

# **CALIFORNIA VETERANS BOARD**

  

# **POLICY BOOK**



**CALIFORNIA  
VETERANS**



# BOARD POLICY BOOK



## BOARD POLICY

October 2011

### CURRENT BOARD MEMBERS

Thomas Moran, Chairman

Thomas Richards, Vice Chairman

Dr. Vernon Chong, Member

Donna Dacier, Member

### POLICY STATEMENTS

#### Purpose

The Policy Book provides uniformity in the functions of the Board. It provides easy access to policies adopted by the Board to guide the Department of Veterans Affairs.

### **Contents**

The contents of the Policy Book are approved by and published with the authority of the California Veterans Board. The Department shall comply with the policies contained herein and to make its contents available to all members. The Board Administrative Book which outlines procedures and guidelines for the Board's internal operations is appended to this Policy Book.

### **Maintenance**

The Executive Officer shall be responsible for the maintenance of the Policy Book. The California Veterans Board will generate requirements for supplements or revisions to the material contained in the book. The goal is to review the Policy Book ever two years and make revisions as necessary because of legislative or other changes.

### **Distribution**

It shall be the responsibility of the Executive Officer to distribute supplements and revisions to the Secretary, Undersecretary, Deputy Secretaries and all division chiefs of the Department. Additional copies will be provided to the State of California Senate and Assembly Veterans Affairs Committees. The Policy Book shall be available online at the California Veterans Board website.

# CALIFORNIA VETERANS BOARD

---

## GENERAL POLICY

### SECTION

A-1	General Policy Statement	Reviewed	08/18/11
A-2	Budgetary Matters	Reviewed	08/18/11
A-3	Board Meeting Publicity	<b>Deleted</b>	04/12/07
A-4	Appeals to the Board	Reviewed	08/18/11
A-4.1	Production of Record by Divisions on Appeals	Reviewed	08/18/11
A-5	Report on Pending Litigation and Legislation	Reviewed	08/18/11
A-6	Board Meeting Agenda Items	Reviewed	08/18/11
A-7	Contracts by the Department	Reviewed	08/18/11
A-8	Board Travel	<b>Deleted</b>	04/12/07
A-9	Committees	<b>Deleted</b>	04/12/07
A-10	Unauthorized Public Comments by Board Members	<b>Deleted</b>	04/12/07
A-11	Board Quorum and Voting Majority	<b>Deleted</b>	04/12/07
A-12	Special Counsel to the Board	<b>Deleted</b>	02/15/07
A-13	Administrative Support for Veterans Homes Board Members	Reviewed	08/18/11
A-14	Veterans Benefits: Leave from the Dept. to Make Late Applications	Reviewed	08/18/11
A-15	Complaint Procedure	Reviewed	08/18/11

---

## FARM AND HOME PURCHASES

### SECTION

B-1	Interest Rates	<b>Deleted</b>	12/03/04
B-2	Property Substitution	Reviewed	8/18/11
B-3	Cal-Vet Loan Priorities	<b>Deleted</b>	12/03/04
B-4	Loan Refinancing for Wounded and Disabled Veterans	<b>Deleted</b>	12/03/04
B-5	Fire & Hazard Insurance/Lost Payment Account	<b>Deleted</b>	05/12/06
B-6	Farm and Home Program Business Plan and Reports	Reviewed	08/18/11
B-7	Farm and Home Insurance Programs	<b>Deleted</b>	12/03/04

B-8	To Allow Interest Rate Changes to Cal-Vet loans	<b>Deleted</b>	04/22/05
B-9	Interest Rates (with attachments)	Reviewed	08/18/11
B-10	Unrestricted Funds	Reviewed	08/18/11

---

### VETERANS HOMES POLICY

**SECTION**

C-1	Financial Status	<b>Deleted</b>	12/03/04	
C-2	Disqualifying Conditions	Revised	10/20/11	
C-3	Substance Abuse Problems	Reviewed	08/18/11	
C-4	Good Order and Discipline at Veterans Homes	Reviewed	08/18/11	
C-5	Medical Staff on Duty	Reviewed	08/18/11	
C-6	Morale, Welfare, and Recreation Funds	Reviewed	08/18/11	C-
6.1	MWRF, Estates of Deceased Members – Cost Recovery	Reviewed	08/18/11	
C-7	Land Use	Revised	10/20/11	
C-8	Burial Procedure	Reviewed	08/18/11	
C-9	Perpetual Care and Maintenance of Memorial Cemetery at Yountville Veterans Home	Reviewed	08/18/11	
C-10	Veterans' Spouses - Admission Resolution Non-veteran Spouse Residents	Reviewed	08/18/11	
C-11	Inter-Facility Transfer Policy	Revised	08/20/11	
C-12	Resident Participation in Health Service Plans	Reviewed	08/18/11	
C-14	Discharge of Non-Veteran Spouses	Reviewed	08/18/11	

---

### VETERAN SERVICES POLICY

**SECTION**

D-1	Revocation of Specific Powers of Attorney	Reviewed	08/18/11
D-2	Services to be provided by the Veterans Services Division Not Covered by Law or Regulation	Reviewed	08/18/11

---

## RESOLUTIONS POLICY

### SECTION

E-1	POW Advisory Committee	<b>Deleted</b>	04/22/05
-----	------------------------	----------------	----------

---

### ADOPTED RESOLUTIONS – Incorporated in Policy B-9

### SECTION

F-1	Interest Rates on Cal-Vet Loans	<b>Deleted</b>	04/12/07
F-2	Interest Rates on Cal-Vet Loans	<b>Deleted</b>	04/12/07
F-3	Non-veteran Spouse Residents	<b>Deleted</b>	04/12/07

---

### ATTACHMENTS – Incorporated in Policy B-9

### SECTION

G-1	Guidelines for B-1	<b>Deleted</b>	04/12/07
G-2	Methodology for Establishing Unrestricted Program Interest Rates on Contracts of Purchase Funded on or After June 1, 2001	<b>Deleted</b>	04/12/07

### BOARD ADMINISTRATIVE BOOK

### PROCEDURE

1	Conduct of Meetings
2	Board Agenda
3	Board Meeting Publicity
4	Member Travel and Per Diem
5	Board Responsibilities
6	Rules of Decorum for Public Hearings
7	Election of Board Chairperson and Vice Chairperson
8	Schedule of Meetings

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD GENERAL POLICY</b>
<b>SECTION:</b>	<b>A-1</b>
<b>ADOPTED:</b>	<b>10/26/73</b>
<b>REVISED:</b>	<b>5/29/98, 12/3/04, 02/15/07, 04/12/07</b>
<b>REVIEWED:</b>	<b>04/12/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>General Policy Statement, Board Policy Development and Authority</b>

## **PURPOSE**

To define and prescribe the role of the California Veterans Board in determining policies for the operations of the California Department of Veterans Affairs and provide legal references and authority for such.

## **POLICY**

1. The California Veterans Board is mandated by Section 72 of the California Military and Veterans Code to determine policies for all operations of the Department.
2. Policy in this sense is defined as the general principles by which the Department is to be guided in its management of the state's veterans programs, including significant changes affecting all on-going programs, proposed programs and significant changes affecting short and long range planning, objectives and goals. It does not include becoming involved in the day-to-day operations of the Department.
3. The policy of the Board shall be to work in partnership with the Department to establish a positive and lasting working relationship in determining policies for the benefit of the veterans of the State of California.
4. The Department shall inform the Board, through the Executive Officer and the Chairman, of all plans or program changes, which may impact or relate to policy matters.

### **Legal Reference:**

1. California Military and Veterans Code sections; 69-71, 72-79, & section 84-86.
2. California Code of Regulations, Title 12, Division 2.
3. The California Court of Appeals, Definition of Policy-Making. "To make policy" is to establish the" general principles by which government is guided in its management of public affairs..." (Black's Law Dict., [5<sup>th</sup> ed. 1979], p.1041, col. 2.). More specifically, policymaking involves the creation of "guidelines, goals, objectives, systems, codes, customs, plan of action, course of action, methodology, platform, approach, tenets, creed, beliefs, direction, scheme, habit, tactic, style, management, design, strategy, line, polity, proposal protocols." (West's Legal-Thesaurus/Dict., [1985]. Source: State Board of Education v. Honig, (1993) 13 Cal App. 4<sup>th</sup> 720; 765

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD GENERAL POLICY</b>
<b>SECTION:</b>	<b>A-2</b>
<b>ADOPTED:</b>	<b>1/20/84</b>
<b>REVISED:</b>	<b>5/29/98, 12/3/04, 04/12/07</b>
<b>REVIEWED:</b>	<b>04/12/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Budgetary Matters</b>

**PURPOSE**

To define and prescribe the role of the Board in budgetary matters.

**POLICY**

1. Departmental Budget  
The budget is the operational tool for the Department of Veterans Affairs. Therefore, the Department shall keep the Board informed of budgetary policies and trends and the Board may make recommendations or suggestions to the Department for changes to be included in the Department's proposed budgets.
2. Board Budget  
The Executive Officer shall prepare, at the direction of the Board, an annual proposed budget for the Board. The Proposed budget for the Board shall be reviewed and revised by the Board Administrative Committee and approved by the Board. At the direction of the Board, the Executive Officer shall prepare any necessary Budget Change Proposals (BCP) to be considered for inclusion in the department's proposed budget.
3. The Executive Officer shall be informed by the Department of legislative budget hearings as soon as the information is available to the Department, and the Executive Officer shall inform the Chair immediately thereafter by telephone, fax or electronic mail.
4. The Executive Officer shall make quarterly budget reports and an annual financial report available to the Board at regularly scheduled meetings.

TITLE	CALIFORNIA VETERANS BOARD GENERAL POLICY
SECTION:	A-4
ADOPTED:	2/8/80
REVISED:	5/29/98, 12/03/04, 04/20/05, 02/15/07, 8/13/09
REVIEWED:	02/15/07, 8/13/09, 8/18/11
SUBJECT:	Appeals to the Board

**PURPOSE:**

To prescribe the procedures and rules for appeals by veterans to the Board pursuant to Section 86 of the Military and Veterans Code.

**POLICY:**

It shall be the policy of the Department of Veterans Affairs that appeals to the Board shall be governed by the following procedures and rules:

1. Appeals by veterans from decisions of a division of the California Department of Veterans Affairs (the Department) shall be filed in writing with the Board's Executive Officer (EO) at the Board's office in Sacramento, using the Notice of Appeal form prescribed by the Board. When a division of the Department denies or makes an adverse decision on a veteran's application for benefits, the division shall notify the veteran in writing of the denial or adverse decision, the reasons therefore, and of the right to appeal the decision to the California Veterans Board, and shall provide the veteran with a copy of the Notice of Appeal form. The filing of a Notice of Appeal shall not postpone or stay the decision being appealed.
2. Upon receipt of a Notice of Appeal, the EO shall assign and note thereon an appeal number consisting of the last two digits of the current calendar year, followed by a dash and a number indicating the order in which the appeal was received in the calendar year. (E.g., the first and subsequent appeals received in the calendar year 2005 would be numbered thusly: 05-01, 05-02, 05-03, and so on.) The EO shall note on the Notice of Appeal the date actually received and the date deemed received, and shall place the appeal on the Board's agenda for scheduling at the next regular meeting of the Board after actual receipt thereof.
3. At that meeting, the Board shall ascertain the type of review or hearing requested, shall determine how, when, and where the review or hearing will be conducted, and shall instruct the EO to give written notice of the time and place of such review or hearing to the veteran appellant, his or her attorney if any, and to the Department. Subject to State Government budgetary constraints and travel restrictions, the Board shall make all reasonable efforts to schedule such review or hearing and to render its decision thereon within the times and at the places prescribed by Military and Veterans Code §86(a). Ordinarily, the Board will conduct the reviews or hearings itself, but reserves the option to delegate the holding of hearings from time to time as permitted by law.
4. The veteran shall choose whether to have the appeal considered by a **Review of the Record**, or at an **Informal Hearing** or a **Formal Hearing**. A **Review of the Record** shall be conducted without an appearance by the veteran or the Department, and shall consist of a review of the Notice of Appeal and all supporting documents filed by the veteran and a review of the Department's files and records on the matter.

An **Informal Hearing** shall consist of appearances by the veteran appellant, his or her attorney if any, and an attorney or representatives for the Department if the Department so desires, and informal discussions or presentations without the observance of strict rules of evidence or procedure. A **Formal Hearing** shall be recorded electronically, with testimony taken under oath or affirmation, the burden of going forward shall be on the veteran appellant. The appellant and the Department shall have the right to make opening and closing statements, to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, and to rebut adverse evidence. The rules of evidence and procedure for conducting administrative hearings in this State shall be followed.

5. If an informal or formal hearing is requested, the Executive Officer shall notify the veteran appellant by registered mail of the time, date, and place for the hearing of his or her appeal. The veteran appellant shall also be informed that if he or she does not appear for the hearing that his/her appeal may still be decided at the scheduled time and date. A final decision will be rendered by the Board with the information available at the time of the scheduled hearing.
6. In the event the veteran appellant is unable to attend the hearing because of a personal or medical emergency, the Board may consider rescheduling the hearing.
7. If the appellant withdraws his/ her appeal, the appellant should notify the Board Executive Officer prior to the scheduled hearing of the appeal. The notification of withdrawal should be in writing or by telephone followed by notification in writing.
8. If the holding of a hearing is delegated, the hearing officer shall give notice of the time and place of the hearing to the parties, shall conduct the hearing, and shall prepare a Proposed Decision, setting forth findings of fact, conclusions of law, and reasons, for submittal to the parties and the Board. The Board will place the Proposed Decision on the agenda for its next regular meeting after submittal, and may adopt, modify, or reject the Proposed Decision.
9. Hearings not delegated will be conducted during a regular or special open meeting of the Board under the Bagley-Keene Open Meeting Act unless the veteran requests a closed hearing in writing and provides the Board with sufficient reasons and citations of legal authority for a closed hearing.
10. All decisions shall be determined by a majority vote of at least a quorum of Board members. After a decision is made, the Board may assign the writing of the decision, with or without explanations or reasons, to the EO, or a Board member. Following approval by the Board, a copy of the decision shall be mailed to each party. The Board's decision shall be final, except for judicial review.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD POLICY BOOK GENERAL POLICY</b>
<b>SECTION:</b>	<b>A-4.1</b>
<b>ADOPTED:</b>	<b>7/07/06</b>
<b>REVISED:</b>	
<b>REVIEWED:</b>	<b>02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Production of Record by Divisions on Appeals.</b>

**PURPOSE:** To prescribe policies and procedures for the Department of Veterans Affairs in producing the record on appeals to the California Veterans Board.

**PREAMBLE:** The law provides that any person deeming himself or herself a veteran who applies for benefits may appeal any decision made by a division of the Department to the California Veterans Board; that upon receipt of the appeal, the Board shall grant a hearing, if requested, and shall render its decision not later than the second meeting of the Board following the receipt of the appeal, or after the hearing if one is held; that an appeal shall be deemed to have been received by the Board on the date of the first meeting of the Board after delivery of the appeal to the Executive Officer of the Board; that the Board shall have the power to change or modify with good cause any decision that is adverse to the appellant; and that, except for judicial review, the Board's decision is final. *Military and Veterans Code §86*. To enable the Board to conduct full, fair, and impartial reviews on such appeals, and to render its decisions within the times prescribed by the statute, it is necessary that the Board be provided in a timely manner with a complete, easy-to-follow, and reliable record on each appeal.

**POLICY:** It shall be the policy of the Department of Veterans Affairs that:

“Complete record” shall mean “entire record” and shall consist of copies of any and all documents, forms, papers, and other records of any kind in any medium, including computer and other electronic records, in the possession or under the control of the division whose decision is being appealed and having a bearing on or related in any way to the veteran appellant and his or her application for benefits. Wherever practicable, hard copies or printouts of computer and other electronic records shall be made and provided; otherwise, such records shall be provided in acceptable and usable media form such as audio and video cassettes, diskettes, compact disks, and similar recording media.

It shall be the responsibility of the division whose decision is being appealed to provide the Board with the complete record on an appeal when requested by or on behalf of the Board.

The pages of the written portion of the record shall be numbered in sequential order in the lower right corner of the page. A “Bates numbering” or similar system may be used for such purpose. All other portions of the record shall be appropriately and clearly labeled. The entire record shall be produced in file form.

A responsible employee or officer of each division shall be designated and appointed by the division chief in writing as “Custodian of Records” for purposes of appeals and a copy of the designation and appointment shall be delivered to the Board's Executive Officer. For each record on appeal, the Custodian of Records shall date and sign a “Certification of Record” in the following form:

**“CERTIFICATION OF RECORD**

“I, \_\_\_\_\_, am the duly appointed and designated Custodian of Records of the Division of \_\_\_\_\_, and I hereby certify that the attached or enclosed file consists of true copies of the complete record of the division on the application for benefits and appeal of \_\_\_\_\_ from the division’s decision on the application.

“I solemnly affirm under the laws of the State of California that the foregoing is true and correct.

“Executed on \_\_\_\_\_ at \_\_\_\_\_, California.

\_\_\_\_\_  
Custodian of Records”

(e) The certification and the complete record shall be delivered directly by the Custodian of Records to the Board or its Executive Officer not later than ten (10) calendar days after the record is requested.

(f) A duplicate copy (clearly marked as such) of the complete record may be delivered to the Department’s Legal Division at the same time and, if requested, shall be made available to the appellant without charge.

*Authority: Military & Veterans Code §§72 & 86.*

TITLE	CALIFORNIA VETERANS BOARD GENERAL POLICY
<b>SECTION:</b>	A-5
<b>ADOPTED:</b>	9/17/82
<b>REVISED:</b>	12/7/02, 12/3/04, 04/12/07
<b>REVIEWED:</b>	04/12/07, 8/13/09, 8/18/11
<b>SUBJECT:</b>	Report on Pending Litigation and Legislation

**PURPOSE**

To keep the Board apprised of the litigation involving the Department of Veterans Affairs or the Board, and to review pending veterans’ legislation and adopt official Board positions on legislation, as appropriate.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. That the Department notifies the Board of significant litigation involving the Department.
2. It shall also be the policy of the Board to establish, through a majority vote of the Board, official Board positions on pending state and federal legislation affecting veterans, as the Board deems appropriate. Board positions shall be independent determination of the Board, but whenever possible they shall be supportive, of and consistent with, the Governor’s policy objectives.
3. The Secretary of the Department shall insure that the Board is provided information on significant litigation to which the Department or Board is a party.
4. The Board Chairman shall appoint a Legislative Committee, with concurrence of the Board, whose role shall be to review pending state and federal legislation affecting veterans and to make position recommendations to the Board, as appropriate.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD GENERAL POLICY</b>
<b>SECTION:</b>	<b>A-6</b>
<b>ADOPTED:</b>	<b>7/27/84</b>
<b>REVISED:</b>	<b>5/20/94, 12/03/04, 02/15/07</b>
<b>REVIEWED:</b>	<b>05/29/98, 02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Board Meeting Agenda Items</b>

**PURPOSE**

To establish general guidelines regarding the submission of items for monthly Board meeting agendas.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. All agenda items from the department divisions shall be submitted to the Executive Officer in outline form 13 working days prior to the meeting date to allow sufficient mail-out time of the Meeting Notice.
2. All supporting data for items shall be submitted to the Executive Officer five days before the meeting is held in order to have data available to the Board during its meeting.



TITLE	CALIFORNIA VETERANS BOARD GENERAL POLICY
SECTION:	A-7
ADOPTED:	4/11/80
REVISED:	7/15/00, 04/22/05, 04/12/07
REVIEWED:	04/12/07, 8/13/09, 8/18/11
SUBJECT:	Contracts by the Department

To ensure that the Board is notified, in a timely manner, of Requests for Proposal (RFPs) and Invitations for Bid (IFBs) that exceed a specified dollar amount entered into by the Department.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. All RFPs and IFBs that have the anticipated contract amount **in excess of \$250,000** shall be reported to the Board at the next meeting.
2. All pertinent materials shall be submitted by the Department to the Executive Officer in sufficient time to be placed on the agenda for the next meeting of the Board.
3. The Contract Officer shall provide a copy of the prepared IFB or RFP to the Executive Officer 10 (ten) working days prior to it being advertised in the California State Contract Register and released to potential bidders.

TITLE	CALIFORNIA VETERANS BOARD POLICY BOOK GENERAL POLICY
SECTION:	A-13
ADOPTED:	03/10/2006
REVISED:	
REVIEWED:	02/15/07, 8/13/09, 8/18/11
SUBJECT:	Administrative Support for Veterans Homes Board Members.

**PURPOSE:** To provide for continuing administrative support by the Veterans Homes of California to the member of the Board appointed from among the residents of the Homes.

**PREAMBLE:** The law requires that one member of the California Veterans Board shall be a resident of a California Veterans Home, with appointments of such members to be made for terms of two years on a rotational system based on the age of the Home, beginning with the oldest Home. It is necessary for each Home to assist, cooperate with, and to provide adequate and appropriate administrative support to the resident appointed from that Home to serve on the Board in all matters involving the business of the Board.

**POLICY:** (a) It shall be the policy of the Department of Veterans Affairs that the resident of a Veterans Home who is appointed to the California Veterans Board shall receive full recognition as a member of the Board and shall be accorded all the courtesies and privileges of that office, and that each Veterans Home shall provide adequate assistance, cooperation, and administrative support to its resident member of the Board during the member’s entire period of service on the Board. Such assistance, cooperation, and support shall include:

1. Providing the member with appropriate means of electronic communication, including e-mail, facsimile transmission, word processing, and telephone; and providing the member with all reasonable assistance in making and receiving communications about Board business. Special equipment and subscription service need not be provided, so long as such means of communication and assistance are made available to the member.
2. Such assistance to and cooperation with the member as may be needed in arranging and scheduling the member’s absences from the Home while traveling to and from Board meetings and other Board activities and functions.
3. All other assistance and cooperation which may be necessary or reasonable under the member’s circumstances.

(b) This policy is intended to be implemented from within the existing resources of each Veterans Home

Authority: *Military & Veterans Code §72*  
 Reference: *Military & Veterans Code §66*  
*Military & Veterans Code §67(b)*

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD POLICY BOOK GENERAL POLICY</b>
<b>SECTION</b>	<b>A-14</b>
<b>ADOPTED</b>	<b>07/07/06</b>
<b>REVISED</b>	
<b>REVIEWED</b>	<b>7/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT</b>	<b>Veterans Benefits: Leave from the Department to Make Late Applications</b>

**PURPOSE:** Benefits the State of California offers to veterans occasionally requires strict application deadlines regulated in part or in whole by the Department. A failure to meet such deadlines may result in the loss of a benefit for which the applicant may otherwise be eligible even though the reasons for not meeting the deadline are beyond the applicant's control. Presently, the Department has no mechanism for an applicant to seek leave to make a late application in appropriate circumstances. In the interest of furthering the Board's and the Department's service to veterans, and to ensure that an otherwise eligible person will not be denied a veteran benefit because of circumstances beyond his or her control, it is necessary and appropriate that a mechanism be created that allows an applicant the opportunity to submit requests to the Department for leave to file a late application.

**POLICY:** It shall be the policy of the Department to provide veterans, and, where appropriate, their spouses, dependents and survivors, an opportunity to seek permission to file a late application for benefits and to provide for Board review of any adverse decision on such an application.

The Department shall determine the manner or method, and shall develop plans and establish procedures for implementation of this policy to achieve its purpose as fully as possible.

TITLE	CALIFORNIA VETERANS BOARD POLICY BOOK GENERAL POLICY
SECTION	A-15
ADOPTED	2/8/08, 6/13/08
REVISED	6/13/08
REVIEWED	6/13/08, 8/13/09, 8/18/11
SUBJECT	Complaints

**PURPOSE:** To establish the procedures for addressing complaints the California Veterans Board (Board) receives from veterans, dependents or other sources.

**POLICY:** Pursuant to section 72 of the California Military and Veterans Code, the Board is responsible for determining the policies by which the California Department of Veterans Affairs (Department) operates. Section 78 of the Military and Veterans Code provides that the Secretary of the Department is responsible for Departmental operations. Accordingly, the Board, in collaboration with the Department when necessary, will respond to complaints it receives that concern Departmental policy. The Department will respond to complaints the Board receives that concern Departmental operations. If it is not clear whether a complaint involves policy or operations, the Board and the Department will work together to provide a timely response to the complainant.

The following procedures will be used when responding to complaints:

1. Upon receipt of a complaint, the Executive Officer shall inform the Board Chair of the complaint. The Executive Officer and the Board Chair shall make a determination whether the complaint involves Board policy or Departmental operations.
2. If the complaint involves Board policy, it will be managed by the Board Chair and Executive Officer as appropriate. If the complaint does not require Board deliberation and action, the Board Chair will respond to the complainant through the Executive Officer within 10 business days. If Board action is required, the response will be provided within 10 business days following the next Board meeting. If the Board Chair deems that the complaint requires more urgent action, a special meeting by teleconference may be convened.
3. If the complaint concerns Departmental operations, it will be forwarded to the Department Secretary for resolution. The Department shall provide a response to the complainant with a copy to the Board within 10 business days of the Department's receipt of the complaint.
4. In those instances in which resolution cannot be reached in the stated time frames, an interim reply will be provided by the Executive Officer to the complainant.
5. The Executive Officer shall provide an update to the Board of the complaints received and their status or disposition at each Board meeting.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD FARM AND HOME PURCHASES DIVISION POLICY</b>
<b>SECTION:</b>	<b>B-2</b>
<b>ADOPTED:</b>	<b>5/14/82</b>
<b>REVISED:</b>	<b>12/7/02</b>
<b>REVIEWED:</b>	<b>12/03/04, 02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Property Substitution</b>

**PURPOSE**

The Department may, in specific cases, allow the veteran to substitute another property under the same terms and conditions as contained in the original application when such substitution is necessary to avoid a loss of Cal-Vet loan entitlement.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

An applicant may be allowed to substitute another property under the same terms and conditions as contained in the original application provided the request meets the following conditions:

1. The applicant clearly intended to purchase the original property.
2. The specific case is one where circumstances, which preclude the closing on the original property, are clearly beyond the applicant's control
3. The applicant has exercised due diligence to remedy the situation.
4. There is no alternative to the property substitution.
5. The applicant submits the new property selection within 90 calendar days of the approval for property substitution.

When these conditions are met the original application will be reopened and processed based on the original application date as if the property substitution had not been necessary.

<b>SECTION:</b>	<b>B-6</b>
<b>ADOPTED:</b>	<b>8/28/98</b>
<b>REVISED:</b>	<b>12/7/02</b>
<b>REVIEWED:</b>	<b>12/03/04, 2/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Farm and Home Program Business Plan and Reports</b>

## **PURPOSE**

To ensure that the Board has a clear understanding of the financial status plans and performance of the Farm and Home Purchases Division loan program.

## **POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. The Department shall prepare an annual Business Plan for the Farm and Home Purchases Division loan program, including business strategy, staffing, and expected financial performance. The Business Plan and associated reports shall be submitted to the Board by October 1 of each year. Any changes to the plan will be reported to the Board.
2. The Department provides periodic reports to the Board on the financial performance of the Farm and Home Purchases Division loan program.
3. Any reports, official statements, formal management letters or other documents that describe the operations and/or financial status of the Farm and Home Purchases Division loan program that are made available to the Legislature, bond holder and/or the public are provided to the Board.

TITLE	CALIFORNIA VETERANS BOARD FARM AND HOME PURCHASES DIVISION POLICY
<b>SECTION:</b>	<b>B-9 with attachments</b>
<b>ADOPTED:</b>	<b>9/19/03</b>
<b>REVISED:</b>	<b>12/09/02, 12/3/04</b>
<b>REVIEWED:</b>	<b>02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Interest Rates</b>

## PURPOSE

To allow the Department of Veterans Affairs to establish and change CalVet loan interest rates to reflect changes in the housing market. The California Veterans Board recognizes the immediate benefit of CalVet loans to all veterans and the need to provide the Department of Veterans Affairs with a policy regarding interest rate changes for new CalVet loans reflecting changes in the housing market. In order to implement sound business practices, the Department will be allowed to make interest rate changes to CalVet loans in accordance with this policy. It is the Board's intent to provide reasonable working guidelines for the Department to follow and to monitor rate changes in conformance with this policy. This policy will provide a fair and consistent benefit to veterans, support a financially sound Farm and Home loan fund, and provide benefits to a maximum number of veterans. This policy is intended to cover loans with contract dates prior to 1/1/1999, which are required by law to be at a uniform interest rate, loans with contract dates on or after 1/1/1999, and non-veteran loans including loans assigned to non-veteran spouses and loans provided on repossessed properties (REO).

## POLICY

**Contracts issued prior to January 1, 1999:** The Military & Veterans Code specifies that this group of loans carry a uniform interest rate. These loans were funded at 8.0% prior to April 1, 1998 at which time they were reduced to 6.95% with new loans funded at that rate through December 31, 1998. It is the policy of the Board that these contracts will remain at 6.95%, except the interest rate on mobile homes in mobile home parks shall be 1% higher (7.95%) as provided for in the M&VC, and that these rates will be reduced only if analysis by the Department and confirmed by the Department's quantitative consultant determines that to do so will not diminish the Department's ability to issue new contracts at interest rates that are competitive in the housing market at the time. Within this group of contracts the following policies shall apply:

- a. Contracts assigned to non-veteran spouses pursuant to divorce proceedings shall have the rate increased by .5% (1/2%) to 7.45% (8.45% for Mobile Homes in parks) except in those cases where the M&V Code [987.02(a)] authorizes the non-veteran to retain the veteran interest rate.
- b. Contracts issued to non-veterans for the purchase of repossessed CDVA properties shall remain at the rate negotiated at the time of sale of the property unless the Department determines that it is in its best interest to adjust the rate in order to retain the contract. In such cases the rate will not be reduced to a rate that is less than the non-veteran rates specified above.

**Contracts issued on or after 1/1/1999:** Subsequent to 1/1/1999 interest rates on new contracts are set pursuant to Board Resolution dated June 1, 2000, modified May 18, 2001, and further modified December 3, 2004. Notices of rate changes pursuant to the methodology made by the Ad Hoc Committee for Interest Rates and signed by the Department Secretary will be added to this policy. It is the policy of the board that these contracts will remain at their original rate subject to the following:

- a. Contracts assigned to non-veteran spouses pursuant to divorce proceedings shall have the rate increased by .5% (1/2%) except in those cases where the M&V Code [987.02(a)] authorizes the non-veteran to retain the veteran interest rate.
- b. Contracts issued on repossessed properties shall bear rates as negotiated by the Department at the time of sale of the property and may be at conventional marketplace rates for similar sales.

### **Attachments**

1. Board Resolution and Finding dated December 3, 2004
2. Methodology for Establishing Interest Rates on Contracts of Purchase funded on or after December 3, 2004

# **CALIFORNIA VETERANS BOARD RESOLUTION AND FINDING**

## **INTEREST RATES ON CALVET LOANS**

WHEREAS, under provisions of the Veterans Farm and Home Purchase Act of 1974, as amended by Chapter 362, Statutes of 1998, the California Department of Veterans Affairs (the "CDVA") is required to report to the California Veterans Board (the "Board") and the Veterans' Finance Committee of 1943 (the "Committee") regarding the recommended rate of interest payable upon the amount remaining unpaid under any veteran's contract of purchase executed on or after January 1, 1999;

WHEREAS, the CDVA, from time to time, shall establish and may modify, subject to the approval of the Board and the Committee, the actual rates to be paid, which may be fixed interest rates or variable interest rates, or the methodology and timing for determining or modifying the actual interest rates to be paid, which methodology may produce fixed interest rates or variable interest rates on Veterans' contracts of purchase executed on or after January 1, 1999;

WHEREAS, the approved interest rates need not be uniform for all of the veteran's contract of purchase;

WHEREAS, the CDVA has considered the restructuring of its outstanding indebtedness and resultant debt service requirements, the actual cost revenue and general obligation bond sales and administrative costs of the CDVA, in light of the current value of money and the covenants made to owners of CDVA's revenue and general obligation bonds, in determining the guidelines and methodology to be used to establish interest rates to be charged on veterans' contracts of purchase;

WHEREAS, on June 1, 2000 the Board approved the guidelines and methodology to be used by the Department to from time to time establish one or more rates of interest to be paid by veterans for newly financed contracts of purchase under the Veterans Farm and Home Purchase Act of 1974, and modified such guidelines and methodology with respect to contracts of purchase to be funded on and after June 1, 2001 funded from the Department's Unrestricted Program;

WHEREAS, the Department would like to modify such guidelines and methodology with respect to contracts of purchase to be funded on and after December 3, 2004 to establish the ceiling interest rates for such contracts of purchase as the then current FHLMC conventional mortgage rate, provided that at the time such interest rate is established such contract interest rates produce, together with the interest rates on all contracts previously funded or to be funded from the same issue of bonds, a blended contract interest rate no less than 50 basis points above the aggregate yield on the all outstanding bonds, and to provide greater flexibility to allow for gradual increases in the rate;

WHEREAS, the establishment or modification of contract of purchase interest rates or the guidelines and methodology and timing for determining the rates requires the approval of the California Veterans Board;

WHEREAS, the CDVA has determined that the interest rates on veterans' contracts of purchase under the Farm and Home Purchase Act of 1974 funded prior to December 3, 2004 shall remain at the existing rates;

NOW THEREFORE, IT IS RESOLVED that the Board hereby (1) approves the guidelines and methodology previously approved and modified as described above, as the guidelines and methodology to be used by the CDVA in determining the interest rates on veterans' contracts of purchase funded on or after December 3, 2004; and (2) determines that the interest rates on veterans' contracts of purchase under the Veterans Farm and Home Purchase Act of 1974 funded prior to December 3, 2004 shall remain at the existing rates.

The Executive Officer of the California Veterans Board is directed to attest this Resolution, provide copies thereof to the CDVA and the Committee, and to place a copy thereof in the Veterans Board Policy Book.

ADOPTED: December 3, 2004

ATTESTED

Executive Officer

**Attachment I**

# **Methodology for Establishing Unrestricted Program Interest Rates on Contracts of Purchase Funded On or after December 3, 2004**

**The Department may establish, without prior approval of the Board and the Veterans Finance Committee of 1943, one or more interest rates from time to time for new contracts of purchase, including contracts funded through the Unrestricted Program, provided as of the date on which each such interest rate is established if the following requirements are satisfied:**

## *CEILING*

- A. Such interest rate is not greater than the then-current conventional mortgage rate. For such purpose, the “current conventional mortgage rate” shall mean the most recently published Federal Home Loan Mortgage Corporation (FHLMC) conventional mortgages rates;

## *FLOOR*

- B. In the event of a decrease in the rate, such interest rate is expected to produce, together with all outstanding contracts of purchase previously funded or to be funded, a blended interest rate at least 50 basis points above the aggregate yield on the bonds used to fund such contracts. In the event of an increase in the rate, if the current rate is greater than 50 basis points below the yield, the rate may be increased in any incremental amount.

**Any change in the interest rate resulting in rates falling outside these parameters for either the CEILING or FLOOR must be submitted to the Board for approval at their next scheduled meeting and are effective immediately following such approval.**

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD FARM AND HOME PURCHASES DIVISION POLICY</b>	
<b>SECTION:</b>	<b>B-10</b>	
<b>ADOPTED:</b>	<b>2/25/05</b>	<b>Draft</b>
<b>REVISED:</b>		
<b>REVIEWED:</b>	<b>02/15/07, 8/13/09, 8/18/11</b>	
<b>SUBJECT:</b>	<b>Unrestricted Funds</b>	

**10**

**PURPOSE**

To further the goal of the Department of Veterans Affairs and the Division of Farm and Home Purchases to provide access to the Cal-Vet Loan Program to the largest number of veterans by establishing the policy for expanded use of “Unrestricted Funds.”

**POLICY**

It shall be the policy of the Department of Veterans Affairs:

1. That the lendable funds designated as “Unrestricted Funds” shall be made available to all veterans who meet the definition of “veteran” under Section 980 of the Military and Veterans Code, provided, however, that the designation or identification of such funds as being “unrestricted” by the federal tax laws shall be subject to the approval or concurrence of bond counsel.

The Division of Farm and Home Purchases shall establish procedures for implementing this policy in keeping with the stated goal and in accordance with applicable provisions of federal and state law.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY</b>
<b>SECTION</b>	<b>C-2</b>
<b>ADOPTED</b>	<b>9/21/73, 4/12/07, 6/13/08, 8/13/09, 10/20/11</b>
<b>REVISED</b>	<b>9/29/06, 4/12/07, 6/13/08, 8/13/09, 10/20/11</b>
<b>REVIEWED</b>	<b>4/12/07, 6/13/08, 8/13/09, 8/18/11</b>
<b>SUBJECT</b>	<b>Disqualifying Conditions for Admission to the Veterans Homes</b>

**PURPOSE:**

To state the reasons for disqualification for admission to a Home and to delineate areas of care that are beyond the health care capabilities of the Veterans Homes.

**POLICY:**

It shall be the policy of the Department of Veterans Affairs that:

1. Each Veterans Home shall have a Veterans Home Admissions Committee comprised of health professionals that will review applications and, as needed, obtain further screening information to ensure that applicants are properly assessed.
2. The veterans homes will not admit:
  - a. Veteran applicants who are eligible, but have not applied, for federal, state, or VA medical programs that provide access to preventive, acute and long-term health care services in the geographical area of the Home for which admission is sought.
  - b. Non-veteran applicants who are not participating in a federal, state or private health service plans that provide access to preventive, acute and long-term health care services in the geographical area of the Home for which admission is sought.
  - c. Applicants whose needs exceed the medical, psychological, substance abuse or rehabilitation capabilities of the professional staff.
  - d. Applicants whose day-to-day care required for their well being is not offered at that Home.
  - e. Applicants who have an active psychiatric disease or personality disorder which would preclude them from adapting to a communal environment.
  - f. Applicants who have a history of non-compliance with medical, psychological or substance abuse treatment plans.
  - g. Applicants with active infectious diseases that would in any way jeopardize other residents or staff.
  - h. Applicants with conditions that require a secure environment or other special care that cannot be provided by that Home.
  - i. Applicants who have a criminal history that would in any way possibly endanger the veterans Home community. To be considered for admission, applicants with a criminal history shall provide the Home with copies of all available prison records for all commitment offenses, including, but not limited to, commitment offense records, disciplinary records, parole consideration records, and all health care records (including those related to any mental health care received by the applicant while incarcerated).
  - j. Applicants denied by the Admissions Committee of the Home may appeal this denial to the Veterans Homes Committee, as with any denial of admission to a Home.
  - k. Before an applicant with a criminal history may be admitted, his or her application shall be reviewed by the Undersecretary for Veterans Homes who

shall have the authority to conduct a background investigation of the applicant. The Undersecretary for Veterans Homes shall have final approval authority concerning admission.

3. An applicant who is denied admission because his or her criminal background poses a threat to the Veterans Home community may appeal that decision to the Department Secretary.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY</b>
<b>SECTION:</b>	<b>C-3</b>
<b>ADOPTED:</b>	<b>11/15/68</b>
<b>REVISED:</b>	<b>5/29/98, 04/12/07</b>
<b>REVIEWED:</b>	<b>02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Substance Abuse Problems</b>

**PURPOSE**

To provide programs to combat substance abuse among members.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. The Veterans Homes of California shall continue to have an effective and intelligent program to combat the substance abuse problems among its members.
2. Substance abuse alone shall not be used as a basis for discharge from the Home. However, refusal to participate in the substance abuse program on the part of a substance abuser can be grounds for discharge.
3. Each of the Veterans Homes of California shall ensure that necessary substance abuse programs are available to its members.
4. Information on substance abuse and the availability of programs shall be provided to all members of the Homes on a regular basis.

TITLE	CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY
SECTION:	C-4
ADOPTED:	11/15/68
REVISED:	5/29/98, 12-03-04
REVIEWED:	02/15/07, 8/13/09, 8/18/11
SUBJECT:	Good Order and Discipline at Veterans Homes

**PURPOSE:** To establish the policy for maintaining good order and discipline a the Veterans Homes of California

## **POLICY**

It shall be the policy of the Department of Veterans Affairs:

1. That the Veterans Homes of California shall establish procedures for maintaining good order at the Homes and corrective actions for members of the Homes.
2. At a minimum, such procedures shall:
  - a. Address the consequences of a member's failure to pay required fees and charges and failure to comply with medical and program treatment plans.
  - b. Provide for appropriate corrective action for individuals, groups, or events that disturb the peace and tranquility of the Homes or threaten member's health or safety.
  - c. Address the spreading of false and malicious gossip or deliberately misleading or inflammatory statements, either verbally or in writing.
  - d. Assure that all members are informed of the procedures and of their right redress (appeal) to the Administrator and then to the California Veterans Board.
3. Such procedures shall be submitted for staff and legal review prior to publication and from time to time to assure compliance with the United States and California Constitutions, applicable federal and state laws and regulations, and good administrative or management practices.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY</b>
<b>SECTION:</b>	<b>C-5</b>
<b>ADOPTED:</b>	<b>1/28/55</b>
<b>REVISED:</b>	<b>5/29/98</b>
<b>REVIEWED:</b>	<b>02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Medical Staff on Duty</b>

**PURPOSE**

To ensure proper medical care at the Veterans Homes of California.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. Appropriate medical staff will be on duty and/or available to the Veterans Homes at all times in accordance with accreditations and licensing requirements for the programs, services and levels of care available at each facility.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY</b>
<b>SECTION:</b>	<b>C-6</b>
<b>ADOPTED:</b>	<b>2/25/83</b>
<b>REVISED:</b>	<b>9/13/04, 12/03/04</b>
<b>REVIEWED:</b>	<b>02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Morale, Welfare and Recreation Funds</b>

**PURPOSE**

To ensure that the Morale, Welfare and Recreation Fund books and accounts are appropriately and fairly reviewed and monitored on an annual basis. § 1047, 1048

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. The Morale, Welfare and Recreation (MWR) Funds shall be audited, reviewed or surveyed on an annual basis. All audits, special reviews or surveys shall comply with applicable standards issued by the American Institute of Certified Public Accountants.
2. All MWR Fund final reports shall be submitted to the Cal-Vet Board via the Department of Veterans Affairs within 60 days of the final reporting date. Any follow-up reports verifying the resolution and correction of the findings and recommendations shall be submitted to the Cal-Vet Board within 60 days of issuance.
3. The Cal-Vet Board shall review all MWR Fund reports and monitor the resolution and correction of any findings and recommendations.
4. The Department of Veterans Affairs, Internal Audits Division, shall perform all audits, reviews or special surveys. An auditor external to the Department of Veterans Affairs may perform audits or reviews but the cost of such audit or review shall be the responsibility of the entity or person requesting the audit or review.
5. The Department will develop an annual Morale, Welfare and Recreation Fund budget, financial plan and financial performances report for Board review and approval.

Military and Veterans Code § 1048

<b>SECTION:</b>	<b>C-6.1</b>
<b>ADOPTED:</b>	<b>08/08/2005</b>
<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY</b>
<b>SECTION:</b>	<b>C-7</b>
<b>REVIEWED:</b>	<b>2/15/09, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>MWRF, Estates of Deceased Members – Cost Recovery</b>

**CALIFORNIA VETERANS BOARD**

**C-6.1**

**PURPOSE**

To determine the policy for recovering the costs of the Department in handling and processing estates of deceased members.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that the Department should be reimbursed, in part or in full, for legal fees and expenses it incurs when attempting to recover funds from a deceased veteran’s property or estate:

1. For those estates, which by law are required to be paid into the Morale, Welfare and Recreation Funds (MWRF), the formula for such reimbursement shall be the lesser of the actual costs or 10% of the gross amount of the estate. The net proceeds from each estate shall be paid into the MWRF.
2. For all other estates, the actual general fund costs for handling and processing each estate shall be calculated and reimbursed to the Department.
3. The Department shall develop detailed procedures for its fees. Its fees shall not be paid from any funds donated to Moral, Welfare, and Recreation Funds by other sources.

Military and Veterans Code: 1035 et seq.

<b>ADOPTED:</b>	<b>09/21/73</b>
<b>REVISED:</b>	<b>12/06/02, 04/12/07, 8/13/09, 10/20/11</b>
<b>REVIEWED:</b>	<b>02/07/03, 02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Land Use</b>

## **PURPOSE**

All plans and/or proposals for utilization of land and/or facilities shall be presented to the California Veterans Board.

## **POLICY**

1. It shall be the policy of the Department of Veterans Affairs that all plans and proposals for utilization of land and or facilities of the Department of Veterans Affairs shall be presented to the California Veterans Board.

## **POLICY**

1. All plans and/or proposals for the sale or change in the utilization of Department land or facilities shall be presented to the California Veterans Board prior to any action or final disposition.
2. Exceptions to this requirement may be made in situations in which action by the Department must be taken to avoid delays in negotiations or agreements that would jeopardize the sale or proposal, resulting in the possible detriment of benefits or services for Veterans. In those situations, the Chairperson of the California Veterans Board shall be notified as soon as possible.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY</b>
<b>SECTION:</b>	<b>C-8</b>
<b>ADOPTED:</b>	<b>11/15/68</b>
<b>REVISED:</b>	<b>5/29/98</b>
<b>REVIEWED:</b>	<b>12/03/04, 04/12/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Burial Procedure</b>

**PURPOSE**

To clarify burial procedures for Home members.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

Burial shall be performed in accordance with the wishes of the deceased or the immediate family, and in the absence of instructions, proper burials will be carried out in keeping with the dignity and honor of the veteran. The Home administrators or designee shall be responsible for carrying out this policy.

TITLE	CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY
SECTION:	C-9
ADOPTED:	11/19/82
REVISED:	11/18/94
REVIEWED:	12/03/04, 04/12/07, 8/13/09, 8/18/11
SUBJECT:	Perpetual Care and Maintenance of the Memorial Cemetery at the Veterans Home of California, at Yountville

**PURPOSE:**

To provide perpetually maintained memorial cemetery to honor our war heroes and deceased veterans.

**POLICY:**

It shall be the policy of the Department of Veterans Affairs that:

1. The Administrator of the Veterans Home at Yountville shall be directly responsible to the Secretary of the Department of Veterans Affairs for assuring that the memorial cemetery is perpetually maintained. All graves of members of the United States Armed Forces will be properly marked and identified in conformity, as nearly as possible, with the Rules and Regulations of the United States Veterans Administration for national cemeteries and memorials.
2. The cemetery area will be free from weeds and rubbish, and kept in good repair, free from defacement, and any unlawful markings on headstones and markers.
3. The Administrator may solicit and accept labor, gifts, devices, or bequests from legitimate Sources made for the purpose of beautifying this memorial cemetery, or are determined to be beneficial to it.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY</b>
<b>SECTION:</b>	<b>C-10</b>
<b>ADOPTED:</b>	<b>12/15/95</b>
<b>REVISED:</b>	<b>9/24/04, 4/14/11</b>
<b>REVIEWED:</b>	<b>04/12/07, 8/13/09, 4/14/11, 8/18/11</b>
<b>SUBJECT:</b>	<b>Admission of Veterans and Veterans' Spouses</b>

**PURPOSE**

To establish the policy for admission of veterans and their spouses to the Veterans Homes of California and their status in the Homes.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. Veterans with an accompanying spouse, veteran or non-veteran, shall be admitted to the Veterans Homes of California on a space available basis (no veteran waiting list) consistent with the provisions of Section 1012 of the California Military and Veterans Code.
2. Once determined to be eligible for admission and admitted to the Veterans Homes under those provisions, nonveteran spouses, including those who are admitted to joint residency with their veteran spouses and who elect to remain in residence after the death of the veteran spouses, acquire and are entitled to the same rights, privileges, and status as any other member or resident of the Veterans Homes, and shall not be singled out for disparate treatment of any kind because of their being nonveteran spouses, including but not limited to the imposition of different criteria for assignment to private or single rooms or for any other right or privilege afforded to veteran residents.
3. The Veteran and the non-veteran (NVS) shall be married for a minimum of one year to be eligible to be added to the waiting list of NVSs seeking admission to a home.
4. The NVS must be a resident of California at the time of admission.
5. A non-veteran spouse must be covered by a health plan that will be the primary source of coverage for all medical care or be financially able and willing to pay for all medical care incurred inside or outside the Home.
6. Widows or widowers of Medal of Honor recipients or former POW's are eligible to be admitted as non veteran spouses.
7. Parents who have lost a child in wartime service (Gold Star Parents) are eligible for admission to a Home.

Military and Veterans Code § 1012

HR 4505

**RESOLUTION OF CALIFORNIA VETERANS BOARD  
ON NONVETERAN SPOUSE RESIDENTS  
OF VETERANS HOMES OF CALIFORNIA**

WHEREAS, the California Veterans Board is authorized, empowered, and required by Section 72 of the California Military and Veterans Code (the Code) to determine policies for all operations of the California Department of Veterans Affairs; and

WHEREAS, Section C-10 of the California Veterans Board Policy Book provides for the admission of veterans' spouses to the Veterans Homes of California consistent with the provisions of Section 1012 of the Code; and

WHEREAS, the Veterans Homes formerly determined eligibility of a resident for assignment to a private or single room by seniority, using the resident's date of admission without regard for status; and

WHEREAS, without first fully briefing the Board as required by Section 84 of the Code, the former Interim Secretary of Veterans Affairs recently changed this practice to require that the eligibility of a nonveteran spouse who was admitted to joint residence with his or her veteran spouse for assignment to a private or single room would be determined by the date of the veteran spouse's death, rather than by the date of their joint admission; and

WHEREAS, the current Secretary of Veterans Affairs has approved this change in practice, with the exception that the change will apply only to newly admitted residents (presumably those admitted after February 6, 2004); and

WHEREAS, Section 1012 of the Code is the exclusive authority as to who may reside at the Veterans Homes, and expressly authorizes nonveteran spouses who meet the criteria set forth therein to reside at the Homes without further conditions or qualification; and

WHEREAS, federal statutory provisions expressly contemplate veteran-related family members residing at state veterans' homes; and

WHEREAS, the 14<sup>th</sup> Amendment of the Constitution of the United States guarantees equal protection of the laws to all persons;

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CALIFORNIA VETERANS BOARD  
THAT:**

“It shall be policy of the California Department of Veterans Affairs:

“1. That veterans and nonveteran spouses shall be admitted to the Veterans Homes of California consistent with the provisions of Section 1012 of the California Military and Veterans Code; and

“2. That, one determined to be eligible for admission and admitted to the Veterans Homes under those provisions, nonveteran spouses, including those who are admitted to joint residency with their veteran spouses and who elect to remain in residence after the death of the veteran spouse, acquire and are entitled to the same rights, privileges, and status as any another member or resident of the Veterans Homes, and shall not be singled out for disparate treatment of any kind because of their being nonveteran spouses, including but not limited to the imposition of different criteria for assignment to private or single rooms or for any other right or privilege afforded to veteran residents; and

“3. That nonveteran spouse residents shall not be regarded or treated in any way as “second-class” residents.”

This resolution is adopted by the California Veterans Board at its regular meeting on September 24, 2004. The Executive Officer is directed to attest this resolution, to revise Section C-10 of the Board Policy Book as set forth above, and to provide copies of this resolution and the revised policy to the Secretary of Veterans Affairs.

September 24, 2004

George G. Sinopoli, Chairman  
California Veterans Board

ATTESTED:  
September 24, 2004

Sandra Muñoz  
Executive Officer  
California Veterans Board

**Attachment**

TITLE	CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY
SECTION:	C-11
ADOPTED:	8/28/98
REVISED:	7/18/00, 4/12/07, 10/20/11
REVIEWED:	12/03/04, 4/12/07, 8/13/09, 8/18/11
SUBJECT:	Inter-Facility Transfer Policy

## PURPOSE

To permit members of the California Veterans Homes to transfer from one veterans home to another veterans home.

## POLICY

It shall be the policy of the Department of Veterans Affairs that a member in good standing in one of the California veteran's homes may be permitted to transfer his or her residency from one home to another.

### 1. DEFINITIONS

"Home of origin" means the California veterans home from which a member in good standing seeks a transfer. "Home of destination" means the California veterans home to which a member in good standing seeks a transfer.

### 2. CONDITIONS

Upon receiving a written request for an inter-facility transfer submitted by or on behalf of a member, the administrators of the home of origin and the home of destination must concur that the following conditions have been satisfied. The administrators must jointly approve all transfers and be responsible for efficient and timely coordination between the facilities.

- a. The member must complete a new veterans home application, including an updated medical certificate, and the member's medical condition must be appropriate for the care provided and available at the home of destination.
- b. A vacancy must exist at the home of destination at the level of care required by the member.

- c. The member requesting the inter-facility transfer must be in good standing and must not be in arrears with his or her financial obligations to the Department of Veterans Affairs, and must be free of any disciplinary sanctions at the home.
- d. The member requesting the transfer must pay the costs of relocation and transportation and moving expenses from the home of origin to the home of destination.

### **3. EXCEPTIONS**

- a. Applicants who require close, constant medical care from a hospital or medical center might be more easily managed at a Home that is in close proximity to USDVA medical center. In those cases, the receiving Home would require a statement from the Chief Medical Officer at the Home of origin concurring with the inter-facility transfer and briefly identifying the medical needs of the Veteran.
- b. Many residents at the Barstow Veterans Home lived in the San Diego area and may still have family ties there. In cases where the veteran seeks a transfer from Barstow to Chula Vista, the Chula Vista Veterans Home would require a statement from the veteran's social worker at their home of origin describing the specific social needs of the veteran that can't be met there, as well as a letter from the Chief Medical Officer at the veteran's home of origin concurring with the transfer.
- c. The home of destination will receive and approve applications based on current medical criteria and veteran eligibility from veterans who are currently residents at one of the other California veteran's homes. Exceptions will be made when one or more of the above-mentioned criteria are evident. All inter-facility transfers will require the written approval of the administrators from both the home of origin and the home of destination.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS HOMES POLICY</b>
<b>SECTION</b>	<b>C-12</b>
<b>ADOPTED</b>	<b>8/11/06</b>
<b>REVISED</b>	
<b>REVIEWED</b>	<b>04/12/07, 8/13/09, 8/18/11</b>
<b>SUBJECT</b>	<b>Resident Participation in Health Service Plans</b>

**PURPOSE:** The purpose of this policy is to maximize resident participation in federal, state, V.A., or private health service plans and to ensure that the Department seeks reimbursement for health care that is provided to the residents of the Veterans Homes of California.

**POLICY:** It shall be the policy of the Department that resident participation in federal, state, V.A., or private health service plans is maximized.

- Resident participation in federal, state, V.A., or private health service plans will benefit the Department by helping to ensure that all available resources have been utilized in the effort to reimburse the costs associated with providing high quality health care to our Veterans.
- Residents of the Veterans Homes of California shall make the administrations of the respective Homes aware of their participation in a health service plan or their eligibility for participation.
- Henceforth, non-veteran applicants must be participating in a federal, state or private health service plan to be admitted to the Home.
- Henceforth, veteran applicants, if eligible for federal, state, or VA medical programs, must apply for such programs in order to be admitted to the Home.
- Individuals admitted to the Home after the effective date of this policy will be required to maintain participation in the federal, state, V.A., or private health service plan if they remain eligible. If a member's eligibility lapses because of circumstances beyond his or her control, the member will not be discharged from the Home but he or she will be expected to reapply for coverage as soon as practical. However, any member who refuses to apply for and maintain coverage, but has the present ability to do so, may be discharged from the Home.

The Department shall determine the manner or method, and shall develop plans and establish procedures for implementation of this policy to achieve its purpose as fully as possible.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD HOMES POLICY</b>
<b>SECTION</b>	<b>C-14</b>
<b>ADOPTED</b>	<b>June 15, 2007</b>
<b>REVISED</b>	
<b>REVIEWED</b>	<b>8/13/09, 8/18/11</b>
<b>SUBJECT</b>	<b>Discharge of Non-Veteran Spouses</b>

**PURPOSE**

The purpose of this policy is to establish Department policy regarding the discharge of a non-veteran spouse from a Veterans Home of California.

**POLICY**

A non-veteran spouse may be discharged from a California Veterans Home when:

1. The non-veteran spouse violates the Home's Code of Conduct in such a manner as to warrant discharge.
2. The veteran spouse voluntarily leaves the Home, is involuntarily discharged from the Home for Code of Conduct violations, or divorces the non-veteran spouse.
3. In the event a veteran spouse is discharged from a Home because he or she abused the non-veteran spouse, the decision to allow the non-veteran spouse to remain in the Home will be decided on the circumstances and merits of the case with the best interests of the non-veteran spouse being considered.

**AUTHORITY**

Military and Veterans Code section 1012  
Board Policy C-10

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD VETERANS SERVICES POLICY</b>
<b>SECTION:</b>	<b>D-1</b>
<b>ADOPTED:</b>	<b>01/1/75</b>
<b>REVISED:</b>	
<b>REVIEWED:</b>	<b>12/03/04, 04/12/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Revocation of Specific Powers of Attorney</b>

**PURPOSE**

To allow the Division of Veterans Services to revoke specific powers of attorney in specific situations.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. When the Division of Veterans Services has assisted a veteran or dependent and when all avenues of assistance have been exhausted and the claimant is still dissatisfied with the results, authority is granted to the Chief, Division of Veterans Services or his designee to revoke an existing power of attorney. Revocation of any specific power of attorney shall not be an arbitrary act and will be made in extreme cases after a complete investigation of all circumstances surrounding the case.

TITLE	CALIFORNIA VETERANS BOARD VETERANS SERVICES POLICY
SECTION:	D-2
ADOPTED:	08/11/01
REVISED:	04/12/07
REVIEWED:	12/03/04, 04/12/07, 8/13/09, 8/18/11
SUBJECT:	Services to be provided by the Veterans Services Division Not Covered By Law or Regulation

## PURPOSE

To allow the Veterans Services Division to expand its services to veterans.

## POLICY

It shall be the policy of the Department of Veterans Affairs that:

The Veterans Services Division shall provide the following services to veterans, not covered by law or regulation, as division resources permit.

### a. Benefit Awareness Program

The Veterans Services Divisions sends approximately 2,000 letters each month to veterans who have separated from the military and who list California as their home of residence on their DD214, informing them of state, federal and local benefits to which they are entitled.

### b. Veterans License Plate Program

Over 14,000 veterans plates from the Veterans Services Division Veterans License Plate Program are now on the road and over 100 different veterans and military organization logos are available. Proceeds of the sale of veteran's plates have resulted in over \$500,000 going directly to expand veteran's services throughout the state.

### c. Homeless Veterans Programs

A state advocate for homeless veterans was established in the FY2001-02 state budget as part of the Veterans Services Division to maximize federal, state and local funding for homeless veterans. This individual will act as a single point of contact for California homeless veterans with all federal, state and local agencies, as well as non-profit agencies, and as the single point of contact for California Stand Downs. This individual will also develop an integrated comprehensive network to address the needs of homeless veterans and network with other state and federal agencies for information about initiatives that are being undertaken by federal agencies that address homeless veterans issues.

### c. Hepatitis C Outreach and Information Program

The Veterans Services Division will conduct outreach through the state Department of Health Services for Hepatitis C, diabetes and prostate cancer as they relate to veterans who served during the Vietnam era; establish and maintain effective working relationships with federal, state and local agencies in the area of education and outreach; develop a marketing program to include, but not be limited to, designing marketing material and techniques, and attend public events as needed; act as liaison to the Department of Health Services,

U.S. Department of Veterans Affairs, veterans services organization, community-based organizations, and veterans.

