

**ARTICLE 86-01
GENERAL ADMINISTRATION**

Chapter
86-01-01 Organization of Committee

**CHAPTER 86-01-01
ORGANIZATION OF COMMITTEE**

Section
86-01-01-01 Organization of Administrative Committee on Veterans'
Affairs

86-01-01-01. Organization of administrative committee on veterans' affairs.

1. Administrative committee on veterans' affairs. The committee consists of fifteen voting members and four ex officio nonvoting members. The voting members are appointed by the governor for staggered terms from nominees submitted by the American legion, the veterans of foreign wars, the disabled American veterans, veterans of world war II, Korea, and Vietnam (amvets), and Vietnam Veterans of America (VVA), incorporated. Ex officio members are the adjutant general, the center director of the veterans' administration, and the executive director of job service North Dakota. The committee is in charge of the supervision, government, and implementation of programs or services provided by the veterans' home and the department of veterans' affairs.

2. Department of veterans' affairs. The department was established by the 1945 legislative assembly. Prior to that it had been known as the office of the veterans' service commissioner which was established in 1927. The board of county commissioners of each county in the state may appoint, employ, and pay on a full-time basis a veteran known as a county veterans service officer. Such appointment must be made with the prior advice of the commissioner of veterans' affairs and in accordance with veterans preference as provided by state statute. The department of veterans' affairs supervising and cooperating with the county service officers shall assist in providing all veterans and their dependents in obtaining all benefits to which they may be entitled to from the veterans administration, the state of North Dakota, and allied agencies. A loan program is also administered by the department of veterans' affairs to give financial assistance to veterans as defined in state statute as a "veteran". The department is under the supervision of a commissioner who is appointed by the administrative committee on veterans' affairs.

3. Veterans' home. The veterans' home, located at Lisbon, North Dakota, admitted its first veteran in August 1893. The purpose of the home is to provide domiciliary care for honorable discharged members of the armed forces, their spouses, and surviving spouses. The home is under the supervision of a commandant who is appointed by the administrative committee on veterans' affairs.

4. Inquiries. Assistance or inquiries relating to veterans' benefits or the veterans' home may be addressed as follows:

~~Ray Harkema, Commissioner~~
Commissioner of North Dakota Department of Veterans' Affairs
~~1411 32nd Street South~~
4201 38th Street SW
P.O. Box 9003
Fargo, North Dakota 58106-9003
Or

~~Ken Anderson, Commandant~~
Administrator of North Dakota Veterans Home
P.O. Box 673
Lisbon, North Dakota 58054

History: Amended effective November 1, 1985; April 1, 1988; February 1, 1993; April 1, 1994, _____, 2009.

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 28-32-02.1

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CHAPTER 86-03-01

ADMISSIONS - APPLICATION, ELIGIBILITY REQUIREMENTS, BOARD OF, DENIAL OF, ORIENTATION, READMISSION

Section

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86-03-01-02	Admission Eligibility Requirements
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86-03-01-05	Admission Orientation [Repealed]
86-03-01-06	Readmission Requirements

**86-03-01-01. Application for admission - Form, ~~content, approval~~
Content, Approval**

1. The North Dakota Veterans Home Application application for admission will be submitted to the North Dakota veterans' home basic Veterans Home Basic or skilled care unit Skilled Care Unit in accordance with the current state and/or federal licensing rules and regulations and facility polices and procedures.
 - a. If a member of the board of admissions determines that insufficient information is available to properly process the application, an authorization to disclose information form shall be sent to the applicant to be signed and returned so that additional specific information may be obtained.
 - b. A verification of residency must be signed prior to admission.
2. The completed application for residency, together with the copy of form DD form 214 (discharge paper) or certificate of service from the last period of service in the

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armed forces, will be forwarded to the ~~admissions coordinator~~ Admissions Coordinator who shall submit the application and discharge papers to the board of admissions for action. Upon approval, the applicant may be admitted for residency.

3. An applicant whose application for admission has been approved shall contact the ~~admissions coordinator~~ Admissions Coordinator within thirty days of receipt of the applicant's acceptance letter to schedule admission to the North Dakota ~~veterans' home~~ Veterans Home. An admission date will be scheduled Monday through Friday, holidays excluded. Special arrangements must be made if the applicant wishes to report on any other day. Applicants whose applications for admission have been approved, and who fail to contact the ~~admissions coordinator~~ Admissions Coordinator within thirty days of the date of their acceptance letter shall be denied admission until another medical assessment has been submitted and approved or an extension has been granted by the North Dakota ~~veterans' home administrator~~ Veterans' Home Administrator or the ~~administrator's~~ their designee.
4. Admission to the ~~basic care facility~~ Basic Care Facility must be according to the following list of priorities, ~~so long as if~~ if the individual meets the admissions requirements as set by the North Dakota Veterans Home Governing Board and the State and Federal requirements for Nursing Home Placement:
 - a. Residents of the North Dakota ~~veterans' home skilled care unit~~ Veterans' Home Skilled Care Unit in need of basic care.
 - b. Veterans with service-connected disability ~~or complications from a service-connected disability.~~
 - c. American ex-prisoners of war.
 - d. ~~Discharged North Dakota national guard members who became disabled in the line of duty.~~
 - e. Veterans.
 - f. Spouses and surviving spouses of veterans.
5. Admissions to the skilled nursing facility must be according to the following list of priorities, ~~so long as if~~ if the individual meets admission requirements as set by the North Dakota Veterans Home Governing Board and the State and Federal requirements for Nursing Home Placement:

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- a. Skilled nursing residents who have been medically discharged from the North Dakota Veterans Home.
- b. ~~Residents of North Dakota veterans' home basic care unit in need of skilled nursing care.~~ Veterans requiring Skilled Nursing Care due to sixty percent or greater service-connected disability.
- c. Former residents of North Dakota ~~veterans' home basic care unit~~ Veterans Home Basic Care Unit who have been medically discharged and placed into an outside skilled nursing home.
- d. ~~Veterans with a service-connected disability or complications from a service-connected disability.~~ Residents of the North Dakota Veterans Home Basic Care Unit in need of Skilled Care.
- e. ~~American ex-prisoners of war.~~ Veterans with a service-connected disability.
- f. ~~Discharged North Dakota national guard members who became disabled in the line of duty.~~ American ex-prisoners of war.
- g. ~~Spouses and surviving spouses of veterans.~~ Veterans
- h. Spouses and surviving spouses of veterans.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-15-10, 37-15-10.1

86-03-01-02. Admission eligibility requirements.

1. An applicant must come within the definition of "basic care" as defined in North Dakota Century Code section 23-09.3-01 to be eligible for admission to the ~~basic care unit~~ Basic Care Unit of the home. Applicants to the Skilled Nursing Facility must meet the screening requirements for a skilled nursing home. No applicant shall be considered eligible for residency whose last period of service in the armed forces was terminated under dishonorable conditions.

2. No applicant may be admitted to the home who has been convicted of a felony or a crime involving moral turpitude, without producing sufficient evidence of subsequent good conduct and reformation of character so as to be satisfactory to the board of admissions. An applicant who has a history of chronic alcoholism or drug addiction may be accepted only if the problem is under control as determined by a ~~home~~ Home

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physician or ~~addiction counselor~~ and assurance is received from the applicant that prescribed medical advice ~~shall~~ will be followed after admission to the home. Stipulations for admission shall be contained in the acceptance letter.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-00.1, 37-15-02, 37-15-03

86-03-01-03. Board of admissions - Composition, duties.

1. The board of admissions shall consist of administration, social ~~services-worker,~~ nursing registered nurse, and an individual from a certified medical field physician or physician assistant.
2. ~~Board of admissions members will make their decision on the merits of the submitted applications. If a tie vote occurs, or an application is disapproved, the Administrator, or designee shall call a meeting of the board and the reasons for the denial shall be reviewed. The Administrator or designee shall vote to break the tie, request additional information if sufficient information is not available to make a decision, or write a letter of denial to the applicant.~~
3. ~~Each board member, or the administrator's designee in the administrator's absence, with the exception of the administrator, shall have one vote to accept or reject the application. If a tie vote occurs, or an application is disapproved, the administrator, or designee in the administrator's absence, shall call a meeting of the board and the reasons for denial shall be reviewed. The administrator or designee shall vote to break the tie, request additional information if sufficient information is not available to make a decision, or write a letter of denial to the applicant.~~
3. Processing of an application shall be completed within ten working days of receipt; provided the application is completed properly, and sufficient medical and financial information is available to make a determination.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

86-03-01-04. Denial of admission - Appeal.

1. The applicant must be notified, in writing, as to the reason or reasons for denial of admission to the home. The applicant must also be given notice of the right to appeal

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the decision, and that any appeal must be in writing and received by the ~~administrator~~ Administrator within thirty days of the notice of denial of admission.

2. Any notice of appeal received by the ~~administrator~~ Administrator shall be reviewed and forwarded to the ~~chairman~~ Chairman of the North Dakota ~~veterans' home governing board~~ Veterans Home Governing Board. All documents submitted with the appellant's application for admission must also be forwarded to the said chairman. The North Dakota ~~veterans' home governing board~~ Veterans Home Governing Board must give the appellant at least forty-five days' notice as to the time, date, and place of the hearing ~~of appeal~~. This notice must be sent by certified mail return receipt requested. If the appellant is not satisfied with the decision of the North Dakota ~~veterans' home governing board~~ Veterans Home Governing Board, the appellant may appeal to a court under the procedures outlined in the Administrative Agencies Practice Act as set forth in North Dakota Century Code ~~chapter~~ Chapter 28-32.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-05, 37-15-03, 37-15-10(3), 37-18.1-03(5)

86-03-01-05. Admission orientation. Repealed effective April 1, 2008.

86-03-01-06. Readmission requirements. A former resident may be readmitted if a new application has been submitted and approved by the board of admissions and all money owed to the ~~home~~ Home by the former resident has been paid or arrangements made for payment and approved by the board of admissions.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-15-10(3), 37-18.1-03(5)

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CHAPTER 86-03-02
RESIDENT - FUNDS, CHARGES, FINANCES

Section

- 86-03-02-01 Resident Rent
- 86-03-02-02 Hospital Emergency Fund [Repealed]
- 86-03-02-03 Residents - Payment of Charges
- 86-03-02-04 Resident Income [Repealed]
- 86-03-02-05 Annual Review of Resident Finances ~~-Basic Care~~

86-03-02-01. Resident rent. ~~Rent is based on the resident's ability to pay and on the rate structure established by the administrative committee on veterans' affairs. The rent Rent is based upon a resident's income and allowable expenses, in accordance with the rent policy Rent Policy established by the administrative committee on veterans' affairs~~ Administrative Committee on Veterans Affairs.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-15-14.1

86-03-02-02. Hospital emergency fund. Repealed effective April 1, 2008.

86-03-02-03. Resident - Payment of charges. Residents have an obligation to pay charges they incur at the home. Residents who become delinquent in paying these charges may be subject to discharge. Residents or their guardians are responsible for payment of monthly charges.

History: Effective May 1, 1987; amended effective April 1, 2008.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

86-03-02-04. Resident income. Repealed effective April 1, 2008.

86-03-02-05. Annual review of resident finances - Basic care. Each resident's finances are reviewed in ~~December~~ January of each year or as financial situations change. Residents must declare all monthly income and expenses, and provide verification of amounts. When accurate information has not been furnished, the facility shall charge the maximum rent until such time as correct information is provided.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

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**CHAPTER 86-03-03
SERVICES AVAILABLE TO RESIDENTS**

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- 86-03-03-01 Medical Services [Repealed]
- 86-03-03-02 Meal Service Policies [Repealed]
- 86-03-03-03 Mail - Basic Care
- 86-03-03-04 Laundry [Repealed]
- 86-03-03-05 Transportation [Repealed]
- 86-03-03-06 Beauty and Barber Services [Repealed]
- 86-03-03-07 Religious Services

86-03-03-01. Medical services. Repealed effective April 1, 2008.

86-03-03-02. Meal service policies. Repealed effective April 1, 2008.

86-03-03-03. Mail - Basic care. Each resident shall be assigned a mailbox at the ~~home~~ Veterans Home. Mail a resident receives should be properly addressed to the resident in care of the North Dakota ~~veterans' home~~ Veterans Home. A resident may rent a mailbox at the local post office.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

86-03-03-04. Laundry. Repealed effective April 1, 2008.

86-03-03-05. Transportation. Repealed effective April 1, 2008.

86-03-03-06. Beauty and barber services. Repealed effective April 1, 2008.

86-03-03-07. Religious services. Residents may ~~or may not~~ participate in a religious program of their choice. Residents with individual preferences may attend a local church of their choice, with transportation being the responsibility of the resident.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

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CHAPTER 86-03-04
RESIDENT ROOM POLICIES

[Repealed effective April 1, 2008]

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CHAPTER 86-03-05
RESIDENT - RIGHTS, PRIVILEGES, RESPONSIBILITIES

Section

- 86-03-05-01 Resident Bill of Rights - Responsibilities [Repealed]
- 86-03-05-02 Resident Dress Code - Violations [Repealed]
- 86-03-05-03 Smoking - Restrictions [Repealed]
- 86-03-05-04 Use of Alcohol or Controlled Substances - Prohibited
- 86-03-05-05 Guests - Visitation [Repealed]
- 86-03-05-06 Children - Visitation [Repealed]
- 86-03-05-07 Resident Council - Composition [Repealed]
- 86-03-05-08 Monthly Meetings [Repealed]
- 86-03-05-09 Resident Complaints – Appeals

86-03-05-01. Resident bill of rights - Responsibilities. Repealed effective April 1, 2008.

86-03-05-02. Resident dress code - Violations. Repealed effective April 1, 2008.

86-03-05-03. Smoking - Restrictions. Repealed effective April 1, 2008.

86-03-05-04. Use of alcohol or controlled substances - Prohibited.

Residents shall comply with the provisions of North Dakota Century Code section 48-05-06. A resident who is found to have any alcoholic beverages or controlled substances on the premises is subject to discharge and civil court for violation of North Dakota Century Code section 48-05-06.

History: Effective May 1, 1987; amended effective April 1, 2008.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5), 48-05-06

86-03-05-05. Guests - Visitation. Repealed effective April 1, 2008.

86-03-05-06. Children - Visitation. Repealed effective April 1, 2008.

86-03-05-07. Resident council - Composition. Repealed effective April 1, 2008.

86-03-05-08. Monthly meetings. Repealed effective April 1, 2008.

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86-03-05-09. Resident complaints - Appeals. The North Dakota Veterans Home has a formal grievance process in place. The regional ombudsman Regional Ombudsman may be contacted at any time about a complaint or be asked to assist a resident in the complaint process. Contact information for the Ombudsman is posted on the Basic Care and Skilled Nursing Home Units. ~~The North Dakota veterans' home will have formal complaint or grievance processes in place.~~

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-05, 37-15-03, 37-18.1-03(5)

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CHAPTER 86-03-06
ACTIVITIES - RESTRICTIONS – EMPLOYMENT

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- 86-03-06-01 Canvassing - Peddling - Soliciting
- 86-03-06-02 Searches to Enforce Home Rules and State Laws
- 86-03-06-03 Resident Possession of Firearms
- 86-03-06-04 Resident Automobiles [Repealed]
- 86-03-06-05 Riding of Bicycles at the Home [Repealed]
- 86-03-06-06 Use of the Home's Park [Repealed]
- 86-03-06-07 Fishing on the Premises [Repealed]
- 86-03-06-08 Off-Limit Areas [Repealed]
- 86-03-06-09 Work Details at the Home [Repealed]
- 86-03-06-10 Resident Employment [Repealed]

86-03-06-01. Canvassing - Peddling - Soliciting. Canvassing, peddling, or soliciting may not be conducted in the buildings or on the grounds of the ~~veterans' home~~ Veterans' Home. However, the ~~administrator~~ Administrator may authorize and establish conditions for solicitation at the ~~home~~ Home by charitable or veterans' organizations. Solicitations may not be made, in any event, from room to room.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

86-03-06-02. Searches to enforce home rules and state laws. The ~~administrator~~ Administrator or other staff may examine automobiles, baggage, clothing, and other personal items if such examination is considered necessary to enforce the rules and regulations of the ~~home~~ Home and the laws of this state and is based upon a reasonable suspicion.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

86-03-06-03. Resident possession of firearms. A resident may not possess a firearm in the buildings or on the grounds of the home.

History: Effective May 1, 1987; amended effective April 1, 2008.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5), 62.1-02-05

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86-03-06-04. Resident automobiles. Repealed effective April 1, 2008.

86-03-06-05. Riding of bicycles at the home. Repealed effective April 1, 2008.

86-03-06-06. Use of the home's park. Repealed effective April 1, 2008.

86-03-06-07. Fishing on the premises. Repealed effective April 1, 2008.

86-03-06-08. Off-limit areas. Repealed effective April 1, 2008.

86-03-06-09. Work details at the home. Repealed effective April 1, 2008.

86-03-06-10. Resident employment. Repealed effective April 1, 2008.

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CHAPTER 86-03-07
HOURS - PASSES AND LEAVES - DISCHARGES

Section

- 86-03-07-01 Hours [Repealed]
- 86-03-07-02 Passes and Leaves [Repealed]
- 86-03-07-03 Discharges

86-03-07-01. Hours. Repealed effective April 1, 2008.

86-03-07-02. Passes and leaves. Repealed effective April 1, 2008.

86-03-07-03. Discharges.

1. A resident may discharge at any time upon request.
2. The ~~administrator~~ Administrator/Care Team may issue a thirty-day ~~notice of discharge~~ Notice of Discharge for the following reasons: ~~infringement of the veterans' home's rules and regulations. Arrest or conviction of a felony are grounds for discharge. Issuance of a discharge by the administrator for disciplinary reasons disqualifies a resident from gaining readmission to the home for six months.~~
 - a. Infringement of the Veterans Home rules and regulations
 - b. Arrest or conviction of a felony.
 - c. Un-payment of bill.
3. Upon discharge, a resident needs to remove personal property from the grounds within thirty days. Money credited to a resident shall be released only after all outstanding bills have been paid.
4. Issuance of a discharge by the Administrator/Care Team for disciplinary reasons disqualifies the resident from gaining readmission to the home for six months.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

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CHAPTER 86-03-08
RULES GOVERNING PROPERTY

Section

- 86-03-08-01 Borrowing of Money Prohibited [Repealed]
- 86-03-08-02 Concealment and Removal of State Property - Prohibited
[Repealed]
- 86-03-08-03 Disposition of Personal Property Upon Discharge
- 86-03-08-04 Gift of Property by a Resident [Repealed]
- 86-03-08-05 Loan of Property to a Resident [Repealed]
- 86-03-08-06 Sale of Property by a Resident [Repealed]

86-03-08-01. Borrowing of money prohibited. Repealed effective April 1, 2008.

86-03-08-02. Concealment and removal of state property - Prohibited.
Repealed effective April 1, 2008.

86-03-08-03. Disposition of personal property upon discharge. A resident who is discharged and who has personal items remaining at the home shall have thirty days to remove those items from the premises. If a resident fails to make arrangements for the disposition of personal items remaining at the home within thirty days, the ~~administrator~~ Administrator may dispose of the property using proper procedure.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)

86-03-08-04. Gift of property by a resident. Repealed effective April 1, 2008.

86-03-08-05. Loan of property to a resident. Repealed effective April 1, 2008.

86-03-08-06. Sale of property by a resident. Repealed effective April 1, 2008.

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CHAPTER 86-03-09
DEATHS - WILLS - DISPOSITION OF ESTATES

[Repealed effective April 1, 2008]

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**CHAPTER 86-03-10
VIOLATION - ENFORCEMENT OF RULES AND REGULATIONS**

Section

86-03-10-01 Violation - Enforcement of Rules and Regulations

86-03-10-01. Violation - Enforcement of rules and regulations.

The administrator shall enforce all necessary rules and regulations for the administration of the ~~home~~ Home as promulgated by the North Dakota ~~veterans' home governing board~~ Veterans Home Governing Board. The ~~administrator~~ Administrator may discharge a resident or impose disciplinary action considered consistent with the nature of the offense committed for any willful violation of the rules and regulations for admission and residency at the North Dakota ~~veterans' home~~ Veterans Home.

History: Effective May 1, 1987; amended effective April 1, 2008, _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(5)