

MICHIGAN VETERANS' FACILITY Act 152 of 1885

AN ACT to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1958, Act 142, Imd. Eff. Apr. 18, 1958;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

The People of the State of Michigan enact:

36.1 State Veterans' Facility of Michigan; establishment.

Sec. 1. That there shall be established in this state an institution under the name and style of the "State Veterans' Facility of Michigan," and whenever reference is made in the laws of this state to the "Michigan Soldiers' Home," reference shall be deemed to be made to the "Michigan Veterans' Facility."

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984a;—CL 1897, 2055;—CL 1915, 1667;—CL 1929, 782;—Am. 1945, Act 94, Eff. Sept. 6, 1945;—CL 1948, 36.1.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

Transfer of powers: See MCL 16.528.

36.2 Repealed. 2011, Act 283, Eff. Jan. 1, 2012.

Compiler's note: The repealed section pertained to appointment, qualifications, and terms of members of board of managers.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.2a Michigan veterans' facility; general supervision and government by board of managers; membership; qualifications; appointment; terms; oath of office; removal; compensation; vacancy; definitions.

Sec. 2a. (1) The general supervision and government of the Michigan veterans' facility is vested in a board of managers consisting of 7 members. Each member shall have demonstrated knowledge, skills, and experience in public health, business, or finance. Members shall be appointed as follows:

- (a) One representative of the American Legion.
- (b) One representative of the Veterans of Foreign Wars of the United States.
- (c) One representative of the Disabled American Veterans.
- (d) One representative of any other congressionally chartered veterans' organization other than those organizations identified in subdivision (a), (b), or (c).
- (e) Three members who are veterans, who may or may not be a member of 1 or more congressionally chartered veterans' organizations, but shall not represent any congressionally chartered veterans' organization of which they are a member.

(2) The members shall be appointed by the governor by and with the advice and consent of the senate. Each member shall hold office for the term of 3 years from the time of his or her appointment and shall continue to hold office at the pleasure of the governor. The members enumerated in subsection (1)(a), (b), (c), and (d) shall be appointed by the governor from a list of at least 3 individuals recommended by each respective organization.

(3) Each member of the board shall qualify by taking and filing the constitutional oath of office.

(4) The governor may remove any member of the board for misfeasance, malfeasance, or nonfeasance in

office, after a hearing. Missing 3 or more consecutive meetings constitutes malfeasance and is grounds for removal.

(5) Members of the board shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in attending scheduled meetings of the board of managers in accordance with the accounting laws of this state.

(6) If a vacancy occurs during the term of office of a member of the board of managers, the member's successor shall be selected from the same organization and in the same manner as the original appointment for the balance of the unexpired term.

(7) As used in this act:

(a) "Board" means the board of managers of the Michigan veterans' facility created in this section.

(b) "Michigan veterans' facility" means a long-term care facility and ancillary facilities for veterans and their dependents. Michigan veterans' facility does not include a veterans' facility as that term is defined in section 2 of the Michigan veterans' facility authority act.

(c) "Veteran" means an individual who meets both of the following criteria:

(i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.

(ii) Was honorably discharged.

History: Add. 2011, Act 283, Eff. Jan. 1, 2012;—Am. 2016, Act 213, Eff. Sept. 20, 2016;—Am. 2016, Act 561, Imd. Eff. Jan. 11, 2017.

Compiler's note: For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.6 Board of managers; expenses; reimbursement.

Sec. 6. Each member of the board is entitled to reimbursement of expenses from the appropriations to the facility in accordance with the accounting laws of this state.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984f;—Am. 1889, Act 103, Imd. Eff. May 21, 1889;—CL 1897, 2057;—CL 1915, 1669;—Am. 1925, Act 265, Imd. Eff. May 13, 1925;—CL 1929, 784;—CL 1948, 36.6;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1963, Act 101, Eff. Sept. 6, 1963;—Am. 1975, Act 58, Imd. Eff. May 20, 1975;—Am. 2011, Act 283, Eff. Jan. 1, 2012.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.7 Board of managers; meetings; election and terms of officers; appointment of administrator; conducting business at public meeting; notice.

Sec. 7. (1) The board of managers shall meet annually at a facility and shall elect a chairperson, a chairperson pro tempore, a secretary, a treasurer, and a clerk, who shall hold office for 1 year and until a successor is elected and qualified. However, instead of electing a treasurer and a clerk, the board of managers may appoint the administrator of the facilities to perform the duties of the treasurer and the clerk and other duties prescribed by the board.

(2) The business that the board of managers may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984g;—CL 1897, 2058;—CL 1915, 1670;—CL 1929, 785;—CL 1948, 36.7;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1978, Act 157, Imd. Eff. May 22, 1978;—Am. 2011, Act 283, Eff. Jan. 1, 2012.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.8 Board of managers; meetings; preparation, review, and revision of system of government.

Sec. 8. The board of managers shall meet not less than once every 3 months. The board of managers shall prepare, review, and revise a system of government for the homes, which shall include all rules, regulations, and laws necessary for effective management and preserving the health of the disabled veterans admitted to

the home.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984h;—CL 1897, 2059;—CL 1915, 1671;—CL 1929, 786;—CL 1948, 36.8;—Am. 2011, Act 283, Eff. Jan. 1, 2012.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.9 Report to governor and legislative committees; information concerning state veterans' facility; placement of report on public website.

Sec. 9. (1) No later than January 1, April 1, July 1, and October 1 of each year, the Michigan veterans affairs agency, its successor agency, or the department of military and veterans affairs shall report in writing all of the following information concerning any state veterans' facility to the governor, the senate and house committees on veterans affairs, and the senate and house appropriations subcommittees for the department of military and veterans affairs:

- (a) Staffing levels and the extent to which staffing levels do or do not meet industry standards.
 - (b) Number of patient complaints, average time to review a complaint and respond, and response to each complaint.
 - (c) Timeliness of distribution of pharmaceutical drugs.
 - (d) Security provided for pharmaceutical drugs in the facility, including the title of the individuals providing the security.
 - (e) How patient money is accounted for, including the name and title of the individual who supervises patient spending accounts.
 - (f) Number of facility resident deaths that occurred since the most recent report.
- (2) The department of military and veterans affairs shall place the reports required under subsection (1) on its public website in a prominent and conspicuous manner.

History: Add. 2016, Act 314, Eff. Jan. 24, 2017.

Compiler's note: Former MCL 36.9, which pertained to inspection of institution by member of board, was repealed by Act 283 of 2011, Eff. Jan. 1, 2012.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.10 Board of managers contract with authority; staffing.

Sec. 10. (1) The board of managers may enter into contracts with an authority under the Michigan veterans' facility authority act to do 1 or more of the following:

- (a) Lease, sell, or otherwise convey property to that authority for the development of a veterans' facility as that term is defined in the Michigan veterans' facility authority act.
 - (b) Any other agreement regarding the care or housing of veterans in a Michigan veterans' facility.
- (2) The board of managers shall provide staffing to any authority operated under the Michigan veterans' facility authority act that is sufficient to provide for the care, housing of veterans, and operations of any veterans' facility as that term is defined in the Michigan veterans' facility authority act.

History: Add. 2016, Act 562, Imd. Eff. Jan. 11, 2017.

Compiler's note: Former MCL 36.10, which pertained to appointment or removal of commandant for home, was repealed by Act 283 of 2011, Eff. Jan. 1, 2012.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.10a Report; supplemental report; audits.

Sec. 10a. (1) The board shall annually file a written report on its activities of the immediately preceding year with the governor and each house of the legislature. The board shall submit this report not later than 90 days after the end of the fiscal year. This report must specify all of the following:

- (a) The status of development of each Michigan veterans' facility.
- (b) A statement whether a Michigan veterans' facility will likely be closing in the next fiscal year.
- (c) The census of each Michigan veterans' facility.
- (d) Accounting of all revenues received and expended.
- (e) Statistics on veterans who resided in each Michigan veterans' facility.

- (f) Recommendations for improvements at each Michigan veterans' facility.
- (g) Salaries and benefit costs of all staff positions at all Michigan veterans' facilities.
- (h) Any other matters the board considers pertinent.

(2) If the board indicates that a Michigan veterans' facility will likely be closing in the next fiscal year under subsection (1)(b), then the board shall file a supplemental report on its activities every 90 days until the Michigan veterans' facility is closed and no longer operational. The board shall file the supplemental report with the governor and each house of the legislature not later than 60 days after the 90-day period covered in the supplemental report. The supplemental report must specify all the items described in subsection (1)(a) to (h).

(3) The board's accounts must be subject to annual financial audits by the state auditor general or a certified public accountant appointed by the auditor general. The auditor general shall perform a performance audit if a Michigan veterans' facility receives a Centers for Medicare and Medicaid Services survey finding that indicates a "substandard quality of care" as that phrase is defined in 42 CFR 488.301, an unsatisfactory audit from the United States Department of Veterans Affairs, upon request by either house of the legislature, or as otherwise determined by the auditor general. Records must be maintained according to generally accepted auditing principles.

History: Add. 2016, Act 563, Imd. Eff. Jan. 11, 2017.

36.11 Veterans' facility; eligibility for admission; maintenance charges; dismissal; creation of veterans' facilities operation fund; credit of money to fund; expenditures; assignment of money to board of managers as condition of admission; expenditure of assigned money; creation of posthumous fund; expenditures.

Sec. 11. (1) A veteran of the armed forces of the United States eligible for United States department of veterans affairs' health care or financial assistance for long-term nursing or day care may be admitted to a veterans' facility in this state that is established under this act. Nothing in this section prevents the board of managers from admitting to membership in a facility any applicant otherwise qualified, but who has adequate means of support and is not dependent upon public or private charity, provided that the applicant, as a condition of admission, pays to the board of managers in advance, or at those times as may be fixed by the board of managers, for the use and benefit of the state a sum for his or her support as the board of managers determines to be proper. The board of managers shall annually determine the per diem expense of maintenance of members in the facilities and shall require any member who has adequate means of support or sufficient property or income, to pay the board of managers in full for the expenses of maintenance. All members in the facilities shall be charged in the first instance with the maintenance, which shall be collected either in whole or in part, if the member has sufficient property or income, but otherwise the board of managers may remit the per diem charge either in whole or in part. The maintenance charges as determined by the board of managers shall be paid to the adjutant of the facilities in advance not later than the fifth day of each month. Failure to comply with a condition shall be cause for dismissal from a facility.

(2) There is created a veterans' facilities operation fund in the state treasury. Except as provided by subsection (3), money received under this section and from the veterans' administration in direct payment for services to members of the facilities established under this act shall be turned over to the state treasury and credited to the veterans' facilities operation fund. Money in the veterans' facilities operation fund shall be expended only for the operation of the facilities established under this act.

(3) The board of managers of the facilities may make a condition for admission to a facility that all applicants shall assign to the board of managers any balance of money accumulated while a member of the facility, or due to the applicant or on deposit with any bank, trust company, corporation, or with any individual, at the time of the death of the applicant. All such sums shall first be expended to pay for all residual maintenance costs attributable to the deceased individual and shall then be paid to the wife, minor children, or dependent mother or father, in the order named. If no such relative shall be found within a period of 2 years, or if no claim for the sums has been made within a period of 2 years, the balance of the money shall be paid into the posthumous fund, which is hereby created by this subsection. The posthumous fund shall be expended as prescribed by 1905 PA 313, MCL 36.61.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984k;—Am. 1891, Act 44, Imd. Eff. Apr. 29, 1891;—CL 1897, 2062;—Am. 1899, Act 62, Imd. Eff. May 2, 1899;—Am. 1901, Act 25, Imd. Eff. Mar. 26, 1901;—Am. 1907, Ex. Sess., Act 2, Imd. Eff. Oct. 24, 1907;—Am. 1915, Act 49, Eff. Aug. 24, 1915;—CL 1915, 1674;—Am. 1919, Act 238, Eff. Aug. 14, 1919;—CL 1929, 789;—Am. 1931, Act 291, Imd. Eff. June 8, 1931;—Am. 1933, Act 231, Imd. Eff. July 6, 1933;—Am. 1934, 1st Ex. Sess., Act 17, Imd. Eff. Mar. 28, 1934;—Am. 1945, Act 94, Eff. Sept. 6, 1945;—CL 1948, 36.11;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1958, Act 186, Eff. Sept. 13, 1958;—Am. 1982, Act 391, Eff. Mar. 30, 1983;—Am. 2010, Act 341, Imd. Eff. Dec. 21, 2010.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Rendered Wednesday, May 20, 2020

Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.11a Repealed. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: The repealed section pertained to gifts to veterans' facility.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.11b Creation of post fund; expenditures.

Sec. 11b. Each gift received by the board of managers and which specifically provides that the gift is not for the use and benefit of the state shall be paid into the post fund, which is hereby created by this section. The post fund shall be expended as prescribed by Act No. 313 of the Public Acts of 1905, being section 36.61 of the Michigan Compiled Laws.

History: Add. 1915, Act 49, Eff. Aug. 24, 1915;—CL 1915, 1676;—CL 1929, 791;—CL 1948, 36.11b;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.11c Property of member; board may receive and hold in trust.

Sec. 11c. The board of managers or any officer or employee duly authorized by them may receive money, property or effects belonging to any member of the facility and hold same in trust, to be disposed of as directed by such member. Any balance of such money, property or effects remaining in trust at the time of his discharge from the facility shall be accounted for and paid to such member.

History: Add. 1952, Act 123, Eff. Sept. 18, 1952.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

36.12 Method of drawing and accounting for money from state treasury prescribed.

Sec. 12. The method of drawing money from the state treasury and accounting for the same, shall be similar to that now in force with other state institutions as prescribed by the general law.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984-1;—CL 1897, 2063;—CL 1915, 1677;—CL 1929, 792;—CL 1948, 36.12.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.