

PUBLIC CHAPTER NO. 1137

SENATE BILL NO. 3919

**By Norris, Marrero, Haynes, Berke, Lowe Finney, Black, Burks, Tracy, Ford,
Crowe**

Substituted for: House Bill No. 3795

By Odom, McDaniel, Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 58, Chapter 7, Part 1, relative to state veterans' homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 58-7-102, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The board shall consist of thirteen (13) members. The Commissioner of Veterans' Affairs and the Commissioner of Finance and Administration shall be ex officio, voting members of the board. A commissioner may designate a staff member to attend meetings of the board or its committees and to exercise the commissioner's right to vote in the commissioner's absence. Such designation shall be made in writing to the chair of the board. The remaining eleven (11) members shall be appointed by the governor. At least three (3) members shall be appointed from each of the three (3) grand divisions of the state. All appointments shall be subject to review by the Joint Select Committee on Veterans' Affairs of the General Assembly. Initial appointments to the board shall be for one (1), two (2) and three (3) years respectively. Thereafter, all appointed members shall serve three-year terms. Each member must be a citizen of the state. One (1) member shall be a nursing home administrator at the time of such member's appointment and shall be experienced in the financial operations of nursing homes. One (1) member shall have clinical experience in nursing homes. The remaining members shall be honorably discharged veterans of the United States Armed Forces. Veteran members shall be appointed from nationally chartered service organizations which have departments in Tennessee. The board shall be composed of members representing different organizations as well as different branches of the armed forces.

SECTION 2. Tennessee Code Annotated, Section 58-7-102, is further amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Appointed members of the board may be removed for cause by the governor.

SECTION 3. Tennessee Code Annotated, Section 58-7-103, is amended by designating the existing language of the section as subsection (c) and by adding the following new subsections thereto:

(a) The board shall elect a chair from among its members. The chair shall be a citizen of the state and an honorably discharged veteran of the United States Armed Forces. The chair shall serve a one-year term. A chair may be reelected, provided that no person shall serve as chair for more than two (2) consecutive terms.

(b) The board shall also select other officers as the board finds necessary and appropriate. Such positions are for a period of one (1) year but members may be reelected to serve additional terms, provided that no person shall serve for more than two (2) consecutive terms.

SECTION 4. Tennessee Code Annotated, Section 58-7-103, is further amended in new subsection (c) by deleting subdivisions (2), (4) and (5) in their entirety and by adding the following new subdivisions thereto:

() The authority to provide guidance to future administrators at state veterans' nursing homes based upon the collective institutional memory of the state veterans' homes board;

() The authority to notify members of the general assembly and appropriate persons in the executive branch of potential problems in state veterans' nursing homes;

SECTION 5. Tennessee Code Annotated, Section 58-7-104, is amended by deleting such section in its entirety and by substituting instead the following:

Section 58-7-104.

(a) There is hereby created an executive committee of the board. The executive committee shall be composed of three (3) members of the board. One (1) member shall be the Commissioner of Finance and Administration. The remaining two members shall be elected by the board subject to the qualifications that one (1) member shall be either a nursing home administrator at the time of such member's appointment or someone who has clinical experience in nursing homes, and one (1) member who shall be the chair of the board.

(b) The executive committee shall be responsible for the oversight of the day-to-day management and operation of state veterans' homes, including, but not limited to:

(1) The authority to employ an executive director and other employees and to incur expenses as may be necessary for the proper discharge of its duties;

(2) The authority to establish policies regarding the rates for patient care while in a state veterans' home; and

(3) The authority to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter, including contracts for the operation of the Tennessee state veterans' homes. All contracts that pertain to the

acquisition and improvement of real property pursuant to § 4-15-102 must be approved in advance by the State Building Commission and must be approved by the board. Contracts for services must also be approved in advance pursuant to § 12-4-109.

(c) The executive director shall be appointed by the executive committee subject to review by the full board. The compensation of the executive director shall be established by the executive committee. The executive director shall be subject to an annual review and shall serve at the pleasure of the executive committee.

(d) The executive committee shall file a quarterly report with the Fiscal Review Committee concerning the operations of each state veterans' nursing home. Such report shall be filed within fifteen (15) business days following the end of each calendar quarter and include information for such three-month period. The report shall include detailed information concerning the extent to which each state veterans' nursing home is in compliance with state and federal law as well as all actions taken by the executive committee to ensure compliance with the requirements of this part. The report shall also include any specific information requested by the chairman of the Fiscal Review Committee.

SECTION 6. Tennessee Code Annotated, Section 58-7-109, is amended by deleting such section in its entirety and by substituting instead the following:

The board shall make an annual report to the governor and to members of the House and Senate Government Operations Committees and the Joint Select Committee on Veterans' Affairs. This report shall contain an accounting for all money received and expended, statistics on members who resided in the home during the year, recommendations to improve state veterans' homes and such other matters as the board deems pertinent.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 20, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of June 2008



PHIL BREDESEN, GOVERNOR