

RULES AND REGULATIONS



**for the Government of the
National Home
of the
Benevolent and Protective
Order of Elks
of the U.S.A.
in Bedford, Virginia**

October 13, 2008



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For the Government of the

NATIONAL HOME

of the

BENEVOLENT AND PROTECTIVE ORDER OF ELKS

FORWARD

The Grand Lodge of the Benevolent and Protective Order of Elks has placed the direction of the Elks National Home & Retirement Center at Bedford, Virginia, under the immediate charge of its Board of Grand Trustees. The Board has caused to be compiled and published these Rules and Regulations for government of the Home.

Full compliance with the Rules and Regulations is required of all persons who are in any way connected with the Home.

To be of assistance, the Board has also published with the Rules and Regulations, The Grand Lodge Statutes which pertain to the Home and its government.

A careful examination of these Rules and Regulations and Statutory Laws will clearly reveal to the members of the Order the object and purpose of this Home, the scope and limitation of its facilities and the requirements for eligibility for residence therein. Prior to request for admission to the Home, the following provisions should be carefully considered.

The Home is for Elks who can care for themselves, and is not a hospital or nursing home for the care of sick or disabled Elks, or those suffering from incurable, infectious or contagious diseases,

from mental or emotional disorders, or from any other causes which have already rendered them unable to care for their daily needs.

Special Care facilities as described later are provided for those who become ill or disabled after they have become permanent residents of the Home. The Elks National Home has no provision to accept applicants who are already too sick, or too disabled, to qualify as residents in an Assisted Living Facility (ALF) as defined by the laws and regulations of the Commonwealth of Virginia.

Before making application for admission to the Home, a member should carefully read Chapter 6 (Elks National Home) of the Grand Lodge Statutes hereinafter set forth.

A thorough reading of this Chapter will enable a member to avoid mistakes and misunderstandings when making application for admission to the Home. A complete and accurate preparation of the application will facilitate prompt action by the Board.

In making application for admission to the Home, it is imperative that use be made of the special forms which can be obtained from the Office of the Executive Director, Elks National Home, 931 Ashland Ave., Bedford, Virginia 24523. The application forms are also available for download at the Home's website www.elkshome.org. All requirements for information contained in the application must be rigidly followed and all questions must be fully answered.

Joseph H. Riley, Jr. – Chairman
James L. Nicholson - Vice Chairman
Michael F. Smith - Approving Member
Michael D. Clark - Secretary
David R. Carr - Home Member
Carl S. Simpson - Pension Member
James St. George - Building Member - East
James F. Kile - Building Member - West

Approved 10/13/2008

Paul D. Hesel, Grand Exalted Ruler

RULES AND REGULATIONS FOR THE GOVERNMENT OF THE HOME

ARTICLE I

Supervision of the Home

Section 1. The general supervision of the Home shall be vested in the Board of Directors (Board), which shall consist of the duly elected and installed Grand Trustees of the Order.

Section 2. The Board shall appoint the Executive Director of the Home, all other necessary officials and employees, and shall fix the compensation or salary of all officials and employees. Rules and Regulations, consistent with the Constitution and Laws of the Order, for the government of the residents and regulations of the employees shall be adopted from time to time by the Board. When adopted, the Executive Director shall operate under the Rules and Regulations and all residents and employees shall be subject thereto. The Board shall also hear and make final determination of all requests for review of the actions of the Executive Director in carrying out the requirements of the Rules and Regulations.

Section 3. The Board shall, at the time of reorganization of the Board each year, or at such other times as the Board deems it necessary and advisable, in accordance with the Statutes of the Order, designate one of its number as the "Home Member" of the Board. It shall be the duty of such "Home Member" to visit the Home at least once in each 3 months of the year, and at such other times as the necessities of the Home may require or the

Board may direct. He shall have immediate supervision of the affairs of the Home for the Board and shall be available to hear all complaints from residents or employees; he shall be kept advised by the Executive Director of all aspects of the management of the Home and report the same to the Board. He shall make such recommendations to the Board for the conduct of the affairs of the Home as he shall feel proper and necessary. If the need for extraordinary or unusual capital expenditures, outside of the approved Home budget, should arise, he shall consult with the Board Chairman before action is taken. In the event that the Home Member shall be unavailable for consultation, incapacitated or unable to perform his duties for any reason whatsoever, the Board Vice-Chairman shall have full authority to exercise all powers of the Home Member, or to delegate such authority to any other member of the Board.

ARTICLE II

Admission, Withdrawal and Removal from Home

Section 1. Retired members of the Benevolent and Protective Order of Elks may apply for residence at the Elks National Home by completing the Application for Admission to the National Home of the BPOE. Applicants must have been in good standing with the Order for five consecutive years at the time the application is submitted, and applicants must be physically and mentally able to care for themselves in every way. The Board of Directors may, in its discretion, by unanimous vote waive the requirement of a five year period of membership in the Order.

Section 2. Each applicant for admission to the Home must apply in writing, on forms furnished by the Executive Director of the

Home, and the application shall include a medical examination from a duly qualified physician setting forth the applicants physical and mental condition. Each applicant shall submit with the application a copy of his/her current membership card to verify membership in the Order. The completed application must be forwarded to the Elks National Home for review and submission to the Board of Directors.

Section 2a. Financial Statement. Each applicant must complete and submit a Financial Statement to demonstrate that he/she has sufficient income and/or assets to remain financially self-sustaining and able to pay all costs of maintenance and other expenses at the Home and the costs of burial. The resident shall deposit with the Elks National Home an Occupancy Right Fee as detailed in the Resident Occupancy Agreement. In some cases the Board may require a security deposit in addition to the Occupancy Right Fee.

Section 3. All applications for admission to the Elks National Home shall be reviewed by the physician who visits the Home and by the Executive Director, who shall report their recommendations in writing to the Board.

Section 4. Subject to the ratification by the Board of Directors, the Home Member, together with the Vice-Chairman of the Board and the Executive Director, shall accept or reject all applications; provided, however, that admissions to the ALF shall be subject to a probationary period of three months during which time or at the end of which time the application may be rejected if the probationary resident is found to be physically or mentally unable to care for himself. Said Members and Executive Director may cause a supplementary physical examination to be made and

may require further proof of eligibility. The Home physician shall perform a follow-up physical examination of the probationary resident in the ALF upon his arrival at the Home and shall make a recommendation based thereon to the Board. During the probationary period, the Executive Director, after affording the probationary resident an opportunity to be heard, is authorized to require him to vacate the Home if the Executive Director finds him unqualified as a resident of the Elks National Home. The Executive Director shall report each such action to the Board of Directors, who shall review the matter and take final action on the application.

Section 5. Each resident at the Home shall have the right to withdraw voluntarily from the Home at any time by giving a 30 day written notice.

Section 6. Any resident who has committed an offense against the laws of the Order or has violated the rules and regulations herein or has defied the authority of the Board or of the Executive Director, shall be reported to the Board by the Executive Director; the Executive Director, after affording the offender the opportunity to be heard, is authorized to require the offender to vacate the Home pending a review by the Board of the violation.

Section 7. In the event of withdrawal or dismissal of the resident from the Home or the death of the resident, the Executive Director shall apply all funds or property and assets which have been conveyed to the Home or deposited with the Home to the payment of all expenses incurred or paid in connection with the resident's admission and maintenance in the Home, and the balance of said funds or property and assets shall be handled as detailed in the Resident Occupancy Agreement.

ARTICLE III

Medical Care

Section 1. The Elks National Home is a residential Home for retired members of the Order who can care for themselves. It is not a hospital or nursing home for the care of sick or disabled Elks or for those suffering from incurable, infectious or contagious diseases, from mental or emotional disorders, or from any other causes which have already rendered them unable to care for their daily needs.

Section 2. The Elks Statutes prohibit the Home from being converted into an infirmary or hospital, except as the temporary illness of the residents may require. The Home is licensed as an Assisted Living Facility (ALF) by the Commonwealth of Virginia, Department of Social Services. The Home makes medical care and assisted living care available to residents in a special section of the Home as allowed by the state licensing, but the Home is not licensed to provide skilled nursing or intermediate care as defined under the laws and regulations of the Commonwealth of Virginia and consequently cannot provide such services to residents. Physicians are available to see residents during scheduled office hours at the Home and are on call in case of medical emergency.

Section 3. A physician or the Executive Director is authorized by agreement to transfer a resident from the Home for hospitalization or other medical care should he deem it necessary.

Section 4. Each resident, while in residence at the Home, will apply for such medical care benefits as he may be entitled from governmental agencies.

Section 5. The cost of medical services is the responsibility of the resident; however, the Home will assist the resident in filing health insurance claims under Medicare or private insurance coverage.

ARTICLE IV

Rules in Regard to Resident and Internal Management of the Home

Section 1. These Rules and Regulations are adopted for the information and guidance of the residents and compliance therewith is required.

Section 2. Meals shall be served at such hours as may be fixed by the Executive Director and directed by the Standards and Regulations of the Department of Social Services.

Section 3. All residents are required to give due attention to the cleanliness and appearance of their persons as well as of their living accommodations. The Executive Director is authorized to insure compliance with this provision with such additional directives as may be approved by the Board. The Executive Director shall also issue such directives as are found necessary concerning the use of their living accommodations by the residents.

Section 4. A resident who plans to vacation away for a period of time is requested to inform a nurse on duty at the Elks National Home and obtain a written slip to deliver to the receptionist at the front desk. Upon returning to the Home, he/she should report to the receptionist or security guard at the front desk.

Section 5. Should any resident feel himself aggrieved by the action of the employees, he should lodge his complaint with the Executive Director.

Section 6. Conduct unbecoming an Elk by a resident will subject the offender to disciplinary procedures by the Executive Director.

Section 7. The residents shall not gamble (unless at an activity event sponsored by the Home), smoke in bed, or engage in any activity that might cause harm to other residents. Boisterous conduct, altercations, or other actions in the buildings, grounds, adjacent grounds, or in the local community or area which might be considered to the detriment of the good will of the community toward the Elks National Home will not be tolerated and are possible grounds for expulsion.

Section 8. Pets are allowed as detailed in the Resident Occupancy Agreement.

Section 9. Residents must adhere to the weapons policy set forth in their agreement with the Home.

ARTICLE V

Employees and Their Duties

Section 1. While the general supervision of the Home is vested in the Board, the day to day management of the Home is entrusted to the Executive Director, who shall be held responsible for the observance by the residents of all Rules, Regulations and directives and for the proper performance by the employees of their duties. The Executive Director shall transmit to the Board, through the Home Member, regular verbal or written reports of the Home, its residents and operation. The Executive Director shall inform the Board of any needs of the Home and shall make suggestions which would assist in the operation, maintenance and management of the Home. The Executive Director is expressly

authorized, for and on behalf of the Home, to establish, close out, maintain, deposit into and withdraw from bank accounts of various types including but not limited to regular and/or special checking or savings accounts, certificates of deposit, earmarked fund accounts and trust accounts, **provided, however,** that all such accounts shall be established only in banking institutions which fully insure such accounts up to a specified maximum amount under F.D.I.C., F.S.L.I.C. or other federally sponsored deposit insurance coverage, and **provided further,** that at no time shall the total amount on deposit in any single banking institution exceed the maximum amount of deposit insurance provided by such institution.

Section 2. The Executive Director is further expressly authorized to take all such actions as may reasonably be required in connection with the conduct of the ordinary and usual business of the Home and/or with regard to emergency matters requiring immediate action, including but not limited to entering into contracts for goods and/or services to be provided to the Home. With regard, however, to all matters which cannot reasonably be considered either routine or emergency items of Home business, the Executive Director shall take no action, nor shall he enter into any contracts, either oral or written, without in each instance obtaining in advance the approval of the Home Member. Monthly statements of all funds received and expended of the Home operation shall be made to the Board. The Executive Director shall keep the Home Member advised of the procedures followed in operation of the Home and shall be guided by the advice of the Home Member in such matters.

Section 3. Residents shall have access to a physician at the Home. The physician/s, with such medical assistance as may be needed, shall render medical assistance to the residents. The physician's recommendations shall be carefully considered for action by the Board.

Section 4. The Executive Director, within budgetary limits, shall have authority to hire employees for the care, operation, maintenance and management of the Home. He shall be responsible for careful inspection of all food furnished the Home and the food prepared for each meal, to assure that food that is unsatisfactory in character or improperly prepared, is not served to the residents.

Section 5. All officials and employees of the Home shall conduct themselves in their association with the residents so as to exemplify kindness and consideration, thus assuring the residents that they have, indeed, found a Home.

GRAND LODGE STATUTES

CHAPTER 6

ELKS NATIONAL HOME

Section 6.010. The Elks National Home & Retirement Center shall be owned and operated by a separate non-stock, non-profit Virginia Corporation to be organized by the Board of Grand Trustees, who are authorized to prepare and file articles of incorporation in a form consistent with applicable Federal and State laws. The Benevolent and Protective Order of Elks of the United States of America shall be the sole member of the Corporation. The Board of Directors of the Corporation shall consist of the duly elected and installed Grand Trustees of the Order, who shall have authority to act in all corporate matters to the full extent allowed by applicable laws. All assets and liabilities shown on the most recently audited financial statements and Form 990 of the Elks National Home, with changes in the ordinary course of business to the date of incorporation, shall be transferred to and vested in the Corporation.

The Board of Directors shall have supervision and control of the Elks National Home, engage a resident Executive Director and other necessary employees, fix their compensation and adopt rules and regulations for its management, which shall be issued in pamphlet form. It shall designate one of its members as the Home Member to exercise immediate supervision thereof and he shall visit the Home at least once every ninety (90) days and report all actions on his part to the Board for its ratification.

The Executive Director before entering upon the discharge of his duties shall furnish a surety bond approved by the Chairman of the Board of Directors.

Section 6.020. The Home shall be maintained for qualified members of the Order and shall not be converted into an infirmary or hospital, except as the temporary illness of the residents may require.

Section 6.030. An applicant for admission to the Home must have been in good standing in the Order for a period of five (5) consecutive years immediately prior to filing his application. The Board of Directors may, by unanimous vote, waive this requirement.

Section 6.040. Each applicant for admission to the Home must apply in writing on forms furnished by the Executive Director of the Home, and the application shall include a certificate from a duly qualified physician setting forth the applicant's physical condition. The applicant shall execute the papers and documents necessary to enable the Board of Directors to determine if the applicant has sufficient assets or income to pay his maintenance, expenses and burial.

Section 6.060. Subject to the ratification by the Board of Directors, the Home Member, together with another member of the Board of Directors and the Executive Director, shall accept or reject all applications. Said Members and Executive Director may cause a supplementary physical examination to be made and may require further proof of eligibility.

Section 6.070. Any member of the Order in good standing may avail himself of the privilege of the Home as a visitor at a rate and under conditions fixed by the Board of Directors. All monies derived from this source shall be credited to the budget of the Home and used to reduce the operating cost.

Section 6.080. If money or property, real or personal, is assigned or set over to the Board of Directors by a resident of the Home, the same shall be held by the Board in Trust for the resident. If after lawfully applying all or any portion thereof toward the maintenance, expense or burial of the resident, any part thereof remains unexpended, the same shall be paid over as the deceased resident has legally directed, or it shall be distributed under the applicable law.

Should a member terminate his residence at the Home, any of his funds held by the Board after the payment of maintenance, expenses or other charges shall be returned to him.

The Board is hereby vested with the necessary power to carry out the provisions of this Section.

Section 6.090. Any funds or property collected, raised or contributed by members or Lodges of the Order or from any other source in connection with the Elks National Home, are hereby appropriated for the purposes for which they are so collected, raised or contributed.

Section 6.100. The Corporation shall pay the construction, maintenance and operation costs of the Home.