



Proposed Amendments to Rules Governing Minnesota Department of Veterans Affairs, Minnesota Veterans Homes, *Minnesota Rules*, Chapter 9050; Revisor's ID Number R-4384.

Docket No. 71-9054-37629

Exhibit L1

Agenda

1. Overview of Minnesota Department of Veterans Affairs (MDVA)
2. History of Minnesota Rules, Chapter 9050 and its purpose
3. Overview of MDVA's proposal for changes to Chapter 9050
4. Summary of comments received and suggested revisions to the proposed rules based on public comments.



MDVA Overview

- **Mission and Vision**

- Serving Minnesota Veterans, their dependents and survivors by connecting them with the federal and state care and benefits they have earned.
- Fulfilling the needs of Minnesota Veterans and their families by providing innovative programs and services to maximize quality of life.

- **How MDVA Serves**

- The MDVA partners with federal, state and local agencies, non-profits, corporations and Veterans Service Organizations to ensure the needs of Minnesota's Veterans and their families are met.
- In FY 2021, Minnesota had 312,843 Veterans.
- 1,500 dedicated employees at the MDVA, approximately 10% percent are Veterans.



MDVA Overview

Organization of MDVA

- **Program and Services**

- Veterans Services - Provide representation to veterans and their dependents who seek benefits from the U.S. Department of Veteran Affairs regarding compensation, nonservice connected pension, vocational rehabilitation or educational benefits; and provide outreach representatives who advocate for veterans through personal case development and tracking of state/federal claims.
- Veterans Programs and Memorial Affairs - Provide dental, disaster relief, financial assistance, homeless veteran prevention and assistance, optical assistance, special needs grants, and cemetery services.
- Education and Employment- Assist veterans and their dependents with obtaining employment and assists in navigating the higher education benefits system.

- **Central Office**

- Support Staff (human resources, legal, finance, communications, audit, facilities management, information technology, and legislation)





- **Health Care**

- Five Veterans Homes (Luverne, Hastings, Minneapolis, Fergus Falls, and Silver Bay)
- Three new Homes planned to be completed in 2023 (Bemidji, Preston, and Montevideo)
- Adult Day Center In Minneapolis



MDVA Overview



-  **Veterans Homes**
Fergus Falls, Hastings, Luverne, Minneapolis & Silver Bay
-  **Future Homes**
Bemidji, Montevideo & Preston
-  **State Cemeteries**
Duluth, Little Falls & Preston
-  **Future Cemetery**
Redwood Falls
-  **Office Locations**
St. Paul (Veterans Service Building Central Office) & Henry Whipple Building Claims Office



MDVA Overview

Minnesota Veterans Homes

- **MVH Fergus Falls**
 - 106 bed skilled nursing facility.
- **MVH Luverne**
 - 85 bed skilled nursing facility that includes a 17-bed memory care unit.
- **MVH Silver Bay**
 - 83 bed skilled nursing facility that includes two memory care households.
- **MVH Minneapolis**
 - 300 bed skilled nursing facility.
- **MVH Hastings**
 - Domiciliary program that provide 195 beds in two locations (Hastings and Minneapolis).



History of Minnesota Rules, Chapter 9050

- **1988:** The MN legislature reorganized and separated the Veterans Homes from MDVA.
 - Veterans Home Board of Directors (Board) was established, 9 members appointed by the Governor.
 - The Board was charged with restructuring the Veterans Homes with the intent to turn them into high quality health care facilities.
 - Veteran focused.
- **1989:** The Board developed Minnesota Rules, Chapter 9050. Initial draft included:
 - Requirements to determine eligibility and admission to a Veterans Homes facility
 - Procedures for discharge,
 - Methods for cost of care calculation,
 - Determine cost to residents for facility services, and
 - Provide notice of admission requirements.
- **2007:** The Board was eliminated, and duties and responsibilities of the Minnesota Veterans Homes were again transferred to MDVA.



Purpose of Proposed Amendments

The proposed rules include:

- New definitions and updates to clarify existing definitions (part **9050.0040**);
- Updates to admission terminology and process (parts **9050.0050** to **9050.0080**);
- Updates to bed hold requirements (part **9050.0150**);
- Updates to the discharge process including the addition of an immediate discharge process (parts **9050.0200** to **9050.0230**);
- Updates and clarifications to resources considered when determining applicant's or resident's ability to pay (parts **9050.0550** to **9050.0600**); and
- New rules for adult day health care program and pharmaceutical services (parts **9050.1080** and **9050.1090**).



MDVA Proposed Amendments

New definitions and updates to existing definitions.

Majority of the changes in the part 9050.0040 definitions are modifying terms for clarity and updating outdated, obsolete, and ineffective terms. Examples:

- Subp. 17a: Added the definition of “Business Days”, replacing “working days” as common terminology used in current healthcare industry standards.
- Subps. 23 & 24: “Chemical Abuse” and “Chemical Dependency Counselor” is updated to replace the repealed legal reference with an updated and current reference under the Department of Health, Minn. Stat. chapter 148F; Alcohol and Drug.
- Subp. 53: “Inappropriate and harmful use” deleted reference to the definition in repealed Minn. R. 9530.4100 and added the definition within the subpart.
- Subp. 109a: “Therapeutic leave” was created to replace the term “personal absence” to reflect the current health care industry terminology.



MDVA Proposed Amendments

Updates to admission terminology and process.

The agency identified needed areas in the sections surrounding admissions that were needing updates to provide clarity and consistency when applying for residency at the Minnesota Veterans Homes facility. Examples:

- 9050.0050 **Persons Eligible for Admission:** Update to specify the eligibility requirements dependent on what classification the individual qualifies as, veteran or nonveteran.
- 9050.0055 **Admission Process, Waiting List, Priority:** Update the process for a person seeking admission to a Minnesota Veterans Homes facility.
 - Proposed amendment is to simplify the waiting list for each facility by removing “active” and “inactive” waiting list and replace it with the “admission waiting list”.
- 9050.0080 **Admission Decision; Notice and Review:** Proposed amendment provides clarification on how to request reconsideration along with the time frame assigned.



MDVA Proposed Amendments

Updates to bed hold requirements.

- 9050.0150, Subp. 4. **Personal Absence:** The proposed amendment identifies compliance with 38 CFR 51, Per Diem for Nursing Home, Domiciliary, or Adult Day Health Care of Veterans in State Homes.
 - The U.S. Department of Veterans Affairs (VA) will pay per diem for each day that the veteran is receiving nursing home care and has an overnight stay at the State home. The VA per diem is not provided if a veteran is absent more than 12 calendar days in a year for reasons other than receiving hospital care.



MDVA Proposed Amendments

Updates to the discharge process.

9050.0200 **Discharge:** Updates to the types of discharge.

- Voluntary – with mutual consent between resident and facility administrator.
- Involuntary – without mutual consent between resident and facility administrator.
- Immediate – is a necessary option for the MDVA and begins when the resident's behavior poses an immediate threat to the health or safety of the resident, other residents, or staff and must be removed to protect those interests.



MDVA Proposed Amendments

Discharge process (cont.)

9050.0220 **Involuntary Discharge Procedure**

- Provided resident additional protection to confirm review by three separate levels in the agency:
 - Utilization Review Committee/Financial/Social Services
 - Administrator of the home
 - Neutral administrator
- Additional procedural protection by making the reconsideration hearing mandatory before discharge.
 - A neutral administrator will review each Notice of Discharge and the supporting documentation before a discharge can proceed
 - Resident's right to appeal to the Office of Administrative Hearings is still available
- Immediate discharge
 - Involuntary discharge created to correctly identify a procedure when there is an immediate threat to the health and safety of the resident, other residents, or staff



MDVA Proposed Amendments

Updates to resources considered.

- **9050.0500 Maintenance Charge; Resources Considered:**

- This part provides the general nature of property or resources considered in determining an applicant's or resident's ability to pay the maintenance charge.
- Proposed amendments are needed to provide notice to applicants and residents of what is considered available for payment of the maintenance charge and how the resource will be calculated and who it applies to.

- **9050.0600 Property Limitations:**

- This part establishes the general treatment of property when determining the maintenance charge while being a resident at the Veterans Home. Only property in which the person has an actual interest and is available or can be made available is considered.
- Adding a defined value on the interest allows for clarity to an applicant or resident.



MDVA Proposed Amendments

New rule parts added to chapter 9050.

- **9050.1080 Adult Day Health Care Program:**
 - New part 9050.1080 establishes the applicability and eligibility requirements for the adult day health care program.
- **9050.1090 Veterans Affairs Pharmaceutical Services:**
 - New part establishes the applicability and eligibility requirements for operation of the pharmacy program for facility residents.



Suggested Revisions to Proposed Amendments

- 9050.0040 **DEFINITIONS.**

Subp. 26b. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Veterans Affairs ~~or another department employee who has delegated authority from the commissioner.~~

- 9050.0050 **PERSONS ELIGIBLE FOR ADMISSION.**

Subp. 3a. **Residency.** For purposes of determining residency ~~under Minnesota Statutes, section 198.022, paragraphs (2) and (3),~~ a person is a permanent resident of Minnesota if:

- A. the person physically resides ~~currently resides in Minnesota and intends to reside in the state permanently~~ rents, owns, maintains, or occupies a residence in Minnesota suitable for year round use for at least 90 days prior to application to a veterans home operated by the commissioner; and
- B. the person does not rent, own ~~or~~, maintain, or occupy a home in another state.



Suggested Revisions to Proposed Amendments

9050.0600 PROPERTY LIMITATIONS.

Subpart 1.A. If real or personal property is jointly owned by two or more persons, the facility financial staff shall assume that each person owns an equal share. When the owners document greater or smaller ownership, the facility financial staff shall use that greater or smaller share to determine the equity value held by or on behalf of an applicant or resident. Other types of ownership, such as a life estate, must be evaluated ~~according to law~~ using the [Internal Revenue Service actuarial tables under Section 7520 of the Internal Revenue Code pertaining to life estates table in the Department of Human Services Minnesota Health Care Programs Eligibility Policy Manual](#). ~~Ownership of any property in joint tenancy shall be treated as ownership as tenants in common for purposes of its designation as available or excluded property.~~



Thank you

