

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 725 Veterans' Long-term Care Facilities Admissions

SPONSOR(S): Woodson, Snyder & others

TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|-----------|-------------|--|
| 1) Local Administration, Federal Affairs & Special Districts Subcommittee | 15 Y, 0 N | Mwakyanjala | Darden |
| 2) Health Care Appropriations Subcommittee | 12 Y, 0 N | Aderibigbe | Clark |
| 3) Health & Human Services Committee | 18 Y, 0 N | Guzzo | Calamas |

SUMMARY ANALYSIS

Florida Department of Veterans' Affairs (FDVA) operates a network of nine veterans' homes and provides statewide outreach to connect veterans with services, benefits, and support. State veterans' homes may be either nursing homes or domiciliary homes. Both veterans of wartime service and of peacetime service are eligible for admission.

The bill expands the eligibility for residency at a state veterans' home to include the spouse or surviving spouse of a qualifying veteran. The bill revises the priority of admittance to veterans' homes and places the spouse or surviving spouse of a veteran last in priority. These rankings preserve a higher priority of admittance to veterans over non-veterans.

The bill does not have a fiscal impact on state or local government.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Veterans' Services

The U.S. Department of Veterans' Affairs (VA) is principally responsible for the delivery of health care services to veterans.¹ Eligibility for hospital, nursing home, and domiciliary care depends on a number of factors. Veterans qualify for specified health care services depending on disability status, time of service, active duty status during service, toxic exposure during service, annual income, and need for support.²

The Florida Department of Veterans' Affairs (FDVA) is a nearly 1,500-member constitutionally chartered³ department with a budget of \$201 million for FY 2023-2024.⁴ FDVA operates a network of nine state veterans' homes and provides statewide outreach to connect veterans with services, benefits, and support.⁵ FDVA offers benefits and services in the fields of health care, mental health and substance abuse, claims support, education, employment, housing, burial benefits, and legal assistance.⁶

Veterans Homes

The FDVA provides care for veterans' in both domiciliary homes⁷ and nursing facilities.⁸ Both veterans of wartime and peacetime service are eligible for admission.⁹ Veterans are admitted to both types of facilities based on a priority ranking.¹⁰ 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.¹¹

Domiciliary Homes

Domiciliary care is shelter, sustenance, and incidental medical care on an ambulatory self-care basis for eligible veterans who are disabled by age or disease, but not in need of hospitalization or nursing home care.¹² A domiciliary home is a type of assisted living facility (ALF).¹³

To be eligible for admission, a veteran must:

- Have wartime service or peacetime service;
- 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 FDVA for services rendered during a previous stay at a FDVA facility;

¹ Florida Dept. of Veterans Affairs, *Health Care*, <https://www.floridavets.org/benefits-services/health-care/> (last visited Jan. 21, 2024).

² 38 U.S.C. § 1710.

³ Art. IV, s. 11, Fla. Const.

⁴ Ch. 2023-239, Laws of Florida.

⁵ Florida Dept. of Veterans Affairs, *Florida Department of Veterans' Affairs – Our Vision and Mission*, <https://www.floridavets.org/leadership/> (last visited Jan. 21, 2024).

⁶ Florida Department of Veterans Affairs, *Benefits & Services*, <https://www.floridavets.org/benefits-services/> (last visited Jan. 21, 2024).

⁷ A Veterans' Domiciliary Home of Florida is a home for veterans established by the state. Ss. 296.02 (10), and 296.03, F.S.

⁸ Ch. 296, F.S.

⁹ Ss. 296.08 and 296.36, F.S. "Wartime service" is defined as is service in any of the following campaigns or expeditions: Spanish-American War (1898-1902); Mexican Border Period (1916-1917); World War I (1917-1918, with qualifying extensions until 1921); World War II (1941-1946); Korean War (1950-1955); Vietnam War, (1961-1975); Persian Gulf War (1990-1992); Operation Enduring Freedom (2001-date prescribed by presidential proclamation or by law); Operation Iraqi Freedom (2003-date prescribed by presidential proclamation or by law). Peacetime service is defined as any Army, Navy, Marines, Coast Guard, Air Force, or Space Force service that not in any of the campaigns or expeditions. S. 1.01(14), F.S.

¹⁰ Ss. 296.08 and 296.36, F.S.

¹¹ Ss. 296.02(9) and 1.01(14), F.S.

¹² S. 296.02(4), F.S.

¹³ See Florida Dept. of Veterans Affairs, *State Veterans' Homes*, <https://floridavets.org/locations/state-veterans-nursing-homes/> (last visited Jan. 21, 2024) (describing care provided by the Robert H. Jenkins Jr. Veterans' Domiciliary Home).

- Have applied for all financial assistance reasonably available through governmental sources; and
- Have been approved as eligible for care and treatment by the VA.¹⁴

Residents are admitted in order of priority as follows:

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

An applicant must file with the facility administrator all information necessary for admission, including a certificate of eligibility, a certified copy of the veteran's discharge, and any other information the administrator determines is necessary.¹⁶

The FDVA currently operates one domiciliary home in Florida. The domiciliary home is located in Lake City.¹⁷

Nursing Homes

In addition to assisted-living facilities, Florida law provides for veterans' nursing homes.¹⁸ Each nursing home is overseen by an administrator who is selected by the Executive Director (director) of FDVA.¹⁹

To be eligible for admission, 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.²⁰

Eligible veterans are given priority for admission in the following order:

- Residents of the state.
- Those who have a service-connected disability as determined by the VA, or who were 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.
- Those who have a non-service-connected disability and are unable to defray the cost of nursing home care.²¹

The FDVA currently operates eight skilled nursing facilities throughout the state. The nursing homes are located in Daytona Beach, Orlando, Land O'Lakes, Pembroke Pines, Panama City, Port Charlotte, Port St. Lucie, and St. Augustine, Florida.²²

Cost and Funding of Resident Care

¹⁴ S. 296.06(2), F.S.,

¹⁵ S. 296.08, F.S.

¹⁶ S. 296.08(2), F.S.

¹⁷ Florida Dept. of Veterans Affairs, State Veterans' Homes, <https://floridavets.org/locations/state-veterans-nursing-homes/> (last visited Jan. 21, 2024).

¹⁸ Ch. 296, Part II, F.S.

¹⁹ S. 296.34, F.S.

²⁰ S. 296.36(1), F.S.

²¹ S. 296.36(3), F.S.

²² *Supra* note 17.

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 of more than \$100 per month for domiciliary homes and \$160 per month for nursing homes.²³

In addition to the resident's portion of payment, the VA provides a reimbursement care subsidy to domiciliary homes and nursing homes based on a per diem rate.²⁴ The current VA per diem for domiciliary homes is \$59.69 a day.²⁵ The current VA per diem for basic care in a nursing home is set at \$138.29 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.²⁶ To qualify for reimbursement, federal law requires at least 75 percent of the population of the facility to be veterans. This threshold drops to 50 percent if the facility was constructed or renovated solely by the state.

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.²⁷ These residents are required to pay for the full cost of their care. However, Florida law does not allow the spouses of veterans to be admitted to state veterans' homes.

Effect of Proposed Changes

The bill expands the eligibility for residency at state veterans' homes to include the spouse or surviving spouse of a qualifying veteran. The bill updates the priority order of admission to reflect this change, placing the spouse or surviving spouse last in the admission priority list, ensuring that higher priority of admittance will be given to veterans over non-veterans.

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 296.02, F.S., relating to definitions.
- Section 2:** Amends s. 296.03, F.S., relating to Veterans' Domiciliary Home of Florida.
- Section 3:** Amends s. 296.08, F.S., relating to priority of admittance.
- Section 4:** Amends s. 296.32, F.S., relating to purpose.
- Section 5:** Amends s. 296.33, F.S., relating to definitions.
- Section 6:** Amends s. 296.36, F.S., relating to eligibility and priority of admittance.
- Section 7:** Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has no fiscal impact on FDVA or the state Medicaid program. While the VA does not cover the cost of care for spouses, FDVA will be reimbursed for services through private pay, Medicare, and the state Medicaid program.²⁸

²³ S. 296.10, F.S., and s. 296.37, 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.

²⁴ 38 C.F.R. § 51.390 and 38 C.F.R. § 51.210.

²⁵ U.S. Department of Veterans Affairs, Geriatric and Extended Care, State Home Per Diem Program, *State Home Per Diem Basic Rates for FYs 200-2024*, available at https://www.va.gov/geriatrics/pages/State_Veterans_Home_Program_per_diem.asp (last visited January 21, 2024).

²⁶ Florida Dept. of Veterans' Affairs, *2023 Agency Legislative Bill Analysis, SB 174* (Nov. 7, 2023) (on file with the House Local Administration, Federal Affairs, & Special Districts Subcommittee).

²⁷ 38 C.F.R. § 51.210(d).

²⁸ *Supra* note 8

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES