants must be:

A. A former United States Armed Forces service member
B. A spouse who was legally married to a former United States Armed Forces service member who is a resident of a Mississippi State Veterans Home
C. The un-remarried surviving spouse of a former United States Armed Forces service member

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2007).

Rule 4.3 Admission Criteria. In order to be admitted to a State Veterans Nursing Home, the eligible applicant must meet the following criteria:

A. The former U.S. Armed Forces service member must be or have been a Mississippi resident; the spouse must be legally married to a former U.S. Armed Forces service member who is resident of a Mississippi State Veterans Home; the un-remarried surviving spouse must be a Mississippi resident and have been legally married to a former U.S. Armed Forces service member who was a Mississippi resident at the time of death.
B. The former U.S. Armed Forces service member must meet at least one of the three (3) following criteria to be eligible for admission to the Veterans Home;
(1) had regular federal active duty in the U.S. Armed Forces and have been discharged under other than dishonorable conditions (applicant must supply DD 214, or Report of Separation from Service or other acceptable proof of service);
(2) be approved by the federal Department of Veterans Affairs VA Medical Center of jurisdiction to receive VA per diem payments for care in the State Veterans Home; or
(3) be a former member of the U.S. Armed Forces Reserves or National Guard with Honorable Active Duty for Training service and, if not entitled to VA per diem payments for care in the Home, shall pay the full daily charge (current daily resident fee plus daily VA per diem reimbursement rate) set by the Board, provide their own prescribed medications and drugs and be responsible for any personal medical care deductibles and co-payments.
C. Former U.S. Armed Forces Service members not meeting (A.) above, i.e., resident of another state, may be admitted to a Mississippi State Veterans Home to fill vacant bed(s), up to a total of 148 occupied beds, when there is no Mississippi resident on the active waiting list or ready to enter the Home. However, the cost of care for such out of state resident will be at no expense to the State of Mississippi regardless of the length of stay. In the event that this should occur, such resident shall not be discharged from the Home for the sole purpose of vacating a bed to accommodate a subsequent Mississippi resident who desires admission.
D. To be admitted to a State Veterans Home the applicant must have a medically documented need for nursing home care. The applicant shall have a medical examination by a personal or VA physician within 30 days of the admission request and as a result, it is shown that he/she does not:
(1) Require medical or hospital care for which the State Veterans Homes are not equipped or staffed to provide.
(2) Have violent or dangerous traits or behaviors which may prove harmful or

dangerous to the physical or mental well being or result in unacceptable harassment of other residents, employees, or the resident himself/herself.

E. There shall not be any income and /or net worth bar for admission to a State Veterans Home.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2007).

Rule 4.4 Admittance Priority.

A. Former U.S. Armed Forces Service members with wartime military service receive first preference for admission. Service members with peacetime military service receive second preference for admission. Eligible spouses and un-remarried surviving spouses receive third preference for admission. Applicants will be admitted in preference order; however, if there is no wartime service member ready to accept a bed, peacetime service members may be admitted; if no wartime nor peacetime service members are ready to accept a bed, eligible spouses and eligible un-remarried surviving spouses may be admitted.

B. When a bed in a Mississippi State Veterans Home becomes available, first (1st) priority will be current resident of another Mississippi State Veterans Home or patient in VA Medical Center (to include individuals in nursing homes under VA contract); second (2nd) priority will be veteran currently on Mississippi State Veterans Home waiting list(s); and third (3rd) priority will be new application for admission to a Mississippi State Veterans Home. Individuals on waiting list(s) who decline admission when a bed is available and offered will have their name moved to the bottom of the list. Individual(s) who decline the offer of a bed on two (2) successive occasions will have their name(s) place on an inactive waiting list until they subsequently inform the Board of their desire to once again be placed on the active waiting list. Position on active waiting list will be determined by date Board notified of desire to return to active waiting list.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.5 Veteran Resident's Contribution to Cost of Care. The State Veterans Affairs Board shall set and may revise the daily charge for resident care in the State Veterans Nursing Homes as the Board deems prudent and necessary.

A. Every resident of the home shall be responsible for full payment of the nursing home care charge which must be paid in advance (remainder of month) upon admission and by the 10th day of each succeeding month. The nursing home care charges include: nursing care, laundry and room and board. The prorated monthly charge is due upon admission unless otherwise approved by the Executive Director.

B. Any new admissions will be responsible for the following items not covered by the nursing home care. These items include, but are not limited to: physician services, podiatry care, transportation to appointments not ordered by Nursing Home physicians, any specialized rehabilitation service, specialty beds and mattresses. The resident will be responsible for all costs for items not covered by the nursing home care charges. Any items not covered by Medicare/Medicaid or other insurance policy will be the sole responsibility of the resident.

C. Residents of the Veterans Nursing Home shall be responsible for any and all co-payments and/or deductibles for treatments, services, ancillaries, etc. that are billed to Medicare and/or other insurance.
D. There will be a $10.00 charge for each returned resident check.

Source: *Miss. Code Ann.* §35-1-27(Supp. 2010).

Rule 4.6 Seventy Percent (70%) Service Connected Veterans.

A. There shall be no State Veterans Nursing Home resident daily charge for those residents in need of nursing home care for a VA adjudicated service-connected disability; or who have a singular or combined service-connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability and are in need of nursing home care.
B. The SVAB may not accept drugs and medicines from the VA on behalf of those veterans in need of nursing home care for a VA adjudicated service-connected disability; or who have a singular or combined service connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability and are in need of nursing home care.
C. State Veterans Affairs Board may reimburse State Veterans Home daily care charges retroactive to March 21, 2007, for eligible 70% service-connected State Veterans Home residents and for residents whose service-connected disabilities require State Veterans Home care

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.7 Eligible Spouse and Un-Remarried Surviving Spouse Charges. Eligible spouses and un-remarried surviving spouses not entitled to VA per diem payments for care in a Veterans Nursing Home shall pay the full daily charge set by the Board, which is the current daily resident fee plus daily VA per diem reimbursement rate. These residents shall:
A. Pay for prescribed medications and drugs.
B. Be responsible for any and all co- payments and/or deductibles for treatments, services, ancillaries, etc. that are billed to Medicare and/or other insurance.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.8 Non-veteran Resident Charges.

A. The care charge for non-veteran residents of the Homes will be, at a minimum, double (2X) the rate paid by veteran residents. The prorated monthly charge is due upon admission unless otherwise approved by the Executive Director. The resident will be responsible for all costs for items not covered by the nursing home care charges.
B. All non-veteran residents shall be responsible for the cost of all drugs and medications administered while residing at the Veterans Nursing Home.
C. The following items are not covered by the nursing home care for non-veteran residents. These items include, but are not limited to: physician services, podiatry care,

transportation to appointments not ordered by Nursing Home physicians, any specialized rehabilitation service, specialty beds and mattresses.

D. Any items not covered by Medicare/Medicaid or other insurance policy will be the sole responsibility of the resident.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.9 Emergency Transportation. Residents shall be responsible for the cost of non-emergency transportation if their medical condition would make it unsafe to transport utilizing the SVAB vehicles. In addition, SVAB transportation, to other than VA appointments, will be provided on an as available basis. The resident will be responsible for arranging and paying for the cost of transportation in those instances where SVAB transportation is not available.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.10 Indigent Veterans. An Indigent Veteran is defined as a single veteran or veteran with one dependent who, after Home care charged and Medicare Part B premiums are paid/deducted from income, shall have less than $90.00, if single, and an amount equal to a single widow's death pension benefit, if resident has one dependent remaining. An Indigent Veteran may be admitted to the State Veterans Nursing Home under the following conditions (indigent funds will be used to make up the difference in veteran's share of care costs):

A. The applicant must provide documentation of income and /or authorization for SVAB to review Social Security, retirement, tax, or other pertinent sources of information to determine eligibility.

B. Must be a Mississippi resident at the time of application.

C. A single veteran with some income, including VA pension, is allowed to retain $90.00 per month for personal use. However, once the balance in the personal funds account reaches $1,000.00, the $90 per month of indigent funds will cease. If the personal funds account drops below $500.00, the $90 per month of indigent funds will be reinstated and deposited into the personal funds account.

D. The balance, if any, of the personal funds account of a deceased indigent veteran shall be utilized to defray the cost of the burial or cremation of the deceased indigent veteran. Payment shall be made to the personal representative upon presenting to the SVAB proof of burial or cremation and expenses incurred.

E. A veteran having income and with dependent(s) will be allowed to retain an amount equal to the death pension that would be payable to the dependent.

F. Veterans who have no income may receive up to $15.00 per week from:

(1) funds from the issuance of distinctive veterans license plates and deposited in the Special Fund account for the benefit of indigent veterans who are residents in the state veterans homes; or

(2) from donated funds for personal items.

* tobacco products and/or alcohol are excluded from purchase with the above funds*

G. For purposes of eligibility for indigent funds single or married U. S. Armed Forces service member residents may retain up to $1,000.00 in liquid assets/cash/savings be eligible for indigent funds if other requirements are met.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.11 Indigent Surviving Non-Veteran Spouse. An indigent surviving non-veteran spouse is defined as one admitted while the veteran spouse was a resident at a Veterans Nursing Home and who, subsequent to veteran resident's death, after Home care charges and Medicare Part B premiums are paid/deducted from income shall have less than $44.00 remaining. An indigent surviving non-veteran spouse may remain in a State Veterans Home under the following conditions (indigent funds will be used to make up difference in surviving spouse's share of care costs):

A. The resident must provide documentation of income and /or authorization for SVAB to review Social Security, retirement, tax, or other pertinent sources of information to determine eligibility.

B. A surviving spouse with some income, including VA pension, is allowed to retain $44.00 per month for personal use. However, once the balance in the personal funds account reaches $1,000.00, the $44 per month of indigent funds will cease. If the personal funds account drops below $500.00, the $44 per month of indigent funds will be reinstated and deposited into the personal funds account.

C. The balance, if any, of the personal funds account of a indigent surviving non-veteran spouse shall be utilized to defray the cost of the burial or cremation of the indigent surviving non-veteran spouse. Payment shall be made to the personal representative upon presenting to the SVAB proof of burial or cremation and expenses incurred.

D. Surviving spouses who have no income may receive up to $15.00 per month from:

(1) funds from the issuance of distinctive veterans license plates and deposited in the Special Fund account for the benefit of indigent veterans who are residents of the state veterans homes; or

(2) from donated funds for personal items

tobacco products and/or alcohol are excluded from purchase with the above funds

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.12 Discharge or Transfer of Resident.

A. Failure of resident to follow all rules and regulations governing the Veterans Nursing Homes and to follow the course of treatment prescribed by the Home medical staff or the Home's outside medical consultant is cause for discharge.

B. The Executive Director has the authority to discharge a resident based on the recommendation of physician with a right to appeal the discharge to the State Veterans Affairs Board.

C. Residents shall accept discharge from the Homes when medical and/or administrative review determines such action to be appropriate. Residents desiring discharge from the Home are required to provide a three (3) day notice. Failure to do so will result in resident being charged for three (3) days (care) beyond actual discharge date.

D. Failure to pay for nursing home care or repeated late payment shall result in dismissal from the Home. Such dismissal shall require a majority of the Board members present at do not enter into a signed agreement (with guarantor) to bring and keep the account

current, shall be discharged. The Executive Director is authorized to use all state laws to recoup monies due the Home for nursing home care. Residents entering a Home and having insufficient funds to cover care costs (e.g. awaiting start/increase in VA pension benefits) or who, subsequent to admission allows an arrears in his/her care account to occur, must have all income come directly to the SVAB with the SVAB being authorized to deposit such income into the resident's personal funds account and to transfer such agreed upon amounts from that personal funds account for purposes of payment on the resident's care account. Branch Directors, with approval of the Executive Director, may waive requirement as stipulated in the preceding sentence.

E. If a resident account balance reaches $4,000, the account shall be turned over to the SVAB attorney for collection. If the account balance reaches $6,000, the resident may be discharged.

F. Residents desiring transfer to a different State Veterans Home shall be responsible for all associated costs.

G. Residents of the State Veterans Home shall accept transfer to other facilities, including those operated by the Department of Veterans Affairs, if medical condition, as determined by the Veterans Home's Medical Staff, mandates. Any and all costs of treatment/care outside the Home is the responsibility of the resident/responsible parties.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.13 Order and Rules of the Home. All veterans shall consent to abide by all rules and/or regulations governing the Veterans Nursing Homes and to follow the course of treatment prescribed by the Veterans Nursing Home medical staff or the Home's outside medical consultants.

A. Any resident may elect to have his/her own physician provide care and treatment inside a State Veterans Home. However, such physician will be subject to and must comply with all laws, regulations, and/or policies of the Homes and/or regulatory agencies. The resident is responsible for ensuring that physician is in compliance as stated. If physician does not comply as stated, resident may be discharged.

B. Residents shall apply for all state and federal monetary/medical benefits for which he/she may be entitled. He/she shall be counseled about benefit entitlement by a representative of the Veterans Affairs Board.

C. Residents requiring dental care will be responsible for all associated costs.

D. Residents shall furnish their own items of personal clothing and bring with them any orthopedic appliances, braces, wheelchairs, walkers, etc. (beds excepted) which may have been issued to them by the Department of Veterans Affairs.

(1) Any clothing or items brought in to the Home for the Resident should be given to staff at admissions or the Nurses' Station so that the clothing can be properly labeled by the Laundry Department and listed on the Resident's inventory sheet.

(2) The nursing home is not responsible for the resident's lost or damaged items of any kind.

E. Resident, upon admission, shall designate a beneficiary to receive all personal belongings, to include funds on deposit with Board, should the resident die or be incapacitated at the time of discharge.

F. Residents of a State Veterans Home will not be permitted to operate a motor vehicle on the State Home grounds. Exceptions:

(1) Residents with specially adapted vehicles will be allowed to operate same if accompanied by a responsible party.

(2) Residents who were admitted to the State Veterans Home on or before January 7, 1994, may operate a motor vehicle on State Veterans Home Grounds unless medically contraindicated (as documented by the physician in the individual's medical records). Residents who wish to maintain a motor vehicle on a State Veterans Home grounds, will be required to leave the keys with a family member or the administrator.

G. In order to insure the safety of the residents, a resident may leave the Home only after signing out.

(1) Residents may sign self out/in unless medically contraindicated, as documented by the physician in the individual's medical record.

(2) If medically contraindicated, resident must be signed out/in and accompanied by a member of the State Veterans Affairs Board's staff, a family member or other responsible party.

H. There shall not be any income and /or net worth bar for admission to a State Veterans Home.

I. Residents are encouraged to deposit excess personal funds with the State Veterans Affairs Board. Such funds will be held on deposit in an interest-bearing account in a local bank account. There is no charge for this service.

J. If requested and appointed by appropriate authority, the Board will act as fiduciary for incompetent residents. However, the Board will NOT accept this appointment unless income **from all sources** is also under the Board's control. This is to permit the Board to be able to comply with regulations and policies requiring timely and accurate reporting of the resident's income and assets. A fiduciary is liable for the consequences of inaccurate and/or untimely reporting.

K. Residents shall recognize that the Home will be operated in full compliance with the Civil Rights Act without discrimination as to race, color, creed or religion.

L. **Dietary Order Policy.** It is the policy of the Mississippi State Veterans Affairs Board to follow the dietary order of the physician of the Home. The staff will not follow any diet order contrary to the order of the Home physician. Each resident must comply with the dietary order written by the Home physician for him/her. A resident’s failure, or failure of the family of the resident, to comply with this policy will result in the discharge of the resident from the Home.

M. **Cardiopulmonary Resuscitation (CPR) Policy.** In the event of cardiopulmonary arrest:

(1) Basic CPR will be performed if there is a staff member available with the requisite skills and knowledge to perform basic CPR, UNLESS, in the opinion of the physician, this intervention is medically unnecessary or inappropriate OR the resident (or surrogate) has directed AGAINST this action.

(2) An ambulance will be summoned unless, in the opinion of the physician, this intervention is medically unnecessary or inappropriate.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.14 Bedhold After Accepted To Home. An applicant, once offered a bed at a Veterans Nursing Home, will be allowed four (4) working days (with day bed offered counting as the 1st day), from date bed is offered, to be admitted. If applicant wishes the bed to be held beyond the allowed four (4) working days, applicant is responsible for payment of the regular daily resident's charge plus the current daily VA per diem rate for each day, beyond the allowed days, that the bed is held.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.15 Bedhold for Hospitalization or Voluntary Pass. Per diem will be paid for a bed hold only if the qualified veteran has established residency by being in the facility for 30 consecutive days (including overnight stays) and the facility has an occupancy rate of 90 percent or greater. In addition, per diem for a bed hold will be paid only for the first ten (10) consecutive overnight absences at a VA or other hospital (this could occur more than once in a calendar year) and for the first twelve (12) other types of overnight absences (pass) in a calendar year.

A. Hospitalization

(1) If the veteran has not established residency by being in the facility for thirty (30) consecutive days (including overnight stays) prior to hospitalization, the veteran will pay the current daily resident charge for up to fourteen (14) consecutive overnight absences at a VA or other hospital in order for the veteran's bed to be held at the Veterans Nursing Home.

(2) If the veteran has established the thirty (30) day residency, then the veteran will pay the current daily resident charge for up to ten (10) consecutive overnight absences at a VA or other hospital in order for the veteran's bed to be held at the Home. However, if the veteran is rated as in need of nursing home care for a VA adjudicated service-connected disability; or the veteran has a singular or combined service connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability, the veteran will not have a charge to hold his bed at the Home for the first ten (10) consecutive overnight absences at a VA or other hospital.

(3) If the veteran has established the thirty (30) day residency, but the hospitalization exceeds ten (10) consecutive overnight absences at a VA or hospital, a veteran who has a singular or combined service connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability must pay a bed hold rate consisting of a combination of the current daily resident charge and the current VA daily per diem reimbursement rate. All other veterans will continue to pay only the current resident daily rate.

(4) However, any resident who is hospitalized for more than 14 consecutive days shall be discharged from the facility. The resident will remain responsible for charges set forth in preceding paragraphs until the actual date of discharge from the veterans home. Upon discharge from the hospital, the resident will be given priority placement within the Veterans Nursing Homes.

B. Voluntary Pass Other Than Hospitalization. If the resident is on pass other than for hospitalization, the bed will be held for the resident as follows:

(1) If the veteran has not established residency by being in the Home for thirty (30) consecutive days (including overnight stays) prior to being on voluntary pass, the veteran is responsible for payment of regular daily resident's charge for each day on pass plus the current daily VA per diem rate for each day on pass.

(2) If the veteran has established residency, and the veteran returns to the Home after having been on pass for less than twelve (12) days in a calendar year, the veteran is responsible for payment of only the regular daily resident's charge for each day he/she was on pass. However, if the veteran is rated as in need of nursing home care for a VA adjudicated service-connected disability; or the veteran has a singular or combined service connected rating of seventy percent (70%) or more based on one or more service-connected disabilities or a rating of total (100%) disability based on individual unemployability, the veteran will not have a charge to hold his bed at the Home for the first twelve (12) days in a calendar year.

(3) Any veteran who remains away from the Home for more than twelve (12) days in a calendar year, he/she is responsible for payment (beginning with the 13th day) of the regular daily resident's charge for each day on pass plus the current daily VA per diem rate for each day on pass. This adjustment to the charge for nursing home care is necessary to cover the loss of VA per diem (which helps keep the regular rate down).

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.16 Private Rooms. The policy and priority for private room assignment is as follows:

A. Contagious or infectious disease;

B. Oxygen or terminally ill resident, or a resident who would suffer a negative impact on his/her medical condition as documented by the Home physician.

C. Female admissions (where private room is available and female is #1 on the waiting list and home occupancy would preclude admittance of the female); and

D. First-come first-serve basis. Any occupant of a private room, due strictly to the choosing of the resident, will be charged an additional $100.00 per month for each month in which a private room is occupied, irregardless of length of occupancy.

E. Private room occupants in categories A, B, and/or C will vacate the private room when the conditions(s) and/or situation is resolved. Private room occupants from category D will be required to vacate the private room for category A, B, and/or C residents on a last in, first out basis. The vacated resident would be placed back at the top of the first-come first-served waiting list.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.17 Searches. The following policy shall be enforced to assist in deterring theft of residents', visitors' and employees' personal property; and property belonging to the State of Mississippi.

A. The Homes may conduct unannounced searches, for illegal drugs, alcohol, or stolen property, of items and vehicles owned by the State of Mississippi, employees, residents, and/or visitors on Home premises at any time without reasonable suspicion. This includes desks, lockers, etc. All individuals are expected to cooperate during such searches.

B. Searches of employees, residents, and /or visitors and their personal property may be

conducted on random basis or when there is reasonable suspicion to believe that such searches will be limited to requesting the removal of hats, shoes, coats, or other outerwear, purses and other unsecured personal possessions for search purposes, asking that individual(s) turn their pockets, and observing what is in plain sight. Purses, briefcases, bags and any other parcels may also be completely searched on a random basis or when there is reasonable suspicion to believe that the individual(s) may have non-permitted contraband or stolen items in their possession.

C. Searches of vehicles maybe conducted when on a random basis or when there is reasonable suspicion that illegal drugs, alcohol, or stolen goods are in the vehicle.

D. An employee's consent to this search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action including termination even for a first refusal. A resident's consent to this search is a condition for admittance and continued residency. A resident's refusal to consent will result in discharge even for a first refusal. A visitor's refusal to consent may result in visitor's being barred from the facility.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.18 Advanced Directives. A competent person, of legal age, has the right to accept or refuse medical or surgical treatment. In general, an individual has the right to make health care decisions for himself/herself. Generally, if you are a competent adult, you can consent to any treatment of care which will become effective if the individual is no longer competent to make treatment decisions. These instructions are commonly referred to as "Advance Directives."

A. The State Veterans Affairs Board will provide a copy of its advanced directives policy to all applicants, for admission to a Mississippi State Veterans Home, as part of the application package.

B. All State Veterans Home Social Worker will provide the resident or personal representative with written information concerning advanced directives and rights under law and on the facility's policies regarding advanced directives and refusal of medical treatment.

C. An Advanced Directive can be a LIVING WILL, A DURABLE POWER OF ATTORNEY FOR HEALTH CARE, or other evidence of the individual's wishes concerning health care decisions.

(1) A Living Will is a directive to be allowed to die naturally. The Living Will comes into play only when the attending physician, along with two (2) other physicians, believes that the individual will not regain consciousness or a state of health that is meaningful to the individual and but for the use of life -sustaining mechanisms, the individual would soon die.

(2) A Durable Power of Attorney for Health Care (DPAHC) is a document where an individual designates someone as their agent to make health care decisions for them if the are unable to make such a decision. The DPAHC comes into play when the individual cannot make a health care decision either because of a permanent or temporary illness or injury. The DPAHC must specifically authorize the individual's attorney in fact to make health care decisions for the individual and must contain the standard language set out in the law. Otherwise, the DPAHC can contain any instruction which the individual wishes.

(3) Decisions to accept or refuse treatment, internal nutrition via feeding tubes or

gastric devices, and/or artificial hydration rest with the resident or appropriate legal representative. The Mississippi State Veterans Home and employees have no official opinion on the care and treatment decisions of the individual residents.

(4) It is the policy of Mississippi State Veterans Homes to follow the directions given by each resident with regard to accepting or refusing treatment to the extent permitted by law and within State Veterans Affairs Board policy.

(5) No individual shall be discriminated against or have care conditioned on whether the individual has executed any advance directive.

Source: *Miss. Code Ann.* §35-1-27 (Supp. 2010).

Rule 4.19 Succession of Surrogates. If an incompetent resident did not execute and advance directive specifying care and treatment decisions while still competent, State Veterans Nursing Homes will consult with the appropriate person from the following list of successions:

A. Attorney-in-fact (designated by the Durable Power of Attorney for Health Care);
B. Court appointed guardian;
C. Spouse;
D. Adult children (all adult children are co-equal);
E. Parent(s)
F. Adult siblings (all adult siblings are co-equal); and
G. Grandparents (maternal and paternal grandparents are co-equal if the father is authorized and is legitimate, otherwise, maternal grandparents shall have priority over paternal grandparent).

Part 102 Chapter 5: Mississippi Veterans Memorial Cemetery

Rule 5.1 Eligibility For Burial in the Mississippi Veterans Memorial Cemetery.

A. Eligibility criteria for interment in the Mississippi Veterans Memorial Cemetery is the same as required for interment in a national cemetery as provided by federal law (Title 38 USC) and rules and regulations applicable thereto.

B. Generally, burial in the Mississippi Veterans Memorial Cemetery is open to all members of the Armed Forces and Veterans who have met minimum service duty requirements and have been discharged under honorable conditions. Their spouse, widow or widower, minor children, and under certain conditions, unmarried adult children are also eligible for burial. Eligible spouses may be buried, even if they predecease the veteran. Members of the reserve components of the Armed Forces who die while on active duty or while performing training duty, or who have 20 years of service in reserve components of the Armed Forces credible for retired pay, may also be eligible for burial.

C. Specific eligibility:

(1) Shall be determined by the cemetery staff in accordance with criteria set forth in federal law and as defined in U.S. Department of Veterans Affairs regulation(s). The Cemetery Director shall be responsible for ensuring that burials are conducted only for eligible Veterans and/or spouses/dependents.

(2) In any case where Cemetery Director determines an individual is ineligible for burial, request must be immediately forwarded to the Executive Director for review and

decision. The Executive Director shall retain authority for any disapproval determination.

(3) In any case where eligibility is denied, next of kin or responsible party/entity may appeal that decision to the State Veterans Affairs Board.

Source: *Miss. Code Ann.* § 35-1-41(4) (Supp. 2010).

Rule 5.2 Request(s) for burial in the Mississippi Veterans Memorial Cemetery.

A. At the time of need, the next of kin, responsible party, or the family's funeral director of choice makes arrangements directly with Mississippi Veterans Memorial Cemetery staff.

B. Before burial can take place, cemetery staff must verify the Veteran's eligibility. To enable staff to do this, the next of kin or funeral director must provide the staff with a copy of the Veteran's military discharge papers, or the Veteran's military service number, social security, or VA claim numbers. No burial may be conducted prior to verification of eligibility.

C. Gravesite reservations cannot be made in advance.

Source: *Miss. Code Ann.* § 35-1-41(4) (Supp. 2010).

Rule 5.3 Cost of burial. In the case of eligible Veterans, there will, generally, be no cost.

A. U.S. Department of Veterans Affairs burial plot allowance will be paid to the Mississippi Veterans Memorial Cemetery.

B. Headstone (upright white marble) or niche cover (as appropriate) will be provided by the U.S. Department of Veterans Affairs.

C. In accordance with U.S. Department of Veterans Affairs regulation/policy, an eligible Veteran may only receive a one-time burial allowance and headstone benefit. In the rare case where this benefit may have been previously exhausted, the next of kin or responsible party (as appropriate) will be responsible for any incurred cost(s).

D. There will be a minimal cost for the burial of eligible spouse and/or dependents. Cost, consistent actual cost incurred, shall be determined and approved by the State Veterans Affairs Board.

Source: *Miss. Code Ann.* § 35-1-41(4) (Supp. 2010).

Rule 5.4 Cemetery Operations. A Cemetery standard operating procedure (SOP) shall be developed and approved by the Executive Director. The procedure shall include, but is not limited to, hours of operation, requirements for care, maintenance and operation of the cemetery and any other information as may be deemed necessary for safe and efficient Cemetery operations. The SOP shall be readily available for public review.

Source: *Miss. Code Ann.* § 35-1-41(4) (Supp. 2010).

Part 102 Chapter 6: Persian Gulf War Memorial Wall

Rule 6.1 Eligibility for Inclusion on Persian Gulf War Memorial Wall.

A. Service Member

(1) Was Member of the United States Armed Forces and,

(2) Died during the period 2 August 1990 – a date determined by law or Presidential Proclamation and,

(3) Died as a result of:

a. Hostile action in the Persian Gulf Area of Operations (as defined by DOD), or

b. Injuries received while serving in the Persian Gulf Area of Operations, or

c. Terrorist attack.

B. Service Member is considered a Mississippi resident (for inclusion) if:

(1) A Mississippi resident, as indicated by military documents, at time of death or,

(2) Mississippi is Service Member's Home of Record, as indicated by military documents or,

(3) Member was assigned to a Mississippi based unit at time of death.

Source: *Miss. Code Ann.* § 35-1-43 (Supp. 2010).

Title: Military and Veterans

Part 103 Administrative Rules

Part 103 Chapter 1: Public Record Request

Rule 1.1 Purpose. To ensure the privacy of individuals served by the State Veterans Affairs Board and the Veterans Nursing Homes and to comply with the laws of the State of Mississippi and federal regulations.

Source: *Miss. Code Ann.* § 43-11-16 (Rev. 2009).

Rule 1.2 Release of Patient/Resident Information. Information concerning a current or former patient/resident shall be released only:

A. Upon written authorization of the patient/resident.
B. For an active resident, when requested by a person with legal authority to make health care decisions, a court-appointed legal guardian or a general power of attorney.
C. For a deceased resident, when requested by a person with legal authority to act on behalf of the decedent or the estate (e.g., executor of the estate, next of kin or other family member).
D. To his attending medical personnel and his duly authorized nominees.
E. Upon order of a court of competent jurisdiction.
F. When the continued treatment of the patient/resident requires the exchange of information between the MBVA/MVNH and other treatment facilities.
G. When in the opinion of the Director of the facility, release of information is necessary for the determination of benefits, compliance with statutory reporting requirements, or other lawful purpose.
H. Nothing in this section shall be construed to deny access to medical records by the Attorney General, the licensing agency, or his or its agents and investigators in the discharge of their official duties under state law.

Source: *Miss. Code Ann.* § 43-11-16 (Rev. 2009).

Rule 1.3 Request for Documents. When information is requested:

A. The appropriate facility must be in receipt of written authorization or authority for release of information prior to any search of records.
B. Upon request for release, the facility will make every effort to comply with request within five (5) working days. If for some reason this is impractical, the facility will notify the person requesting the information of the delay and the approximate time the information will be available.
C. Request for information must be specific as to whether all available information or what part thereof is being requested.

Source: *Miss. Code Ann.* § 43-11-16 (Rev. 2009).

Rule 1.4 Costs.

A. Estimates as to cost will be made upon request.
B. Fees charged will be according to the following schedule: Photocopies - $20.00 for the first twenty pages; $1.00 per page for the next 80 pages; $ .50 per page for all pages thereafter. Ten percent of the total charge may be added for postage and handling. $15.00 may be recovered by the MVAB/MVNH for retrieving medical records in archives at a location off the premises where the facility/office is located.
C. Requested information will not be released until fees are paid.

Source: *Miss. Code Ann.* § 43-11-16 (Rev. 2009).

Part 103 Chapter 2: Request for Public Information

Rule 2.1 Purpose. To ensure that public documents are disseminated according to statutory requirements.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.2 Definitions

A. Public Record: A public record shall mean any book, record, paper, account, letter, map, photograph, film, card, tape, recording or reproduction thereof, and any other documentary material, regardless of physical form or characteristic, having been used, being in use or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction work, duty or function of the Board or a Veterans Nursing Home (hereinafter "VNH"), or required to be maintained by the Board or a VNH.
B. Non-exempt Record: A non-exempt record is that part of a public record which does not fall under one of the exceptions to or exemptions from disclosure in the Public Records Act.
C. Identifiable Record: A record is identifiable if a reasonable specific description of the record has been given, such as the date of the record, the subject matter, division of person involved, etc. which will permit location or retrieval of the record.
D. Working Day: A working day is any day other than a weekend, state holiday, or other day on which by executive order the Board or a VNH administrative office is closed or all the administrative employees are authorized to be absent.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.3 Availability of Records. Access of all non-exempt record of the MVAB or a MVNH will be allowed during regular business hours (8:00 to 5:00 on working days). These records will be made available for inspection and/or copying. If any public record which is held to be exempt from disclosure, as designated below, contains material which is not exempt, the MVAB or the MVNH shall separate and make the non-exempt material available for examination and/or

copying.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.4 Procedures for Handling Public Record Requests.

A. A request for information under the Mississippi Public Records Act shall be submitted in writing to the Mississippi Veterans Affairs Board, P.O. Box 5947, Pearl, MS 39208, or directly to the Administrator of each of the four Mississippi Veterans Nursing Homes.
B. All requests for information should be marked "Request for Public Documents," and shall identify the records, give the name, address, and telephone number of the requesting party, and must be signed by the requesting party. This requirement may be waived on a case by case basis by the Executive Director or his designee to facilitate the orderly and timely release of the information.
C. The Board of VNH shall respond to the request in writing within 14 working days from the date of request. Denials shall contain the specific reasons for the denial. Copies of all denials shall be maintained on file by the Board or VNH for not less than three years from the date the denial is made. The person making the request may appeal any denial directly to the Executive Director.
D. If the records will be disclosed, the Board or VNH will give an estimate of the total cost, if any, for the compliance with the request. If the estimate is agreeable to the requestor, the Board or VNH will produce the records requested no later than 14 working days from the date the request was received. Payments must be made by case, money order, or cashier's check prior to the requestor receiving the materials.
E. Records furnished to the Office by third parties, which are not public bodies as defined in the Public Records Act, will not be released until notice to the third parties has been given. The records shall be released in 14 days unless the third party obtains a court order protecting the records as confidential.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.5 Exempt Records. Any record expressly exempt from the Public Records Act or any record specifically declared to be confidential or privileged by any other Mississippi or Federal statute or constitutional provision shall not be subject to mandatory inspection and copying. Those records which are specifically exempt by Mississippi statute and which fall within the jurisdiction of the MVAB/MVNH include the following:

A. Personnel records and applications for employment, except those which may be released to the person who made the application or with the prior written consent of the person who made the application. Employee consent to release information shall be recorded in writing. This shall not be construed to prohibit the disclosure of the following information about employees: name, address, date of employment, length of employment, qualifications, and salary;
B. Test questions and answers which are to be used in employment examinations;
C. Letters of recommendation respecting any application for employment;
D. Records which represent and constitute the work product of any attorney and which

are related to litigation initiated by or against the MVAB/MVNH or in anticipation of prospective litigation, including all communications between such attorney made in the course of an attorney/client relationship;

E. Appraisal information which concerns the sale or purchase of real or personal property for public purposes prior to public announcement of the purchase or sale, where the release of such records would have a detrimental effect on such sale or purchase;

F. Trade secrets and commercial or financial information obtained from outside government to the extent that disclosure would result in substantial harm to the competitive position of the person from whom or about whom the information was obtained;

(1) For the purpose of providing advance notice to submitters of trade secret or confidential commercial or financial information, twenty-five days from the submitter's receipt of written notice shall be deemed a reasonable time for the disclosure of the requested records in the absence of a court order to the contrary.

G. Investigator records compiled for law enforcement purposes, security purposes, or employment purposes, to the extent that the records could:

(1) deprive a person of a right to a fair trial or an impartial administrative adjudication;

(2) disclose the identity of a confidential source;

(3) disclose investigative techniques and procedures not generally known outside of government;

(4) endanger the life or physical safety of law enforcement or investigative personnel; or,

(5) disclose matters under criminal investigation or consideration for criminal investigation by any investigatory or prosecutorial agency.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Rule 2.6 Fees.

A. Any person desiring copies of public records who does not officially represent a public body, as defined in the Public Records Act, shall be entitled to obtain mechanically reproduced copies at a charge of $ .25 per page. Official representatives of public bodies, as defined, shall be entitled to reasonable copies of such records with no charge.

B. If the searching, reviewing, duplicating or separating of non-exempt material from documents, etc., containing exempt material requires more than one hour of work, then any requesting party may be charged for the work time above an hour in addition to a mechanical reproduction charge of $ .25 per page. The charge of the hours shall be based upon the hourly salary of the lowest paid employee of the MVAB/MVNH qualified to do the job.

C. Mailing costs calculated at the applicable United States Postal Services rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records.

Source: *Miss. Code Ann.* § 25-61-1, et seq. (Rev. 2009).

Part 103 Chapter 3: Declaratory Opinions

Rule 8.1 Application of Chapter. This chapter sets forth the State Veterans Affairs Board rules governing the form, content, and filing of requests for declaratory opinions, the procedural rights of persons in relation to the written requests, and the Board's procedures regarding the disposition of requests as required by Mississippi Code § 25-43-2.103.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).

Rule 8.2 Scope of Declaratory Opinions. The State Veterans Affairs Board will issue declaratory opinions regarding the applicability to specified facts of:

A. a statute administered or enforceable by the Board,
B. a rule promulgated by the Board, or
C. an order issued by the Board.

Source: Miss. Code Ann.§ 25-43-2.105 (Rev. 2006).

Rule 8.3 Scope of Declaratory Opinion Request. A request must be limited to a single transaction or occurrence.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).

Rule 8.4 How to Submit Requests. When a person with substantial interest, as required by Section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the requestor must submit a printed, typewritten, or legibly handwritten request.

A. Each request must be submitted on 8-1/2" x 11" white paper.
B. The request may be in the form of a letter addressed to the [Agency] or in the form of a pleading as if filed with a court.
C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.
E. Each request must clearly state that it is a request for a declaratory opinion.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).

Rule 8.5 Signature Attestation. Any party who signs the request shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Source: *Miss. Code Ann*.§ 25-43-2.105 (Rev. 2006).

Rule 8.6 Request Content Requirement. Each request must contain the following:

A. A clear identification of the statute, rule, or order at issue;

B. The question for the declaratory opinion;
C. A clear and concise statement of all facts relevant to the question presented;
D. The identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, and telephone number; and
E. A statement sufficient to show that the requestor has a substantial interest in the subject matter of the request.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).

Rule 8.7 Reasons for Refusal of Declaratory Opinion Request. The State Veterans Affairs Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

A. The matter is outside the primary jurisdiction of the Board;
B. Lack of clarity concerning the question presented;
C. There is pending or anticipated litigation, administrative action or anticipated administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
D. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
E. The facts presented in the request are not sufficient to answer the question presented;
F. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
G. The request seeks to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statute, or order on which a declaratory opinion is sought;
H. No controversy exists or is certain to arise which raises a question concerning the application of the statute, rule, or order;
I. The question presented by the request concerns the legal validity of a statute, rule, or order;
J. The request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct;
K. No clear answer is determinable;
L. The question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime;
M. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
N. The question is currently the subject of an Attorney General's opinion request;
O. The question has been answered by an Attorney General's opinion;
P. One or more requestors have standing to seek an Attorney General’s opinion on the proffered question;
Q. A similar request is pending before this agency, or any other agency, or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of

law; or

R. The question involves eligibility for a license, permit, certificate or other approval by the State Veterans Affairs Board or some other agency and there is a statutory or regulatory application process by which eligibility for said license, permit, or certificate or other approval may be determined.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).

Rule 8.8 Agency Response. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the State Veterans Affairs Board shall, in writing:

A. Issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances;

B. Agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request; or

C. Decline to issue a declaratory opinion, stating the reasons for its action.

The forty-five (45) day period shall begin on the first business day after which the request is received by the Board.

Source: *Miss. Code Ann*.§ 25-43-2.105 (Rev. 2006).

Rule 8.9 Availability of Declaratory Opinions and Requests for Opinions. Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name, subject, and date of issue. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: *Miss. Code Ann*. § 25-43-2.105 (Rev. 2006).