

**CHAPTER 5**

**NEW JERSEY VETERANS' FACILITIES**

**Authority**

P.L. 1988, c.444; N.J.S.A. 38A:3-2.2, 38A:3-2b, 38A:3-6.4, 38A:3-6.5, 38A:3-6.6, 38A:3-6.8, 38A:3-6.9 and 38A:3-6.12.

**Source and Effective Date**

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See: 24 N.J.R. 2499(b), 24 N.J.R. 3311(a).

**Executive Order No. 66(1978) Expiration Date**

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**5A:5-1.1 Purpose**

The purpose of this chapter is to establish requirements for eligibility for admission, pre-admission screening, admission review and implementation, computation of the care maintenance fee for New Jersey veterans' facilities, and the basis for discharge or transfer from such facilities.

**SUBCHAPTER 2. ELIGIBILITY CRITERIA**

**5A:5-2.1 Definitions**

The words and terms, as used in this chapter, shall have the following meanings. All other words shall be given their ordinary meaning unless the content of their use clearly indicates otherwise.

"Accountable assets" means any item that has a determined value and is owned solely by the applicant or spouse, or owned jointly with spouse or others and must be spent down or liquidated and used toward payment of the resident's care and maintenance.

"Admission" means the procedure for entering one of the New Jersey veterans' memorial facilities.

"Aid and attendance" means supplemental income provided by the U.S. Department of Veterans' Affairs for extended care services.

"Allowable deductions" means those approved items which will be subtracted from the gross income when calculating admission eligibility.

"Asset determination" means an investigation and evaluation of the financial circumstances of a person applying for admission to a New Jersey veterans' memorial facility.

"Care and Maintenance" means the actual cost of services for an individual in one of the veterans' facilities.

"Community spouse" means the married spouse of the individual who is residing in a veterans' facility.

"Conservatorship" means the appointment of a person by the court to manage the financial affairs of a conservatee. A "conservatee" is one who has not been judicially declared incompetent, but who by reason of advanced age, illness, or physical infirmity, is unable to care for or manage his or her property or who has become unable to provide for himself or herself or others dependent upon him or her for support.

"Dependent" means a child of the Veteran Home Resident who is under the age of 21 or a child of any age who is blind or totally and permanently disabled. In the event that the child does not have a determination from the Social Security Administration of blindness or disability, the blindness or disability shall be evaluated by the Disability Review Section of the Division of Medical Assistance and Health Services in accordance with the provisions of N.J.A.C. 10:71-3.13.

"Durable power of attorney" means a designation and appointment of another in writing conveying specific powers to that attorney in fact and showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive.

"Eligible others" are as follows:

1. "Spouse" means the person married to an individual who has been honorably discharged from the active military of the United States, provided that the spouse is not less than 50 years of age, has been married to such person for a period of not less than 10 years, and meets the New Jersey residency requirement as described in paragraph 1 of the definition of "veteran" below.

2. "Surviving spouse" means the widow or widower of a person who died an honorable death while in the active military service of the United States, or who was a disabled veteran at the time of death, provided that the surviving spouse was the person's spouse at the time of the person's service or was married to the person not less than 10 years prior to the date of application and has not married since the person's death, and provided that the surviving spouse has been a resident of New Jersey for at least two years prior to the date of application.

3. "Parent" means the mother or father of a person who was a resident of New Jersey at the time of service entry, and who died an honorable death in time of war or emergency while in the active military service of the United States, provided that the parent has been a resident of New Jersey for at least two years prior to the date of application.

"Guardian" means a person who has been entrusted as the legal representative of one who has been adjudicated incompetent by a court of law and requires a legal representative to act on their behalf for all matters.

"Guardianship" means the process by which an individual is appointed the legal representative of another person who has been adjudicated incompetent by a court of law and requires a legal representative to act on their behalf for all matters.

"Income" means all revenue received by resident for a given period. Includes funds received for labor or services, social security, pensions, aid and attendance, rental of property, the proceeds of business or enterprises and investments.

"Medically needy applicants" means those individuals who cannot be maintained in the community because of the need for additional support and care to meet their physical, medical and psychosocial needs.

"Needy veteran" means an individual who is without sufficient financial ability to provide for their support and necessary care in the community.

"Net income" means the total gross income received, minus allowable deductions.

"New resident" means those individuals admitted after September 21, 1992.

"Non-accountable assets" means those items of determined value that are owned solely by the applicant or spouse, or owned jointly with spouse or others and will not be spent down or liquidated and used toward payment of resident's care and maintenance. The following are considered non-accountable assets:

1. The primary residence and any appurtenance thereto;
2. All of the household effects therein; and
3. An automobile if there is a community spouse.

"Personal needs account" means an account maintained at the veterans' facility for deposit of the personal funds of the resident and which will be considered part of the accountable assets.

"Personal needs allowance" means a set amount received by a resident for individual use and spending.

1. A resident whose source of monthly income exceeds \$100.00 will retain a minimum of \$100.00 for personal needs.
2. A resident whose source of monthly income does not exceed \$100.00 will retain all of their monthly income.
3. A resident who has no source of funds will be provided a monthly allowance for personal needs of \$50.00.

"Representative Payor" means a designated person or institution responsible for the payment of the resident's financial obligations.

"Resident" or "veterans' facility resident" means an individual residing in a New Jersey veterans' memorial facility.

"Resident fee" means the monthly charges billed by the veterans' facility to the resident for their cost of care and maintenance.