

## CHAPTER 5

### NEW JERSEY VETERANS' FACILITIES

#### Authority

N.J.S.A. 38A:3-2.2, 2b, 6(o), 6.4, 6.5, 6.6, 6.8, 6.9 and 6.12;  
and P.L. 1988, c. 444.

#### Source and Effective Date

R.2008 d.298, effective September 11, 2008.  
See: 40 N.J.R. 3782(a), 40 N.J.R. 5580(a).

#### Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 5, New Jersey Veterans' Facilities, expires on September 11, 2015. See: 43 N.J.R. 1203(a).

#### Chapter Historical Note

Chapter 5, New Jersey Veterans' Facilities, was adopted as R.1992 d.372, effective September 21, 1992. See: 24 N.J.R. 2499(b), 24 N.J.R. 3311(a). The expiration date of Chapter 5, New Jersey Veterans' Facilities, was extended by gubernatorial directive from September 21, 1997 to February 27, 1998. See: 29 N.J.R. 4287(b).

Pursuant to Executive Order No. 66(1978), Chapter 5, New Jersey Veterans' Facilities, was readopted as R.1998 d.3, effective November 26, 1997. See: 29 N.J.R. 4215(b), 30 N.J.R. 63(a).

Chapter 5, New Jersey Veterans' Facilities, was readopted as R.2003 d.244, effective May 23, 2003. See: 35 N.J.R. 62(a), 35 N.J.R. 2641(a).

Chapter 5, New Jersey Veterans' Facilities, was readopted as R.2008 d.298, effective September 11, 2008. See: Source and Effective Date. See, also, section annotations.

### CHAPTER TABLE OF CONTENTS

#### SUBCHAPTER 1. GENERAL PROVISIONS

- 5A:5-1.1 Purpose
- 5A:5-1.2 Definitions

#### SUBCHAPTER 2. ELIGIBILITY CRITERIA

- 5A:5-2.1 Admission eligibility
- 5A:5-2.2 (Reserved)

#### SUBCHAPTER 3. PRE-ADMISSION SCREENING OF APPLICANTS

- 5A:5-3.1 Sequence of screening activities

#### SUBCHAPTER 4. ADMISSION REVIEW AND IMPLEMENTATION

- 5A:5-4.1 Admission review policy

#### SUBCHAPTER 5. CARE MAINTENANCE FEE COMPUTATION

- 5A:5-5.1 General requirements for computing skilled nursing monthly resident fee
- 5A:5-5.2 Formula for computing single resident's skilled nursing monthly resident fee based on an 80/20 percentage
- 5A:5-5.3 Formula for computing a married resident's skilled nursing monthly resident fee based on an 80/20 percentage
- 5A:5-5.4 Financial responsibilities for veterans' skilled nursing facility resident
- 5A:5-5.5 (Reserved)

#### SUBCHAPTER 6. RESIDENT TRANSFER OR DISCHARGE

- 5A:5-6.1 Transfer or discharge of a resident

### 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.

#### 5A:5-1.2 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, jointly with others or jointly by the spouse and others, and must be spent down or liquidated and used toward payment of the resident's care and maintenance. IRAs and annuities are considered as accountable assets and will be treated as income.

"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.

"Allied veterans" means those veterans of nations allied or associated in conflicts against an enemy of the United States during World War I or II. This is inclusive of members of the armed forces of Czechoslovakia or Poland. Allied veterans are required to have been a citizen of the United States for at least 10 years.

"Allowable deductions" means those approved items which will be subtracted from the gross income, including the personal needs allowance, when calculating care and maintenance fee.

"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 New Jersey veterans' memorial facilities.

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

"Discharge" means the permanent removal from a New Jersey veterans' memorial facility.

"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" as defined and listed in order of priority below will be admitted to a New Jersey veterans' memorial facility as long as the census of non veterans does not exceed 20 percent of the total population. Exceptions will be reviewed and approved by the Director, Veterans Healthcare Services on a case-by-case basis:

1. National Guard/Reserve Component retiree.
2. "Gold Star 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.
3. "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.
4. "Spouse" means the person legally married with a valid marriage license that is in accord with New Jersey

law to an individual who has been other than dishonorably 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.

"Extraordinary expense deduction" means a financial deduction as a one time major excessive expense to maintain the basic household, medical or transportation needs.

"Gross income" means all income and/or revenue received by resident for a given period. Includes, but not limited to, funds received for labor or services, social security, pensions, aid and attendance, net rental income of property, and/or the proceeds of business or enterprises and investments not to include losses. Service connected disability compensation funds shall not be counted as gross income.

"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.

"Indigent" means an impoverished, destitute or needy veteran.

"Irrevocable trust" means the funds set aside in a trust not to be recalled, revoked or annulled.

"Lien application" means a process initiated to obtain financial payment for all delinquent accounts for services received.

"Maximum allowable asset" means that all sources of accountable assets as defined above shall not exceed \$20,000 for a single applicant or \$80,000 for a married applicant.

"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.

"Medicare" means a system of governmental insurance for providing medical and hospital care for the aged from Federal social security funds.

"National Guard/Reserve Component" means those members of the armed forces of the United States of America who have served credibly for 20 years or more, have been honorably discharged, and eligible for retirement pay. For purposes of admission criteria to a veterans memorial home, National Guard/Reserve Component retirees are considered veterans.