

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: SB 174

INTRODUCER: Senators Burgess and Collins

SUBJECT: Veterans' Long Term Care Facilities Admissions

DATE: January 29, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<b>Favorable</b>
2.	<u>Howard</u>	<u>McKnight</u>	<u>AHS</u>	<b>Favorable</b>
3.	<u>Brown</u>	<u>Yeatman</u>	<u>FP</u>	<b>Favorable</b>

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## I. Summary:

SB 174 expands the eligibility for residency at a veterans' home to include a spouse or surviving spouse of a qualifying veteran, or a parent of a child who died while serving in the United States Armed Forces.

The bill revises the priority order for admission to a veterans' home. The bill ranks in 5<sup>th</sup> place for admission a spouse or surviving spouse of a veteran and in 6<sup>th</sup> (last) place a parent of a child who died while in military service. These rankings preserve as a higher priority admission of a veteran over a nonveteran.

The bill has no fiscal impact on state revenues or state expenditures.

The bill takes effect on July 1, 2024.

## II. Present Situation:

### Veterans Homes

#### *Cost and Funding of Resident Care*

A resident of a state veterans' home must contribute to the cost of his or her care if the resident receives a pension, compensation, gratuity from the federal government, or income from any other source if the monthly amount exceeds \$160.<sup>1</sup>

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<sup>1</sup> Section 296.37(1), F.S. This contribution for care may be 100 percent of the cost if an otherwise eligible veteran is able to fund his or her own support (s. 296.37(2), F.S.).

The average cost of care at a state veterans' nursing home in Florida is \$394.15 a day.<sup>2</sup> The cost of care is funded through multiple sources, including from the resident. Costs charged to residents ranges from an average \$98.63 a day for a resident on limited income, to the average cost of \$358.93 a day for a self-paying resident.<sup>3</sup> If a resident veteran is between 70 and 100 percent disabled, the resident pays nothing.<sup>4</sup>

In addition to the resident's portion of payment, a federal subsidy in the form of reimbursement supplements the cost of care. Federal reimbursement is based on a per diem rate established by the United States Department of Veterans Affairs (VA) Administration.<sup>5</sup> Current VA per diem for basic care is set at \$129.97 a day, while per diem for disabled veterans who are determined to be at least 70 percent disabled is set at \$474.45 a day.<sup>6</sup> To qualify for reimbursement, federal law requires a facility to maintain a population of at least 75 percent veterans.<sup>7</sup> If facility construction or renovation is funded solely by the state, then the facility is only required to maintain a population of at least 50 percent veterans.<sup>8</sup>

Federal law authorizes a state veterans' home to house non-veteran residents who are spouses of veterans or parents whose children died while in military service.<sup>9</sup> These residents are required to pay the full cost.

### ***Eligibility for Admission***

To be considered for admission to a veterans' home in Florida, a veteran must have been discharged from the military with either an honorable or an upgrade to an honorable discharge.<sup>10</sup>

The state provides for veterans' homes as both Veterans' Domiciliary Homes<sup>11</sup> and Veterans' Nursing Homes.<sup>12</sup> Both veterans of wartime service and of peacetime service are eligible for admission. The order of admission to a veterans' home is ranked by priority.

### **Domiciliary Homes**

Domiciliary care which is defined to mean shelter, sustenance, and incidental medical care for a person who is ambulatory and can otherwise provide self-care, but not a person in need of hospitalization or nursing home care services.<sup>13</sup> A domiciliary home is an assisted living facility.

To be eligible for admission, a veteran must:

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<sup>2</sup> Fla. Dep't of Veterans' Affairs, *2023 Agency Legislative Bill Analysis, SB 174* (Nov. 7, 2023) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> 38 CFR 51.210 (2023).

<sup>6</sup> Fla. Dep't of Veterans' Affairs, *supra* note 2.

<sup>7</sup> 38 CFR 51.210(d) (2023).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Sections 296.02(9) and 1.01(14), F.S.

<sup>11</sup> A Veterans' Domiciliary Home of Florida is a home for veterans established by the state (ss. 296.02 (10), and 296.03, F.S.).

<sup>12</sup> Chapter 296, Laws of Florida.

<sup>13</sup> Section 296.02(4), F.S.

- Be a resident of the state at the time of application;
- Not be mentally ill, habitually inebriated, or addicted to drugs;
- Not owe money to the Florida Department of Veterans' Affairs (FDVA) for services rendered during a previous stay at a FDVA facility;
- Have applied for all financial assistance reasonably available through governmental sources; and
- Have been approved as eligible for care and treatment by the VA.<sup>14</sup>

Residents are admitted in order of priority as follows:

- A veteran with wartime service who has a service-connected disability but are not in need of hospitalization or nursing home care.
- A veteran with wartime service who has a non-service-connected disability but are not in need of hospitalization or nursing home care.
- A veteran with wartime service and no disability.
- A veteran with peacetime service.<sup>15</sup>

An applicant must file with the administrator all necessary information for admission purposes, including a certificate of eligibility and a certified copy of discharge.<sup>16</sup>

### Nursing Homes

In addition to assisted-living facilities, Florida law provides for veterans' nursing homes.<sup>17</sup> Each nursing home is overseen by an administrator who is selected by the Executive Director (director) of the FDVA.<sup>18</sup>

To be eligible for admission to a nursing home, a veteran must:

- Be in need of nursing care;
- Be a resident of the state at the time of application;
- Not owe money to the FDVA for services rendered during a previous stay at a FDVA facility;
- Have applied for all financial assistance reasonably available through governmental sources; and
- Have been approved as eligible for care and treatment by the VA.<sup>19</sup>

Residents are admitted in the following order of priority for an eligible veteran:

- Who is a resident of the state.
- Who has a service-connected disability as determined by the VA, or who was discharged or released from service for a disability incurred or aggravated in the line of duty and the disability is the condition for the nursing home need.

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<sup>14</sup> Section 296.06(2), F.S.

<sup>15</sup> Section 296.08, F.S.

<sup>16</sup> Section 296.08(2), F.S.

<sup>17</sup> Section 296.32, F.S.

<sup>18</sup> Section 296.34, F.S.

<sup>19</sup> Section 296.36(1), F.S.

- Who has a non-service-connected disability and is unable to defray the cost of nursing home care.<sup>20</sup>

### **Veterans Facilities in Florida**

Currently, nine state veterans' homes operate in the state: eight skilled nursing facilities and one assisted living facility. Nursing homes are located in Daytona Beach (Emory L. Bennett State Veterans' Nursing Home), Orlando (Alwyn C. Cashe State Veterans' Nursing Home), Land O'Lakes (Baldomero Lopez State Veterans' Nursing Home), Pembroke Pines (Alexander "Sandy" Nininger Veterans' Nursing Home), Panama City (Clifford C. Sims State Veterans' Nursing Home), Port Charlotte (Douglas T. Jacobson State Veterans' Nursing Home), Port St. Lucie (Ardie R. Copas State Veterans' Nursing Home) and St. Augustine (Clyde E. Lassen State Veterans' Nursing Home), Florida. The assisted living facility is in Lake City (Robert H. Jenkins, Jr. Veterans' Domiciliary Home), and to be admitted, veterans must be able to eat and dress.<sup>21</sup>

As of October 2023, the occupancy rate for fully operational state veterans' nursing homes is at 94 percent.<sup>22</sup> Only the Alwyn C. Cashe facility is not fully operational.<sup>23</sup> The FDVA is in the process of appealing a decision by the VA that the home does not pass certification, and correcting deficiencies identified by the Agency for Health Care Administration.<sup>24</sup> As such, the home currently has 23 private-pay, non-veteran residents.<sup>25</sup>

Currently, 11 people statewide are on the waiting list for residential admission.<sup>26</sup> Veterans who are at least 70 percent disabled advance to the top of the list.<sup>27</sup>

### **III. Effect of Proposed Changes:**

This bill expands the eligibility for residency at a veterans' home to include a:

- Spouse of a qualifying veteran;
- Surviving spouse of a qualifying veteran; and
- Parent of a child who died while serving in the United States Armed Forces.

The bill revises the definition of "applicant" to mean the spouse or surviving spouse of a qualifying veteran, or a parent of a child who died while serving in the United States Armed Forces.

The bill revises the definition of "resident" to mean an eligible applicant to a state veterans' home.

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<sup>20</sup> Section 296.36(3), F.S.

<sup>21</sup> Fla. Dep't of Veterans Affairs, *Agency Update*, PowerPoint (Oct. 10, 2023) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>22</sup> Fla. Dep't of Veterans Affairs, *The Florida Cabinet, Weekly EOG Agency Report, Week Ending Nov. 4, 2023* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> Fla. Dep't of Veterans' Affairs, *supra* note 2.

<sup>27</sup> *Id.*

The bill revises priority order for admission to a veterans' home. The bill ranks in 5<sup>th</sup> place the admission of a spouse or surviving spouse of a veteran and in 6<sup>th</sup> (last) place a parent of a child who died while serving in the Armed Forces of the United States. These rankings preserve as a higher priority admission of a veteran over a nonveteran.

The bill takes effect on July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A qualifying nonveteran resident will have to pay full cost to reside in a state veterans' home. However, the resident would otherwise have to pay at another home, or for a private residence. For the spouse of a resident veteran, cost savings may be realized through the spouses sharing a room or assisted living arrangement.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or state expenditures, as a qualifying nonveteran resident will be charged the full cost of care and housing.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 296.02, 296.03, 296.08, 296.32, 296.33, and 296.36.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.