

Assembly Bill No. 614

CHAPTER 642

An act to amend Sections 1012.2 and 1012.3 of the Military and Veterans Code, relating to veterans.

[Approved by Governor September 27, 2014. Filed with
Secretary of State September 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 614, Chávez. Veterans' homes of California: reimbursement rates.

Existing law provides for the establishment and operation of the Veterans' Home of California at various sites for aged and disabled veterans who meet certain eligibility requirements. Existing law requires members of the homes to pay fees and charges as determined by the department, but prohibits the total of the member's fees and charges for specified types of care for any fiscal year to be greater than a certain percentage of the member's annual income.

This bill would provide that a veteran member of the home who is in intermediate care or skilled nursing care would not be subject to charges and fees if he or she meets specified criteria for disability status and payments by the federal Department of Veterans Affairs under specified federal regulations.

This bill would incorporate additional changes to Section 1012.3 of the Military and Veterans Code proposed by SB 1440 that would become operative if this bill and SB 1440 are both chaptered and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 1012.2 of the Military and Veterans Code is amended to read:

1012.2. (a) (1) Notwithstanding any other law, any member of the home who is receiving an aid and attendance allowance from the United States Department of Veterans Affairs and who has no dependent spouse, child, grandchild, father, or mother shall pay to the home an amount equal to that allowance in all levels of care excluding domiciliary.

(2) Paragraph (1) shall not apply to a member of the home who is in intermediate care or skilled nursing care and has a disability that has been rated by the United States Department of Veterans Affairs as being 70 percent or more service-connected, as determined under Part 4 of Title 38 of the Code of Federal Regulations.

(b) One hundred percent of the moneys received by the home under this section shall be placed to the credit of the home and shall augment the current appropriation for the support of the home.

SEC. 2. Section 1012.3 of the Military and Veterans Code is amended to read:

1012.3. (a) Members of the home shall pay fees and charges as determined by the department, except that the total of the individual member's fees and charges for any fiscal year shall not be greater than as set forth in the following schedule:

(1) Forty-seven and one-half percent of the member's annual income for domiciliary care.

(2) Fifty-five percent of the member's annual income for residential care for the elderly or assisted living.

(3) Sixty-five percent of the member's annual income for intermediate care.

(4) Seventy percent of the member's annual income for skilled nursing care.

(b) Nonveteran spouses who become members of the home on or after July 1, 2009, shall pay fees and charges based on the level of care, as described in subdivision (a), or an amount equal to the annual amount of federal per diem received for a veteran member in domiciliary care, whichever is greater. If the nonveteran member's income is less than the annual amount of federal per diem for a veteran member in domiciliary care, the nonveteran member shall pay a maximum of 90 percent of his or her annual income.

(c) Subdivision (a) shall not apply to a member of the home who is in intermediate care or skilled nursing care and has a disability that has been rated by the United States Department of Veterans Affairs as being 70 percent or more service-connected, as determined under Part 4 of Title 38 of the Code of Federal Regulations and whose related payments made under Section 51.41 of Title 38 of the Code of Federal Regulations are considered by the United States Department of Veterans Affairs as payment in full for the member's care.

SEC. 2.5. Section 1012.3 of the Military and Veterans Code is amended to read:

1012.3. (a) Members of the home, including members who are nonveteran spouses, shall pay fees and charges as determined by the department, except that the total of the individual member's fees and charges for any fiscal year shall not be greater than as set forth in the following schedule:

(1) Forty-seven and one-half percent of the member's annual income for domiciliary care.

(2) Fifty-five percent of the member's annual income for residential care for the elderly or assisted living.

(3) Sixty-five percent of the member's annual income for intermediate care.

(4) Seventy percent of the member's annual income for skilled nursing care.

(b) Subdivision (a) shall not apply to a member of the home who is in intermediate care or skilled nursing care and has a disability that has been rated by the United States Department of Veterans Affairs as being 70 percent or more service-connected, as determined under Part 4 of Title 38 of the Code of Federal Regulations and whose related payments made under Section 51.41 of Title 38 of the Code of Federal Regulations are considered by the United States Department of Veterans Affairs as payment in full for the member's care.

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 1012.3 of the Military and Veterans Code proposed by this bill and SB 1440. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 1012.3 of the Military and Veterans Code, and (3) this bill is enacted after SB 1440, in which case Section 1012.3 of the Military and Veterans Code, as amended by SB 1440, shall remain operative only until the operative date of this bill, at which time Section 2.5 of this bill shall become operative, and Section 2 of this bill shall not become operative.