

Date of Hearing: April 2, 2013

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS  
Al Muratsuchi, Chair  
AB 614 (Chávez) – As Introduced: February 20, 2013

SUBJECT: Veterans' homes of California: priority admission

SUMMARY: Gives priority admission to the California Veterans Homes to certain people, as specified. Specifically, this bill:

- 1) Leaves the existing admissions priority system in place until January 1, 2014.
- 2) On and after January 2014, grants priority admission as follows:
  - a) First, to veterans who are recipients of the Medal of Honor or who were POWs.
  - b) Second, to veterans whose financial status makes them unable to pay for necessary hospital or domiciliary care.
  - c) Third, to veterans who served during a time of war.

EXISTING LAW: Provides that:

- 1) Except as provided in Military and Veterans Code section 1012.4, the home is for aged and disabled persons who served in the Armed Forces of the United States of America who:
  - a) Were discharged or released from active duty under honorable conditions from service,
  - b) Are eligible for hospitalization or domiciliary care in a veterans' facility in accordance with the rules and regulations of the United States Department of Veterans Affairs, and
  - c) Are bona fide residents of California at the time of application;
- 2) Spouses of eligible veterans are also able to live in the Homes if all of the following conditions, as are applicable, are satisfied:
  - a) Space is available.
  - b) Joint residency will be in the best interests of the home member, as determined by the administrator.
  - c) The spouse is a bona fide resident of this state at the time of application for admission to the home and either is married to, and has resided with, the home member for at least one year, or is the widow or widower of a recipient of the Medal of Honor or a former prisoner of war (POW).
  - d) The home member and spouse agree to pay the fees and charges for joint residency, or for a widow or widower, for the residency, that the administrator may establish.
- 3) Veterans who qualify for benefits under this chapter due to service during a time of war shall be given priority over veterans who qualify due to service during a time of peace.
- 4) Veterans who qualify for benefits under this chapter who are recipients of the Medal of Honor or who were prisoners of war (POWs) shall be given priority over all other qualified veterans, regardless of the level of care required.
- 5) Prior to the admission of a veteran as a member of the home, and at any time during which a veteran is a member of the home, the department may investigate the veterans' financial status to insure that the veteran is unable to pay for necessary hospital or domiciliary care outside of the home. The department may contract with any other state agency to conduct such an investigation in its behalf.

Furthermore, existing regulations state (all references are to the California Code of Regulations, Title 12)

(a) The Veterans Home shall admit veterans on a first come, first served basis subject to the limitations or requirements of Sections 980 and 1012 of the Military and Veterans Code.

(b) The Veterans Home shall evaluate requests for an urgent or priority admission date with special emphasis to be unbiased with respect to the state veteran population breakdown (in terms of ethnicity and geographic location), and to take into account age as well as socioeconomic needs. An urgent or priority admission is defined as an admission granted as an exception to the Veterans Home waiting list as described in Section 502.2. The Veterans Home shall review each application for an urgent or priority admission for the following factors:

(1) Social, economic hardship, age, and disability needs. Examples of social factors are the veteran's: a. ability to handle living together in a group situation; b. ability to get along well with others; c. willingness to accept counseling services; d. needs for companionship.

The economic factors considered are whether a hardship exists for the veteran living outside the Home that could be eliminated by Home membership or whether the cost of the veteran's health care outside the Home is greater. For example, with all other factors being equal, a homeless veteran's request for urgent admission shall receive the higher preference. (Emphasis added.)

Section 1012 of the Military and Veterans Code states that the Home is for aged and disabled persons who served in the armed forces of the United States, therefore in considering requests for an urgent or priority admission date, with all other factors being equal, the older veterans (age 62 and higher) shall receive the higher preference.

With respect to a veteran's disability, the Veterans Home shall evaluate whether the Home has the proper facilities to service the veteran's disability needs.

(2) Geographic, to assure no inequity between the southern and northern part of the State.

(3) Ethnicity, to assure no inequity in relationship to the ethnic breakdown of California veterans population. Therefore, with all other factors being equal, the Veterans Home shall give the higher preference to the ethnic group that is under represented based on historical admission statistics.

(4) Distinguished record and medal awards. With all other factors being equal, the Veterans Home shall grant an urgent or priority admission first to the veteran with a distinguished record or medal award and second to all other veterans.

(5) Readmission. If the veteran is applying for readmission, then the Veterans Home shall review the veteran's past record at the Home to make sure that there are no problems that must be resolved prior to readmission (e.g. delinquent monetary fees or charges owed by the veteran to the Home).

FISCAL EFFECT: Unknown at this time.

COMMENTS: Under the current system, the ability to pay of applicants for admission to the home is supposed to be considered under regulations as is the status of being homeless "... with all other factors being equal, a homeless veteran's request for urgent admission shall receive the higher preference." In addition, the current system ranks applicants to the home thus:

1. Medal of Honor Recipients
2. POWs
3. Veterans who served during "wartime"
4. Veterans spouses

However, according to the author:

Current law states that before a veteran is admitted to a veteran home the department may investigate the veterans' financial status to insure that the veteran is unable to pay for necessary hospital or domiciliary care outside of the home. This investigation is not common practice in most veteran homes.

The author proposes to amend the bill's current form in committee to leave the current statutory framework in place but to make a change to Military and Veteran Code section 1012.1 to require an investigation of the veteran's financial status prior to admission:

MVC 1012.1: (a) Prior to the admission of a veteran as a member of the home, ~~and at any time during which a veteran is a member of the home,~~ the department ~~may~~ shall investigate the veterans' financial status to insure that the veteran is unable to pay for necessary hospital or domiciliary care outside of the home.

(b) The department may at any time during which a veteran is a member of the home investigate the veterans' financial status to insure that the veteran is unable to pay for the necessary hospital or domiciliary care outside of the home.

(c) The Department may promulgate and maintain regulation to implement this section and may also ~~The department may~~ contract with any other state agency to conduct such an investigation in its behalf.

This change makes the determination of the financial status of the applicant at admission mandatory, which addresses the concern that such investigations are not routinely done. It also ensures that the financial status of applicants is properly investigated and informing their ranking for admission under the current regulations.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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