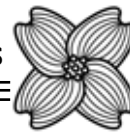




RULES OF
Department of Public Safety
Division 85—Veterans Affairs
Chapter 1—Veterans Affairs

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TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 85 – Veterans Affairs
Chapter 1 – Veterans Affairs

11 CSR 85-1.010 Description of Organization

PURPOSE: This rule indicates the number of commissioners serving as members of the Missouri Veterans Commission, the number of commissioners required for a quorum to exist, and the ratification of emergency actions by the executive director for scheduled commission meetings.

(1) Definition. The terms used in 11 CSR 85-1 will be given the same meaning as set forth in Chapter 42, RSMo, as amended.

(2) Commission. The commission has nine (9) members. In addition, the chair of the Missouri Military Preparedness and Enhancement Commission (or the chair's designee) is an ex officio member of the commission. The ex officio member serves a term that is coextensive with that of the term of the chair of the Missouri Military Preparedness and Enhancement Commission. The ex officio member shall be allowed to attend and participate in any open meeting discussions of the commission, but shall not be allowed to hold office, vote, or make a motion on any matter coming before the commission. Members of the commission and the ex officio member shall not be compensated for their services, but they shall be reimbursed from funds appropriated therefore for actual and necessary expenses incurred in the performance of their duties.

(3) Organization. The commission operates the following: Veterans Services Program, Missouri Veterans Homes Program, and Missouri Veterans Cemeteries Program. The commission carries out its programs through the following major administrative units:

(A) Central office that advocates, guides, plans, and supports the success of commission programs;

(B) Veterans Services Program ensures that Veterans and dependents in Missouri are informed about Veterans benefits;

(C) Veterans Homes Program provides skilled nursing care for eligible Veterans in Missouri; and

(D) Veterans Cemeteries Program provides for the interment of eligible Veterans in Missouri and their dependents.

(4) Executive Director. The commission appoints an executive director who executes the duties vested in the commission and supervises all staff. The executive director serves as secretary at regular and special meetings of the commission. The executive director manages the Veterans programs outlined in section (3) of this rule.

(5) Action by Commission. The performance of any duty or the exercise of any authority of the commission shall be done in the following manner:

(A) Meetings. The commission shall meet at least once each quarter and all meetings are open to the public. The location and time of meetings are determined by the commissioners and are posted with the Office of Administration's state government meeting notices. All regular and special meetings are held pursuant to the applicable laws of Missouri. Meetings may be held in person, by telephone, or by video conferencing;

(B) Quorum. Five (5) commissioners constitute a quorum for the transaction of business. The ex officio member shall not be included for the purposes of determining whether a quorum

is present. No business shall be transacted without a quorum;

(C) Voting. Any action shall be adopted if it receives a majority of votes cast with a quorum being present in person, by telephone, or by video conferencing. If any commissioner is present but does not vote, the abstention shall not be counted as a vote. Unless the vote is unanimous, the secretary shall indicate in the minutes how each commissioner voted;

(D) Officers. The commission shall elect a chairman and vice chairman to serve a term of two (2) years. These officers will hold office until their successors are elected;

(E) Emergency Matters. The executive director is authorized to act for the commission in emergency matters, subject to ratification by the commission at the next scheduled meeting; and

(F) Conduct of Meetings. The chairman shall conduct the meetings and be the presiding officer of the commission. The chairman shall recognize the different members for the purpose of having the floor to speak, to state and put actions to vote, and shall rule on all points of order. The chairman may not make a motion, but may second any motion on the floor and may vote on any issue before the body. In the absence of the chairman, the vice chairman shall assume the duties of the chairman. The secretary shall prepare all minutes of the commission. Minutes of the previous meeting will be voted on at the next regular or special meeting of the commission, and, following approval, the secretary shall sign and archive the minutes.

AUTHORITY: sections 42.007 and 536.023(3), RSMo Supp. 2013, and section 42.012, RSMo 2000. This rule was previously filed as 13 CSR 100-1.010. Original rule filed Dec. 29, 1975, effective Jan. 9, 1976. Rescinded and readopted: Filed March 22, 1990, effective June 28, 1990. Amended: Filed Jan. 7, 2009, effective July 30, 2009. Amended: Filed June 11, 2013, effective Dec. 30, 2013.*

**Original authority: 42.007, RSMo 1989, amended 1996, 2008, 2009; 42.012, RSMo 1989, amended 1998; and 536.023, RSMo 1975, amended 1976, 1997, 2004.*

11 CSR 85-1.015 Procedures for Receiving Information

PURPOSE: This rule complies with section 536.023(3), RSMo Supp. 2008, by describing the procedures for receiving information and requests from the public.

(1) The executive director of the Missouri Veterans Commission is the custodian of the records of the commission.

(2) Procedures for the release of information regarding any meeting, record, vote, or other records maintained by the commission are available from the records custodian.

(3) The records custodian may designate one (1) or more deputy custodians to facilitate the handling of records requests. The executive director shall provide information as to the names and addresses of the records custodian and deputy custodians, and charges for record copying by posting such information online at the commission's website at www.mvc.dps.mo.gov.

AUTHORITY: sections 42.007 and 536.023(3), RSMo Supp. 2013. Original rule filed Jan. 7, 2009, effective July 30, 2009. Amended: Filed June 11, 2013, effective Dec. 30, 2013.*

**Original authority: 42.007, RSMo 1989, amended 1996, 2008, 2009 and 536.023, RSMo 1975, amended 1976, 1997, 2004.*



11 CSR 85-1.020 Veterans Services Program

PURPOSE: This rule describes the operation of the Veterans Services Program as outlined in sections 42.007 and 42.012, RSMo.

(1) The executive director shall hire a Veterans Services Program director. The director shall be an honorably discharged Veteran of the United States Armed Forces. The Veterans Services Program director shall have the authority and responsibility for the planning, implementation, and operation of the Veterans Services Program.

(2) The Veterans Services Program director shall hire the professional, technical, and support staff necessary to operate the Veterans Services Program. This staff shall be responsible for providing services to Veterans and their dependents in Missouri.

(3) The staff assigned to the Veterans Services Program shall –
(A) Perform the duties and responsibilities outlined in section 42.007.5(1), (2), (3), and (4), RSMo, as amended;
(B) Exercise on behalf of the executive director the powers vested in section 42.012.2(2) and 42.012.2(5), RSMo, as amended;
(C) Act as the referral agent for Veterans seeking services provided by the commission and all matters relating to the rights of Veterans and their dependents.

AUTHORITY: sections 42.007 and 536.023(3), RSMo Supp. 2013, and section 42.012, RSMo 2000.* Original rule filed March 22, 1990, effective June 28, 1990. Amended: Filed Jan. 7, 2009, effective July 30, 2009. Amended: Filed June 11, 2013, effective Dec. 30, 2013.

*Original authority: 42.007, RSMo 1989, amended 1996, 2008, 2009; 42.012, RSMo 1989, amended 1998; and 536.023, RSMo 1975, amended 1976, 1997, 2004.

11 CSR 85-1.030 Missouri Veterans Homes Program

PURPOSE: This rule defines terms and explains the operation of the Missouri Veterans Homes Program under sections 42.100 to 42.130, RSMo.

(1) As used herein, unless the text clearly indicates otherwise, the following terms shall mean:

- (A) Resident – a Veteran who receives skilled nursing care and resides at a Missouri Veterans Home;
(B) Per diem – a rate established by the United States Department of Veterans Affairs and paid to the state based on the actual number of days a Veteran occupies a bed in a Missouri Veterans Home;
(C) Applicant – a citizen of Missouri who applies for placement in a Missouri Veterans Home and meets the admissions eligibility criteria set forth in this rule;
(D) Skilled nursing care – care and oversight for individuals by licensed personnel twenty-four (24) hours per day;
(E) Waiting list – the list of applicants awaiting admission into a Missouri Veterans Home; and
(F) Hardship – a reduced monthly room and care fee for a Missouri Veterans Home resident who does not have adequate financial resources to pay the monthly room and care fee set by the commission.

(2) Admissions.

- (A) Eligibility criteria. In order to be eligible for admission as a resident to a Missouri Veterans Home, a person must –
1. Be a citizen of Missouri who has maintained physical

residency in Missouri for one hundred eighty (180) days prior to application for placement in a Missouri Veterans Home;

- 2. Meet the criteria established by the United States Department of Veterans Affairs for veteran status, or have an honorable discharge from the National Guard with preference given to the Missouri National Guard;
3. Require skilled nursing care within the capabilities of the Missouri Veterans Home at the time of application for admission as determined by the Missouri Veterans Home;
4. Have adequate financial resources available to defray the costs of their care as contemplated by section 42.110, RSMo, or qualify for a hardship rate in accordance with the procedures set forth in this rule;
5. Not appear on any sex offender registry;
6. Not have a criminal history including a conviction for, or a plea of guilty or nolo contendere to, a Class A or B felony in the state of Missouri, or an offense in another jurisdiction which would be a Class A or B felony if committed in the state of Missouri;
7. Has not been previously discharged from a Missouri Veterans Home in accordance with this rule; and
8. Be ready to admit to the facility upon notification from the Missouri Veterans Home.

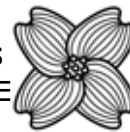
(B) Admissions waitlist. Applicants eligible for admission to a Missouri Veterans Home shall be placed on an admissions waitlist until such time as a placement opportunity is available. The priority of applicants on a waiting list shall be established according to the following criteria:

- 1. Priority one: applicants with a singular or combined rating of seventy percent (70%) or more based on one (1) or more service-connected disabilities as defined by the United States Department of Veterans Affairs, and/or has been determined to be in need of skilled care for a Department of Veterans Affairs adjudicated service-connected disability, and/or has a rating of total disability based on individual unemployability; and
2. Priority two: all remaining eligible applicants.

(3) Hardships.

- (A) Threshold.
1. When the State of Missouri is providing thirty-five percent (35%) or more of the funding necessary for the care of those veterans who are not deemed full cost of care by the U.S. Department of Veterans Affairs, the Missouri Veterans Commission (MVC) will maintain an allocation cap of approximately five hundred thousand dollars (\$500,000) dedicated to hardships, which may be allocated to residents or applicants of any or all of its Veterans Homes.
2. Once the five hundred thousand dollar (\$500,000) hardship threshold is met, MVC will continue to accept hardship applications within its Veterans Homes, but will not admit applicants requesting a hardship until such time as MVC is below the five hundred thousand dollar (\$500,000) hardship threshold.
3. When MVC returns to below the five hundred thousand dollar (\$500,000) hardship threshold, MVC will consider outstanding hardship applications in the order that they were received. MVC reserves the right to request updated information from hardship applicants as necessary to determine the applicant’s current need for a hardship.
(B) Determinations.

- 1. All hardship requests will be reviewed by the Missouri Veterans Home Program Hardship Review Team (HRT).
2. The HRT shall convene within ten (10) business days of receipt of each hardship application and all required supporting documentation.



3. The HRT will consist of the following MVC personnel: the director of Homes Program, the director of Budget and Finance, and the director of Veterans Services Program, or their respective designees. The home administrator, admissions coordinator, and accounts supervisor of the applicable Missouri Veterans Home will present the hardship application to the HRT during the meeting.

4. In collaboration with the HRT, the director of Homes Program will make the final decision on each hardship application and direct that a letter be sent to the hardship applicant notifying him/her of that decision. The letter notifying the hardship applicant of the final decision shall specifically state the decision and, if the hardship is not granted, the process to appeal the decision. If applicable, the letter notifying the hardship applicant of the final decision shall also state that full payment for all outstanding room and care expenses is due by the tenth of the following month.

(C) Appeals.

1. Hardship applicants wishing to appeal the denial of their request must submit their appeal request in accordance with the appeals process set forth in section (5) of this rule.

(4) Involuntary Discharge from a Missouri Veterans Home.

(A) Residents of Missouri Veterans Homes may be involuntarily discharged from the facility in which they reside for any of the following reasons:

1. The resident's welfare and the resident's needs cannot be met in the facility;
2. The resident's health has improved sufficiently so the resident no longer needs the services provided by the facility;
3. The safety of individuals in the facility is endangered by the resident's continued residency in the facility;
4. The health of individuals in the facility would be endangered by the resident's continued residency in the facility;
5. The resident has failed, after reasonable and appropriate notice, to pay for his or her care or stay at the facility; or
6. The facility ceases to operate.

(B) Documentation. When a Missouri Veterans Home discharges a resident involuntarily, the facility's medical director must document the reason for such discharge in the resident's clinical record.

(C) Notice of discharge. Before a resident is discharged from a Missouri Veterans Home, the facility must –

1. Notify the resident or legal representative of the discharge and the reasons for the discharge in writing and in a language and manner they understand;
2. Record the reasons for the discharge in the resident's clinical record; and
3. Include in the notice the following items:
 - A. The reason(s) for discharge;
 - B. The effective date of the discharge;
 - C. The location to which the resident will be discharged;
 - D. A statement that the resident has the right to appeal the action to the director of the Missouri Veterans Homes Program; and
 - E. The name, address, and telephone number of the local office of the state long-term care ombudsman.

(D) Timing of the notice. The notice of discharge required under this rule must be made by the facility at least thirty (30) days before the resident is discharged, except in cases of emergency discharges as provided for in this rule.

1. Emergency discharges. In cases where the director of the Missouri Veterans Homes Program determines the resident poses an imminent risk to the health and safety of him or

herself, or to that of the facility's staff or other residents by continued residence in the facility, the director of the Missouri Veterans Homes Program may authorize the use of emergency discharge procedures in which the resident may be discharged from the facility as soon as practicable. In such cases, the Missouri Veterans Home need not provide thirty (30) days notice of the discharge, but must adhere to the remaining notice requirements set forth in this rule.

(E) Orientation for transfer or discharge. Missouri Veterans Home facility management must ensure sufficient preparation and orientation is available to residents to ensure safe and orderly discharge from the facility.

(F) Discharge summary. Prior to discharging a resident, Missouri Veterans Home facility management must prepare a discharge summary that includes –

1. A recapitulation of the resident's stay;
2. A summary of the resident's status at the time of the discharge to include a comprehensive assessment conducted or coordinated by a registered nurse with the participation of appropriate healthcare professionals, including at least one (1) physician, the registered nurse, and one (1) social worker. The registered nurse must sign and certify the assessment. The comprehensive assessment is to determine the care, treatment, and services that will meet the resident's initial and continuing needs. The assessment must be an objective evaluation of the resident's health and functional status, describing the resident's capabilities and impairments in performing activities of daily living, strengths, and needs; and
3. A post-discharge plan of care developed with the participation of the resident and his or her family, which will assist the resident to adjust to his or her new living environment.

(5) Appeals from Adverse Decisions Rendered Under This Rule.

(A) An applicant or resident who is aggrieved by the decision of the Missouri Veterans Home to deny admission to the facility, deny granting a hardship rate, or to involuntarily discharge a resident from the Missouri Veterans Home shall have the right to an administrative review of the Missouri Veterans Home's decision.

(B) The applicant or resident may appeal the decision of the Missouri Veterans Home to deny admission to the facility, deny granting a hardship rate, or to involuntarily discharge a resident from the Missouri Veterans Home by filing a written request for administrative review with the MVC executive director within fifteen (15) calendar days of the date of the notice of denial or discharge. The request for administrative review shall set forth the basis of the applicant or resident's objection to the Missouri Veterans Home's decision.

(C) The MVC executive director shall consult with appropriate MVC executive staff on each appeal. The executive director may attempt to resolve the issue with an informal meeting with the aggrieved party, or independently review the case and issue a written decision thereon.

(D) The MVC executive director's administrative review shall consist of a review of all written materials relevant to the decision being appealed. Aggrieved parties may submit any documentary evidence they choose with their request for an administrative review of the adverse decision so long as it is received by the executive director within fifteen (15) calendar days of the date of the notice of denial or discharge. Aggrieved parties are not entitled to an evidentiary hearing on the decision being appealed.

(E) The MVC executive director shall give written notice of his or her decision and the basis thereof by delivering or mailing



such notice to the applicant, resident, legal representative or, if applicable, to his or her attorney of record.

(F) The decision of the MVC executive director shall be the final decision of the Missouri Veterans Commission.

(6) Missouri Veterans Homes Program Administration. The executive director shall hire a director of the Homes Program. The director of the Homes Program shall have the authority and responsibility for the planning, implementation, and operation of the Homes Program. The director of the Homes Program shall –

(A) Maintain a current Missouri nursing home administrator’s license;

(B) Develop fiscal policies and procedures that assure accountability of all facility revenues, expenditures, and inventories of the home including the determination of the resident rate as approved by the commission;

(C) Hire an administrator, who shall maintain a current Missouri nursing home administrator’s license, for each Missouri Veterans Home in order to operate each facility licensed by the commission; and

(D) Adjudicate appeals in accordance with this rule.

(7) Missouri Veterans Home Administration. Each home administrator shall hire professional, technical, and support staff necessary to operate the home. Each home administrator shall maintain an environment that produces quality skilled nursing care and ensure compliance with Department of Veterans Affairs laws and regulations.

AUTHORITY: sections 42.100–42.130 and 536.023(3), RSMo 2016. Original rule filed March 22, 1990, effective June 28, 1990. Amended: Filed Jan. 23, 1992, effective June 25, 1992. Amended: Filed March 13, 1992, effective Aug. 6, 1992. Amended: Filed April 18, 1995, effective Sept. 30, 1995. Amended: Filed June 11, 2013, effective Dec. 30, 2013. Amended: Filed March 9, 2023, effective Sept. 30, 2023.*

**Original authority: 42.100–42.130, see Missouri Revised Statutes 2016 and Missouri Revised Statutes Cumulative Supplement 2023, and 536.023, RSMo 1975, amended 1976, 1997, 2004.*

11 CSR 85-1.040 Veterans Trust Fund

PURPOSE: This rule outlines the duties and responsibilities of the executive director in administering the Veterans Trust Fund established by sections 42.135 and 43.100, RSMo.

(1) The Veterans Trust Fund, is a state fund established to receive monies generated by individual income taxes, corporate taxes, grants, gifts, bequests, the federal government, or other sources. This fund shall be administered by the executive director with approval of the commission for purposes authorized under sections 42.002 to 42.135 and section 143.1001, RSMo, and appropriated by the state.

(2) The executive director shall establish, with approval of the commission, procedures and agreements with other state agencies as necessary to manage the Veterans Trust Fund. The executive director shall develop operational policies and procedures to administer new programs developed using Veterans’ Trust Fund monies.

(3) The executive director shall establish internal accounting procedures which safeguard Veterans Trust Fund monies

received by the commission as the collection agency for the fund.

(4) The executive director shall establish a public information program to assure the public has accurate knowledge of how the Veterans Trust Fund monies are used and precisely how contributions may be made.

AUTHORITY: sections 42.135 and 143.1001, RSMo 2000, and section 536.023(3), RSMo Supp. 2013. Original rule filed March 22, 1990, effective June 28, 1990. Amended: Filed Jan. 7, 2009, effective July 30, 2009. Amended: Filed June 11, 2013, effective Dec. 30, 2013.*

**Original authority: 42.135, RSMo 1989, amended 1993; 143.1001, RSMo 1989, amended 1991; and 536.023, RSMo 1975, amended 1976, 1997, 2004.*

11 CSR 85-1.050 Veterans Cemeteries Program

PURPOSE: This rule describes the operations of the Veterans’ Cemeteries Program authorized by sections 42.010 and 42.012, RSMo.

(1) The executive director shall hire a Veterans Cemeteries Program director who shall have the authority and responsibility for the planning, implementation, and operation of the Veterans Cemeteries Program.

(2) The Veterans Cemeteries Program director shall hire the professional, technical, and support staff necessary to operate the cemeteries program. This staff shall be responsible for providing interment services to eligible Veterans and their dependents in Missouri, maintaining cemetery grounds and facilities, performing outreach activities to promote awareness of the Veterans Cemeteries Program, and cooperating with the National Cemetery Administration and other states’ Veterans Cemeteries Programs.

(3) Operations.

(A) Flowers and Flower Containers. Fresh cut flowers may be placed on graves at any time. Cemetery personnel will remove and discard flowers which have become withered, faded, or otherwise unsightly. No permanent plantings may be on the grave site. It is recommended that inexpensive metal or plastic floral containers be used to display flowers. The use of glass containers is prohibited. Vases are available from the cemetery staff upon request. The cemetery is not responsible for lost or damaged containers.

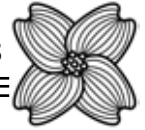
(B) Artificial Flowers. Artificial flowers are permitted on graves from October 15 through April 15. Potted plants will be permitted on graves ten (10) days before and ten (10) days after Easter Sunday only.

(C) Christmas Season. Christmas wreaths and floral grave blankets will be permitted from December 1 through January 15.

(D) Unauthorized Decorations. Permanent plantings, statues, pictures, balloons, vigil lights, breakable items of any kind, and similar commemorative items are not permitted on graves, markers, or niche covers. Upright metal grave markers (flag holders) are not permitted. Unauthorized items will be removed and disposed of by cemetery personnel.

(E) Memorial Day. Graves will be decorated prior to Memorial Day with small flags. These flags will be removed immediately after Memorial Day and are not permitted on graves at any other time. Only one (1) flag per grave is permitted.

(F) Prohibited Activities. The following activities are



prohibited in Missouri Veterans Cemeteries:

1. Littering;
2. Cutting of trees, shrubs, grass, or other plantings by unauthorized persons;
3. Allowing pets to run loose;
4. Recreational activities such as fitness walking, jogging, skating, bicycling, etc.;
5. Public gatherings of a partisan nature; and
6. Sitting or standing on grave markers.

(G) Visiting Hours. The cemetery is open to the public for visitation from sunrise until sunset daily. The cemetery office is open from 8:00 am to 4:30 pm, Monday through Friday with the exception of state holidays.

*AUTHORITY: sections 42.010 and 536.023(3), RSMo 2016. * Original rule filed Jan. 7, 2009, effective July 30, 2009. Amended: Filed June 11, 2013, effective Dec. 30, 2013. Amended: Filed Oct. 2, 2020, effective April 30, 2021.*

**Original authority: 42.010, RSMo 1996, amended 1998 and 536.023, RSMo 1975, amended 1976, 1997, 2004.*

11 CSR 85-1.060 The Missouri Veterans Health and Care Fund and Program

PURPOSE: This rule establishes standards of operation for the proceeds of the Veterans Health and Care Fund created by Article XIV, section 1, paragraph 4(2)(b) of the Missouri Constitution that are allocated to the Missouri Veterans Commission.

(1) Definitions.

(A) "Commission" means the Missouri Veterans Commission (MVC) created by section 42.007, RSMo.

(B) "The Missouri Veterans Health and Care Fund (MVHCF)" means the fund established in Article XIV, section 1, paragraph 4 of the Missouri Constitution.

(C) "The Missouri Veterans Health and Care Program" means the program created by this rule within the Missouri Veterans Commission for the implementation and management of the Missouri Veterans Health and Care Fund.

(D) "Public agency" means any city, county, city not within a county, municipal corporation, public district, or public authority located within this state which provides or has authority to provide services which benefit Veterans.

(E) "Executive Director" means the executive director of the Missouri Veterans Commission, or his/her designee, under section 42.012, RSMo.

(F) "Missouri Veterans Cemeteries" means the property and facilities established and maintained pursuant to section 42.012, RSMo.

(G) "Missouri Veterans Homes" means the facilities established and maintained pursuant to section 42.100, RSMo.

(H) "Veteran" means any person defined as a Veteran by the United States Department of Veterans' Affairs or its successor agency.

(2) The MVHCF is established in Article XIV, section 1, paragraph 4 of the Missouri Constitution and permits the commission to contract for services beyond its expertise. This rule establishes a transparent and flexible process to allocate the MVHCF to the highest and best use to serve Missouri Veterans based on recommendations of its stakeholders and partner agencies.

(3) Implementation of the MVHCF proceeds allocated to the

commission.

(A) The commission hereby creates the Veterans Health and Care Program (VHCP) which shall be funded by the MVHCF.

(B) The priorities of the VHCP shall be –

1. To meet the current mission of the Missouri Veterans Commission; and
2. To meet emerging needs of Missouri Veterans as directed by the commission.

(4) Where and when appropriate, the MVC Executive Director shall present to the commission his/her recommendations for the expenditure of MVHCF proceeds allocated to the commission. Such recommendations shall be based on recommendations from commission stakeholders and designed to maximize the efficacy of the VHCP and drive innovation in the delivery of services to Missouri's Veterans. All expenditures of MVHCF proceeds allocated to the commission shall be approved by the commission at a public meeting in accordance with established commission protocols.

(A) The commission shall work with the Governor's Office to include expenditures of MVHCF proceeds approved by the commission in the Governor's proposed budget for the upcoming fiscal year. The legislative members of the commission shall work with the leadership of their respective chamber of the legislature as necessary to ensure appropriations are approved by the Legislature for those MVHCF expenditures approved by the commission.

(5) When the commission approves services beyond the expertise of the commission, the commission staff shall issue a request for proposals in accordance with current state contracting procedures. Each proposal shall include a written program description, method of implementation, a proposed budget of all projects to be funded, a conflict of interest attestation, and a signed statement that the request is for the purpose identified in the proposal and that any funds received from the VHCP will be used for the purposes requested.

(6) Any VHCP contracts with public bodies shall be subject to the following criteria:

(A) Preference will be given to programs that are supported by evidence-based research to address the objectives of the commission;

(B) All proposals shall specifically identify the following information, if applicable:

1. The proposed location(s) where services will be provided;
2. Summary of services to include estimated number of Missouri Veterans who will be served or benefitted per year;
3. Qualifications of the agency or project's leadership team;
4. The proposed facilities to be constructed using VHCF funds, if any;
5. Timelines applicable to the services to be provided, including benchmarks;
6. Anticipated startup costs, if any;
7. Anticipated operational costs;
8. Anticipated revenue sources; and
9. Anticipated return on investment; and

(C) For those projects involving the delivery of professional health services, the VHCP contractor must have and maintain a system to ensure all professional health services providers maintain a license in good standing from the applicable regulatory agency. The VHCP contractor must have a written agreement in place with each professional health services provider that requires the provider to notify the VHCP



contractor within ten (10) days of any change in the provider's licensing status. The VHCP contractor shall then notify VHCP director of any change in the provider's licensing status within ten (10) days and shall arrange for an alternative provider to serve the affected Veterans.

(7) All VHCP request for proposal responses satisfying the requirements of this rule shall be presented to the commission at the first commission public meeting following the deadline for submission of such proposals. The commission may vote on the proposals at that meeting, or defer its vote on the proposals until a future public meeting. Subject to appropriations and available funds, the commission may approve all of the proposals, some of the proposals, or make grants for an amount less than that requested for any given application. The commission does not guarantee that any given VHCP proposal will be approved, or that it will approve the full amount requested in any given proposal. Approval of a VHCP proposal may be contingent upon the submitting agency securing adequate alternative funding to cover any costs not covered by the VHCP contract.

(8) No more than ten percent (10%) of VHCP funds may be used for administrative costs or salaries of the recipient agency or organization.

(9) All VHCP contractors must permit the VHCP director or his/her designee to visit and inspect each project funded in full or in part by the VHCP. The VHCP contractor must account for all VHCP monies awarded to it, provide performance statistics, and make the books and records of the program open to the commission for inspection and monitoring upon request. Upon a written recommendation from the commission for needed changes or improvements in a funded project, the contractor shall make the necessary changes to the project. The contractor must allow the commission to monitor all functions of programs developed with VHCP funds. VHCP contractors must assist and cooperate with commission staff in monitoring programs and in determining if the program is operating according to the contractual agreement negotiated between the parties.

*AUTHORITY: sections 42.007.6, 42.012.2(4), and 536.023.3, RSMo 2016. * Original rule filed May 26, 2021, effective Nov. 30, 2021.*

**Original authority: 42.007, RSMo 1989, amended 1996, 2008, 2009; 42.012, RSMo 1989, amended 1998; and 536.023, RSMo 1975, amended 1976, 1997, 2004.*