



House of Representatives

File No. 901

General Assembly

January Session, 2015

(Reprint of File No. 287)

Substitute House Bill No. 6855
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 27, 2015

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE REGARDING RESIDENTIAL SERVICES AT THE
VETERANS' HOME.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 27-102l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) There shall be a Department of Veterans' Affairs. The Veterans'
4 Home shall be within the department and shall be located in Rocky
5 Hill. The department head shall be the Commissioner of Veterans'
6 Affairs, who shall be appointed by the Governor in accordance with
7 the provisions of sections 4-5 to 4-8, inclusive, with the powers and
8 duties prescribed therein.

9 (b) The commissioner may appoint a unit head to administer a
10 veterans' advocacy and assistance unit for the aid and benefit of
11 veterans, their spouses and eligible dependents and family members.
12 Such unit shall conduct an annual training course for any city or town
13 employee designated a veterans' service contact person pursuant to

14 subsection (b) of section 27-135. The unit shall have a staff of not less
15 than eight men and women, including six service officers, and clerical
16 personnel. The unit head and the service officers shall be veterans, as
17 defined in section 27-103, or veterans who were awarded the armed
18 forces expeditionary medal for service by the armed forces. At least
19 one of the service officers shall be a woman having a demonstrated
20 interest in the concerns of women veterans, who shall be responsible
21 for addressing those concerns, and, effective upon the next opening of
22 a service officer position occurring on or after July 1, 2010, at least two
23 of the service officers shall be individuals having bilingual proficiency
24 in English and Spanish, within existing authorized positions. Each
25 service officer shall successfully complete a course in veterans' benefits
26 within one year of commencement of employment and shall be
27 assigned to one of the five congressional districts of the state.

28 (c) In addition to the powers and duties prescribed under section 4-
29 8, the commissioner shall have the following powers and duties:

30 (1) To prepare studies and collect information concerning facilities
31 and services available to members of the armed forces, veterans, their
32 spouses or eligible dependents, including facilities and services for
33 veterans who may have been exposed to a Vietnam herbicide during
34 their periods of military service;

35 (2) To conduct interviews in the nursing homes or hospitals
36 throughout the state to determine the number of veterans admitted
37 and ascertaining which benefits such veterans are currently receiving
38 and are entitled to receive;

39 (3) To cooperate with service agencies and organizations
40 throughout the state in disseminating and furnishing counsel and
41 assistance of benefit to residents of this state who are or have been
42 members of the armed forces, their spouses or eligible dependents,
43 which will indicate the availability of: (A) Educational training and
44 retraining facilities; (B) health, medical, rehabilitation and housing
45 services and facilities; (C) employment and reemployment services; (D)

46 provisions of federal, state and local laws affording financial rights,
47 privileges and benefits; and (E) other matters of similar nature;

48 (4) To assist veterans, their spouses and eligible dependents and
49 family members in the preparation, presentation, proof and
50 establishment of such claims, privileges, rights and other benefits
51 accruing to them under federal, state and local laws;

52 (5) To cooperate with all national, state and local governmental and
53 private agencies securing or offering services or any benefits to
54 veterans, their spouses or dependents;

55 (6) To develop and prepare a long-range plan and mission statement
56 for the Veterans' Home and the veterans' advocacy and assistance unit;
57 [and]

58 (7) To review all appeals made by veterans, their spouses or eligible
59 dependents or family members and render the final decision thereon
60 regarding the denial of admission to any program or the refusal to
61 render any service or benefit which is administered by the Department
62 of Veterans' Affairs, the discharge or transfer from any such program
63 or any disciplinary action taken while participating in any such
64 program; and

65 (8) If the Veterans' Home closes or ceases to provide housing to
66 veterans, to provide or arrange for housing to any veteran residing at
67 the home or the health care facility within the home on the date of such
68 closure or on the date the Veterans' Home ceases to provide housing to
69 veterans.

70 (d) The commissioner shall adopt, in accordance with the provisions
71 of chapter 54, and enforce, such regulations and procedures for the
72 operation, administration and management of the department and all
73 programs and services under the jurisdiction of the department,
74 including, but not limited to, procedures relating to admission and
75 discharge or transfer of veterans in the Veterans' Home, a per diem fee
76 schedule for programs, services and benefits provided by the Veterans'

77 Home, and the participation of eligible family members in programs or
78 services provided by the home.

79 Sec. 2. (*Effective from passage*) Not later than February 1, 2016, the
80 Commissioner of Veterans' Affairs shall submit, to the joint standing
81 committee of the General Assembly having cognizance of matters
82 relating to veterans' affairs and to the Legislative Program Review and
83 Investigations Committee, a report containing (1) a plan for providing
84 transitional housing and permanent supportive housing to veterans at
85 the Veterans' Home or other location as determined by the Department
86 of Veterans' Affairs; (2) a plan regarding on-campus work programs
87 for residents; and (3) an assessment of the feasibility of the
88 recommendations approved by the Legislative Program Review and
89 Investigations Committee, dated December 19, 2014, relating to: (A)
90 Appropriate staffing for such transitional housing and permanent
91 supportive housing; (B) housing needs and preferences assessment of
92 residents of the Veterans' Home and new applicants to the Veterans'
93 Home; (C) admission of persons with psychiatric history; (D) provision
94 of semiprivate or private rooms to residents; (E) residential care fees;
95 (F) provision of life and vocational skills classes for residents; (G)
96 recruitment of volunteers and efforts to encourage residents to
97 volunteer in the community; (H) safety and security rules and
98 procedures for residents; (I) procedures for addressing rule violations
99 by residents; (J) providing transitional housing that facilitates
100 successful discharge to independent living and encourages personal
101 responsibility; (K) providing permanent supportive housing that
102 recognizes long-term stays and encourages independence; (L)
103 improvement of substance use treatment services; and (M) the care of
104 residents of the Veterans' Home who are aging in place.

105 Sec. 3. Section 27-106 of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective July 1, 2015*):

107 (a) The commissioner shall adopt and enforce such rules as may be
108 necessary to ensure order, enforce discipline and preserve the health
109 and ensure the comfort of the [patients] residents in the Veterans'

110 Home, and shall discipline or dismiss any officer or [patient] resident
111 of the home who disobeys or infringes upon such rules. The
112 commissioner shall appoint, subject to the provisions of chapter 67,
113 such officers and employees as are necessary for the administration of
114 the affairs of the home, shall prescribe the relative rank, if any, of such
115 officers and employees, and shall commission each such officer, who
116 shall wear such uniform, if any, as is prescribed by the commissioner.

117 (b) The chief fiscal officer shall submit a semiannual plain language
118 report to each resident of the Veterans' Home detailing the manner in
119 which the institutional general welfare fund was used over the
120 previous six months to directly benefit veterans or the Veterans' Home.
121 Such report shall include a prominently displayed statement
122 encouraging residents to submit suggestions for projects to be funded
123 by the institutional general welfare fund and shall include a form for
124 such submissions.

125 ~~[(b)]~~ (c) The chief fiscal officer shall submit an itemized list of
126 expenditures made from the institutional general welfare fund to the
127 commissioner at intervals not greater than two months. Such list shall
128 include all such expenditures made during the two-month period
129 preceding its submission. Notwithstanding the provisions of section 4-
130 56, the commissioner shall prescribe procedures to limit and specify
131 the uses for which expenditures may be made from the institutional
132 general welfare fund so that only expenditures which, in the opinion of
133 the commissioner and the board of trustees for the department
134 appointed pursuant to section 27-102n, as amended by this act, directly
135 benefit veterans or the Veterans' Home are permitted.

136 ~~[(c)]~~ (d) In addition to the estimate of expenditure requirements
137 required under section 4-77, the commissioner shall submit an
138 accounting of all planned expenditures for the next fiscal year from the
139 institutional general welfare fund to the joint standing committee of
140 the General Assembly having cognizance of matters relating to
141 appropriations and the budgets of state agencies at the time such
142 estimate is submitted.

143 Sec. 4. Section 27-102n of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective July 1, 2015*):

145 (a) There shall be a Board of Trustees for the Department of
146 Veterans' Affairs. [The] On and after July 1, 2015, the board shall be
147 comprised of [the commissioner and sixteen] eighteen voting members
148 who by education or experience shall be qualified in health care,
149 business management, social services or law and who shall have a
150 demonstrated interest in the concerns of veterans. A majority of the
151 members of the board shall be veterans, including veterans of armed
152 conflicts authorized by the President of the United States. [Members]
153 The members shall include (1) two residents of the Veterans' Home,
154 one of whom shall be the president of the home's veterans' council and
155 one of whom shall be the president of the home's health care facility
156 council, and (2) sixteen members appointed in accordance with
157 subsection (b) of this section.

158 (b) Sixteen members shall be appointed as follows: (1) Ten by the
159 Governor, who shall serve at the pleasure of the Governor, [and one
160 member] and (2) one each by the president pro tempore of the Senate,
161 the speaker of the House of Representatives, the majority leader of the
162 Senate, the majority leader of the House of Representatives, the
163 minority leader of the Senate and the minority leader of the House of
164 Representatives, whose terms shall be coterminous with the term of
165 the appointing authority. Any vacancy on the board shall be filled by
166 the appointing authority in the same manner as the original
167 appointment, for the unexpired portion of the term. Members shall be
168 sworn to the faithful performance of their duties. They shall receive no
169 compensation for their services but shall be reimbursed for their
170 reasonable expenses in the performance of their duties.

171 (c) The Commissioner of Veterans' Affairs, or the commissioner's
172 designee, shall serve as a nonvoting, ex-officio member of the board
173 and shall attend the meetings of the board.

174 [(b)] (d) The Governor shall appoint a chairperson from among the

175 membership of the board. The board shall meet at least quarterly and
176 upon the call of the commissioner, the chairperson or a majority of the
177 board members. A majority of the members shall constitute a quorum.
178 On and after January 1, 2016, any board member, except the
179 Commissioner of Veterans' Affairs, absent from (1) three consecutive
180 meetings of the board, or (2) fifty per cent of such meetings during any
181 calendar year shall be deemed to have resigned from the board,
182 effective immediately.

183 [(c)] (e) The board shall advise and assist the commissioner in the
184 operation of the Veterans' Home, the veterans' advocacy and assistance
185 unit, the administration, expansion or modification of existing
186 programs and services of the department and the development of new
187 programs and services.

188 [(d)] (f) The board shall (1) review and approve any regulations
189 prior to adoption by the commissioner concerning: [(1)] (A) Procedures
190 relating to admission and discharge or transfer of veterans in the
191 home; [(2)] (B) a per diem fee schedule for programs, services and
192 benefits provided therein; and [(3)] (C) the participation of eligible
193 family members in programs or services provided by the home, and
194 (2) review and comment on (A) the budget for the Department of
195 Veterans' Affairs; and (B) major policies relating to the Veterans'
196 Home.

197 (g) The Commissioner of Veterans' Affairs shall provide the board
198 with information necessary for the board to monitor the performance
199 of the Department of Veterans' Affairs. Such information shall be
200 provided to the board in a timely manner and shall include, but not be
201 limited to, (1) the department's budget for each fiscal year; (2)
202 quarterly reports on the department's actual revenue and expenditures
203 for the preceding four months; (3) quarterly reports on the staffing
204 levels at the Veterans' Home, including direct care staffing at the
205 health care facility within the Veterans' Home and case manager to
206 resident ratios, for the preceding four months; (4) facilities and fleet
207 management, including current projects and planned projects; (5)

208 quarterly summaries of applications for admission to, departures from
209 and occupancy rates at the home for the preceding four months; (6)
210 program performance, including programs for employment assistance
211 and assistance to veteran residents interested in securing housing
212 outside of the Veterans' Home; (7) results of annual resident
213 satisfaction surveys conducted by the department; (8) quarterly reports
214 summarizing incident rates at the health care facility within the
215 Veterans' Home for the preceding four months; (9) reports on the
216 number of rules violations against residents of the Veterans' Home and
217 penalties issued therefor; (10) performance reports on programs
218 operated by the Office of Advocacy and Assistance within the
219 Department of Veterans' Affairs; (11) annual customer satisfaction
220 reports from veterans who request assistance from such office; (12)
221 caseload figures for veterans' service officers; (13) results of any federal
222 and state inspections; and (14) quarterly reports summarizing by type,
223 frequency and resolution, concerns raised by residents of the Veterans'
224 Home, petitions and complaints filed by residents of the Veterans'
225 Home and relatives or authorized representatives of such residents
226 received by the commissioner under subsection (d) of section 27-102l-
227 54 of the regulations of Connecticut state agencies for the four
228 preceding months and copies of any such petitions and complaints.

229 (h) All board meeting notices, minutes and reports bearing a date of
230 January 1, 2012, or later shall be posted in a conspicuous place on the
231 department's Internet web site. Minutes from board meetings held on
232 or after the effective date of this section shall be posted to such Internet
233 web site not later than seven days after each such meeting is held. If
234 applicable, minutes shall contain a statement that such minutes are
235 considered draft minutes until approved by the board.

236 [(e) The] (i) Not later than February fifteenth of each year, the board
237 shall submit an annual report to the Governor [,] and the joint standing
238 [committees] committee of the General Assembly having cognizance of
239 matters relating to [public safety,] veterans' and military affairs, in
240 accordance with the provisions of section 11-4a, on its activities [with
241 its] during the previous calendar year, progress in fulfilling its mission

242 based on programmatic outcomes and recommendations, if any, for
243 improving the delivery of services to veterans and the addition of new
244 programs.

245 Sec. 5. Subsection (d) of section 27-102l of the general statutes is
246 repealed and the following is substituted in lieu thereof (*Effective July*
247 *1, 2015*):

248 (d) The commissioner shall adopt, in accordance with the provisions
249 of chapter 54, and enforce, such regulations and procedures for the
250 operation, administration and management of the department and all
251 programs and services under the jurisdiction of the department,
252 including, but not limited to, procedures relating to admission and
253 discharge or transfer of veterans in the Veterans' Home, a per diem fee
254 schedule for programs, services and benefits provided by the Veterans'
255 Home, and the participation of eligible family members in programs or
256 services provided by the home. The commissioner shall amend such
257 regulations as necessary, in accordance with the provisions of chapter
258 54, to allow residents of the Veterans' Home and relatives or
259 authorized representatives of such residents to file a written complaint
260 regarding policies, procedures and administrative decisions of said
261 home. Such amended regulations shall include a procedure for filing
262 such complaints, including deadlines by which complaints must be
263 received, investigated and acted upon. The commissioner shall submit
264 proposed regulations for public comment pursuant to section 4-168 not
265 later than ninety days after the effective date of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	27-102l
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2015</i>	27-106
Sec. 4	<i>July 1, 2015</i>	27-102n
Sec. 5	<i>July 1, 2015</i>	27-102l(d)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Vet. Affairs, Dept.	GF - Potential Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill adds several duties to the Commissioner of the Department of Veterans' Affairs (DVA) which may result in a cost to DVA if the veterans' home closes.

The bill also requires DVA to report on implementing the Program Review and Investigations committee recommendations and provides more oversight to the DVA board of trustees which does not result in a fiscal impact.

House "A" struck the underlying bill and its associated fiscal impact. The substitute language results in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the closing of the veterans' home.

OLR Bill Analysis**sHB 6855 (as amended by House "A")******AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE REGARDING RESIDENTIAL SERVICES AT THE VETERANS' HOME.*****SUMMARY:**

This bill gives the Department of Veterans' Affairs (DVA) Board of Trustees more oversight over the department. It requires (1) the DVA commissioner to give certain information to the board so it can monitor DVA's performance and (2) the board to review and comment on the DVA budget and major policies relating to the Veterans' Home.

The bill increases the voting membership of DVA's Board of Trustees by adding two Veterans' Home residents as voting members and changing the DVA commissioner's status from a voting member to a nonvoting ex-officio member, thus increasing the number of voting members from 17 to 18. It also adds certain board appointment and resignation conditions.

It requires: (1) the DVA commissioner to report to the legislature, by February 1, 2016, a plan for, among other things, providing transitional and permanent housing and an assessment of the feasibility of implementing the Program Review and Investigations Committee's (PRI) recommendations regarding Veterans' Home's operation and (2) the chief fiscal officer (CFO) to semiannually submit a report to each Veterans' Home resident on how the institutional general welfare fund was used in the previous six months.

The bill requires the DVA commissioner to provide or arrange housing to any veteran residing at the Veterans' Home or its health care facility on the date it closes or ceases to provide housing.

Under the bill, the DVA commissioner must amend regulations as necessary to allow Veterans' Home residents, their relatives, or authorized representatives, to file a written complaint concerning the home's policies, procedures, and administrative decisions. The regulations must include a procedure for filing such complaints, including deadlines by which complaints must be received, investigated, and acted upon. The commissioner must submit the proposed regulations in accordance with the Uniform Administrative Procedure Act for public comment by September 29, 2015.

*House Amendment "A" (1) changes the DVA commissioner's status on the board from a voting member to a nonvoting ex-officio member; (2) changes board member composition requirements; (3) delays the DVA report to the legislature from January 1, 2016 to February 1, 2016 and requires DVA to assess the feasibility of implementing PRI's recommendations instead of preparing a plan to implement them; (4) changes the information the DVA commissioner must provide the board; (5) requires DVA to adopt regulations to receive complaints; and (6) makes other minor and technical changes.

EFFECTIVE DATE: July 1, 2015, except on passage for the DVA (1) housing requirement and (2) reporting provisions.

DVA BOARD OF TRUSTEE OVERSIGHT

The bill requires the DVA commissioner to provide the board with information necessary for it to monitor the department's performance. The information must be provided in a timely manner and include:

1. DVA's budget each fiscal year;
2. quarterly reports for the preceding four months (a) on DVA's actual revenue and expenditures; (b) on the staffing levels at the Veterans' Home, including direct care staffing at the health care facilities and case manager to resident ratios; and (c) summarizing incident rates at the health care facility within the Veterans' Home;

3. facilities and fleet management, including current and planned projects;
4. quarterly summaries of applications for admission to, departures from, and occupancy rates at the home for the preceding four months;
5. program performance, including programs for employment assistance and assistance to veteran residents interested in securing housing outside the Veterans' Home;
6. results of annual DVA-conducted resident satisfaction surveys;
7. reports on the number of rules violations against Veterans' Home residents and the penalties issued;
8. performance reports on programs operated by DVA's Office of Advocacy and Assistance and annual customer satisfaction reports from veterans who request assistance from the office;
9. caseload figures for veterans' service officers;
10. any federal and state inspection results; and
11. quarterly reports summarizing (a) by type, frequency, and resolution, concerns raised by Veterans' Home residents and (b) petitions and complaints filed by Veterans' Home residents and their relatives or authorized representatives the commissioner received for the four preceding months; and
12. copies of such petitions and complaints.

DVA BOARD OF TRUSTEES

Membership

The bill increases the voting membership of DVA's Board of Trustees from 17 to 18. It does so by adding two Veterans' Home residents as voting members and changing the DVA commissioner's, or his designee's, status as a voting member to a nonvoting ex-officio

member who must attend board meetings. The two new members must be the respective presidents of the home's veterans' council and home's health care facility council.

Appointments. Under current law, the board has 16 appointed members, with the governor appointing 10 and the six legislative leaders each appointing one. By law, a majority of the board members must be veterans.

The bill also specifies that any vacancy on the board is filled by the appointing authority in the same manner as the original appointment, for the unexpired portion of the term.

Under the bill, the governor appoints a chairperson for the board. Current law requires the board to meet at least quarterly or upon the DVA commissioner's call. The bill also allows the chairperson or a majority of the board members to call a meeting.

Resignations. On and after January 1, 2016, any board member, except the DVA commissioner, is deemed to have resigned, effective immediately, from the board, if he or she is absent from (1) three consecutive board meetings or (2) 50% of the meetings in a calendar year.

Board Notices. Under the bill, all board meeting notices, minutes, and reports with a date of January 1, 2012 or later must be posted on DVA's website in a conspicuous location. The board meeting minutes held on or after July 1, 2015 must be posted on DVA's website within seven days after the meeting is held. If applicable, the minutes must contain a statement that such minutes are considered draft minutes until the board approves them.

REPORTING REQUIREMENTS

Board of Trustees

Current law requires the DVA board to annually submit a report to the governor and the Public Safety and Security and Veterans' Affairs committees on its activities and recommendations for improving the

delivery of services to veterans and the addition of new programs.

The bill requires the report to (1) be submitted before February 15 each year and (2) include information on the progress in fulfilling DVA's mission based on programmatic outcomes. It eliminates the requirement that the report be sent to the Public Safety and Security Committee and specifies the activities being reported are from the previous calendar year.

Legislative Report

The bill requires the DVA commissioner to submit, by February 1, 2016, a report to the Veterans' Affairs and PRI committees. The report must include a plan (1) for providing transitional housing and permanent supportive housing to veterans at the Veterans' Home or other department-determined locations and (2) regarding on-campus work programs for residents.

The report must also include an assessment of the feasibility of the recommendations the PRI Committee approved on December 19, 2014 relating to:

1. appropriate staffing for such transitional housing and permanent supportive housing,
2. Veterans' Home residents and new applicants' housing needs and preferences assessment,
3. admission of people with a psychiatric history,
4. providing semiprivate or private rooms to residents,
5. residential care fees,
6. providing life and vocational skills classes for residents,
7. recruiting volunteers and efforts to encourage residents to volunteer in the community,

8. safety and security rules and procedures for residents,
9. procedures for addressing rule violations by residents,
10. providing transitional housing that facilitates residents' successful discharge to independent living and encourages personal responsibility,
11. providing permanent supportive housing that recognizes long-term stays and encourages independence,
12. improvement of substance use treatment services, and
13. the care of Veterans' Home residents who are aging in place.

Chief Fiscal Officer Report

The bill requires the DVA CFO to semiannually submit a plain language report to each Veterans' Home resident detailing how the institutional general welfare fund was used in the previous six months to directly benefit veterans or the home. The report must include a (1) prominently displayed statement encouraging residents to submit suggestions for projects the fund may support and (2) submission form.

By law, the CFO must submit an itemized list of expenditures from the institutional general welfare fund to the commissioner at least every two months.

BACKGROUND

Veterans' Home

The Connecticut State Veterans' Home provides domiciliary and 24-hour nursing care to eligible veterans. Domiciliary care consists of shelter, food, and some social services.

Most domiciliary care residents live in the main residential facility. Others participate in a residential substance use treatment program with separate housing, live somewhat independently in campus apartments for a short time, or reside in one of several single-family

houses across the street from the main home campus. The nursing care residents live in a separate health care facility.

The Home accounted for 97% of DVA's total budget in FY 14, with a total cost of nearly \$28 million.

COMMITTEE ACTION

Program Review and Investigations Committee

Joint Favorable Substitute

Yea 9 Nay 0 (03/13/2015)

Veterans' Affairs Committee

Joint Favorable

Yea 15 Nay 0 (04/29/2015)