

Chapter 484-20 WAC

STATE VETERANS HOMES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

484-20-040 Eligibility—Indigency. [Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-040, filed 9/9/04, effective 10/10/04; WSR 94-22-050, § 484-20-040, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-040, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-040, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-040, filed 7/17/80; Order 7659, § 484-20-040, filed 7/28/77.] Repealed by WSR 16-20-105, filed 10/5/16, effective 11/5/16. Statutory Authority: Chapter 72.36 RCW and 2014 c 184.
 484-20-050 Eligibility—Income. [Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-050, filed 8/14/92, effective 9/14/92; WSR 80-09-069 (Order 80-01), § 484-20-050, filed 7/17/80; Order 7659, § 484-20-050, filed 7/28/77.] Repealed by WSR 94-22-050, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW.
 484-20-062 Vocational rehabilitation programs—Eligibility, admission and discharge. [Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-062, filed 10/31/94, effective 12/1/94.] Repealed by WSR 16-20-105, filed 10/5/16, effective 11/5/16. Statutory Authority: Chapter 72.36 RCW and 2014 c 184.
 484-20-075 Aid and attendance account. [Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-075, filed 8/14/92, effective 9/14/92; WSR 86-05-014 (Order 86-01), § 484-20-075, filed 2/13/86; WSR 85-20-099 (Order 85-01), § 484-20-075, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-075, filed 7/17/80; Order 7659, § 484-20-075, filed 7/28/77.] Repealed by WSR 94-22-050, filed 10/31/94, effective 12/1/94. Stat-

utory Authority: RCW 43.60A.070 and chapter 72.36 RCW.
 484-20-089 Washington Soldiers Home Colony—Rights and responsibilities. [Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-089, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-089, filed 8/14/92, effective 9/14/92.] Repealed by WSR 16-20-105, filed 10/5/16, effective 11/5/16. Statutory Authority: Chapter 72.36 RCW and 2014 c 184.
 484-20-110 Fair hearing. [Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-110, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-110, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-110, filed 7/17/80; Order 7659, § 484-20-110, filed 7/28/77.] Repealed by WSR 94-22-050, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.-070 and chapter 72.36 RCW.
 484-20-115 Furlough—Residents other than medicaid certified nursing facility residents. [Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-115, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-115, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-115, filed 7/28/77.] Repealed by WSR 16-20-105, filed 10/5/16, effective 11/5/16. Statutory Authority: Chapter 72.36 RCW and 2014 c 184.
 484-20-117 Rehabilitation leave. [Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-117, filed 10/31/94, effective 12/1/94.] Repealed by WSR 16-20-105, filed 10/5/16, effective 11/5/16. Statutory Authority: Chapter 72.36 RCW and 2014 c 184.
 484-20-125 Discharge—Honorably. [Order 7659, § 484-20-125, filed 7/28/77.] Repealed by WSR 85-20-099 (Order 85-01), filed 10/1/85. Statutory Authority: RCW 43.60A.-070.
 484-20-130 Discharge—Disciplinary. [Order 7659, § 484-20-130, filed 7/28/77.] Repealed by WSR 85-20-099 (Order 85-01), filed 10/1/85. Statutory Authority: RCW 43.60A.-070.
 484-20-155 Administrative appeal. [Order 7659, § 484-20-155, filed 7/28/77.] Repealed by WSR 85-20-099 (Order 85-01), filed 10/1/85. Statutory Authority: RCW 43.60A.070.

WAC 484-20-010 Definitions. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

- (1) Admission team - A team consisting of a designated veterans benefit specialist, an admissions coordinator, and designated medical or nursing staff.
- (2) Adjudicative proceeding - In accordance with RCW 34.05.010(1), an adjudicative proceeding is a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an action by the agency.
- (3) Administrative action - An act (as defined in RCW 34.05.010(3)) taken by the agency or state veterans home which implements or enforces a statute, applies an agency rule or order, or imposes sanctions or withholds benefits.
- (4) Comprehensive care plan - A plan which outlines details of health care for medicaid certified nursing facility residents.

(5) Cost of care.

(a) Daily rate - The daily charge for room and board, nursing care, and covered ancillary items and services.

(b) Private rate - The daily rate, established by WDVA, to provide care and services to residents who do not meet medicaid institutional long-term care eligibility requirements according to WAC 182-513-1315. There is a different rate for nursing care and domiciliary care.

(c) Resident contribution - The monthly amount a resident pays to the state veterans home for the cost of care. If the resident is a medicaid recipient, the resident contribution is determined by the appropriate community service office. If the resident is not a medicaid recipient, the resident contribution is determined by the facility. The resident contribution is recalculated with any change in the resident's monthly income.

(6) Department - The department of veterans affairs.

(7) Director - The director of the department of veterans affairs or his/her designee.

(8) Domiciliary care - Shelter, food, and necessary medical care on an ambulatory self-care basis to assist eligible veterans who are suffering from a disability, disease or defect of such a degree that incapacitates the veteran from earning a living. However, the veteran, although not in need of hospitalization or nursing care services, needs to attain the physical, mental, and social well-being through special rehabilitative programs to restore the veteran to the highest level of functioning.

(9) Facility - Refers to either the Washington veterans home, or the Washington soldiers home, or the eastern Washington veterans home (also known as the Spokane veterans home), or the Walla Walla veterans home.

(10) Gold star parent - A parent whose child or children died while serving in the armed forces.

(11) Grievance - An oral or written statement of any difficulty, disagreement, or dispute relating in any way to a facility, a resident or facility staff.

(12) Grievance investigator - State veterans home social service staff or another appropriate person requested by the resident who investigates a grievance.

(13) Income - The receipt by an individual of any property or service which he/she can apply either directly, by sale, or conversion to meet his/her basic needs for food, clothing, and shelter.

(a) Earned income - Gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis.

(b) Unearned income - All other income.

(14) Medicaid certified nursing facility - Refers to those nursing care units of each state veterans home that are medicaid certified as described under WAC 388-97-0001.

(15) Personal needs allowance - In accordance with chapter 72.36 RCW the amount which a resident may retain from his/her income.

(16) Resources - Cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

(a) When an individual can reduce a liquid asset to cash, it is a resource.

(b) If an individual cannot reduce an asset to cash, it is not considered an available resource.

(c) Liquid - Assets that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

(d) Nonliquid - All other property both real and personal shall be evaluated according to the price that can reasonably be expected to sell for on the open market in the particular geographical area involved.

(17) Resident - An individual who resides at a state veterans home.

(18) Resident council - A group of residents elected in accordance with RCW 72.36.150 by facility residents.

(19) Social leave - An approved absence for residents.

(20) State veterans home - Refers to the Washington soldiers home and colony in Orting, the Washington veterans home in Retsil, the eastern Washington veterans home (also known as the Spokane veterans home), the Walla Walla veterans home, or all.

(21) Staff - Any individual hired to provide care and services at the state veterans homes.

(22) Superintendent - The licensed nursing home administrator appointed by the director to administer the day-to-day operations of a state veterans home.

Interim superintendent is a licensed nursing home administrator, appointed by the director to administer the day-to-day operations of a state veterans home, and who may or may not be a veteran. The director may appoint an interim superintendent while a superintendent candidate is completing an administrator in training program, or whenever a suitable candidate is not available.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-010, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-010, filed 9/9/04, effective 10/10/04. Statutory Authority: RCW 43.60A.070, chapter 72.36 RCW and 2001 2nd sp.s. c 4. WSR 01-23-001, § 484-20-010, filed 11/7/01, effective 12/8/01. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-010, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-010, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-010, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-010, filed 7/17/80; Order 7659, § 484-20-010, filed 7/28/77.]

WAC 484-20-015 Application for admission. (1) Applications for admission to a state veterans home shall be made using forms prescribed by the department.

(2) All applications shall include either a copy of the applicant's military discharge or a statement from the applicable military service denoting the dates and character of service. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's military service.

(3) An admissions team shall:

(a) Review each application to ensure inclusion of all information and documents necessary to determine eligibility for admission;

(b) For admission to a medicaid certified nursing facility, ensure a preadmission screening (in accordance with state regulations at WAC 388-97-1910 through 388-97-2000) and if necessary a preadmission screening and resident review

(PASRR) (in accordance with state regulations at WAC 388-97-2000) have been conducted; and

(c) The applicant shall receive written notice of the decision in accordance with WAC 484-20-103.

(4) Applications are reviewed and approved or denied in the order of receipt.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-015, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-015, filed 9/9/04, effective 10/10/04; WSR 94-22-050, § 484-20-015, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-015, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-015, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-015, filed 7/17/80; Order 7659, § 484-20-015, filed 7/28/77.]

WAC 484-20-020 Conditions of eligibility for admission. An applicant shall be eligible for admission only if (s)he meets the requirements of chapter 72.36 RCW and this chapter.

[Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-020, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-020, filed 8/14/92, effective 9/14/92; WSR 80-09-069 (Order 80-01), § 484-20-020, filed 7/17/80; Order 7659, § 484-20-020, filed 7/28/77.]

WAC 484-20-023 Admission to a state veterans home. (1) Each state veterans home maintains several waiting lists, one for each program or service offered. The names of applicants approved for admission shall be placed on the waiting list for the program or service which the admission team has determined shall be most appropriate based on their health care/service needs. Applicants shall be listed in order of approval.

(2) Applicants are admitted from the waiting lists in the order in which their applications are approved; subject to bed availability in the program or service area for which admission has been approved.

(3) An applicant may be denied admission, or be moved from one waiting list to another when in the interim between application approval and scheduled admission:

(a) The applicant's health care needs have changed to the extent that the program or service for which he/she was originally approved can no longer meet his/her health care needs; or

(b) The applicant's service needs have changed to such an extent that the facility can no longer meet the applicant's health care/service needs.

(4) Any applicant whose name has been on a waiting list over ninety days is required to submit an up-to-date medical information form completed by his/her physician prior to being given an admission date.

(5) If an applicant declines a scheduled admission, (s)he will be placed at the bottom of the appropriate service waiting list. The next person on the waiting list will be invited for admission.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-023, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-023, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-023, filed 8/14/92, effective 9/14/92.]

WAC 484-20-024 Resident payment information. Prior to or shortly following admission, all residents receive

(10/5/16)

information which states the resident contribution toward cost of care, the due date for monthly payments, the source of funds from which payment is to be made and the consequences of nonpayment.

[Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-024, filed 10/31/94, effective 12/1/94.]

WAC 484-20-025 Eligibility—State residency. An applicant shall be a resident of the state of Washington at the time of application and at the time of admission to the state veterans home. An applicant shall be considered a Washington state resident if (s)he:

(1) Is living in the state at the time of application and has established residence either by declaring an intent to remain in the state or has an unbroken period of physical residence in the state;

(2) Is not living in this state at the time of application, but has demonstrated intent of remaining a resident of this state by maintaining a domicile or voting registration in this state or similar evidence of Washington state residency;

(3) Is not living in this state due to hospitalization or provision of similar care needs in another state resulting from transfer from a Washington state or federal health care or social service agency as long as the applicant has taken steps to maintain Washington state residency similar to subsection (2) of this section.

[Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-025, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-025, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-025, filed 7/28/77.]

WAC 484-20-030 Eligibility—Military service. (1) An applicant must have served on active duty in:

(a) The armed forces of the United States government and must have received a discharge under honorable conditions; or

(b) The state militia, and have been disabled in line of duty or have received a discharge under honorable conditions; or

(c) The Coast Guard, Merchant Mariners, or other non-military organization when such service was recognized by the United States government as equivalent to service in the armed forces and have received a discharge under honorable conditions as evidenced by possession of a DD214, or similar document in accordance with WAC 484-20-015(2).

(2) Admission priorities are granted in the following order:

(a) Veterans who meet all eligibility requirements of this chapter;

(b) Spouses or registered domestic partners of veterans as described in WAC 484-20-055; and

(c) Gold star parents, as described in WAC 484-20-010.

(3) Seventy-five percent or more of a veterans home's residents must be veterans meeting all eligibility requirements.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-030, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-030, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-030, filed 8/14/92, effective 9/14/92; WSR 80-09-069 (Order 80-01), § 484-20-030, filed 7/17/80; Order 7659, § 484-20-030, filed 7/28/77.]

WAC 484-20-035 Eligibility—Transfer of resources. Eligibility for admission as related to transfer of resources is determined by application of medical assistance eligibility rules as defined in chapter 182-513 WAC.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-035, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-035, filed 9/9/04, effective 10/10/04; WSR 94-22-050, § 484-20-035, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-035, filed 8/14/92, effective 9/14/92; WSR 80-09-069 (Order 80-01), § 484-20-035, filed 7/17/80; Order 7659, § 484-20-035, filed 7/28/77.]

WAC 484-20-045 Eligibility—Inability to support self/need for care. To be eligible for admission an applicant must be in need of:

- (1) Medicaid certified nursing facility care as described in chapter 182-513 WAC; or
- (2) Nursing care other than medicaid certified nursing facility care; or
- (3) Domiciliary care.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-045, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-045, filed 9/9/04, effective 10/10/04; WSR 94-22-050, § 484-20-045, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-045, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-045, filed 7/28/77.]

WAC 484-20-055 Eligibility—Surviving spouse of veteran. The surviving spouse of a veteran may be admitted to a state veterans home provided:

- (1) The veteran was a state resident at the time of death and would have been eligible for admission; and
- (2) The spouse or registered domestic partner:
 - (a) Meets the provisions of WAC 484-20-045; and
 - (b) Has not remarried or registered a new domestic partnership with the Washington state secretary of state, a person who is not a state resident or who is not eligible for admission.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-055, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-055, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-055, filed 8/14/92, effective 9/14/92; WSR 80-09-069 (Order 80-01), § 484-20-055, filed 7/17/80; Order 7659, § 484-20-055, filed 7/28/77.]

WAC 484-20-060 Eligibility—Married couple or domestic partnership. A couple may be admitted to a state veterans home provided:

- (1) They both meet the requirements of WAC 484-20-045.
- (2) They are legally married or domestic partners registered with the Washington state secretary of state, and if not living together, are separated because of different health care needs.
- (3) They have been married, or registered domestic partners, at least three years prior to application, or the spouse or registered domestic partner is personally eligible for admission.
- (4) At least one meets the requirement of WAC 484-20-030.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-060, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW

43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-060, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-060, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-060, filed 7/28/77.]

WAC 484-20-061 Resident assessment and care plan. In accordance with federal regulations at 42 C.F.R. § 483.20 and 38 C.F.R. § 51.110, the medicaid certified nursing facilities shall provide resident care based on a systematic, comprehensive, interdisciplinary assessment, and care planning process in which the resident actively participates.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-061, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-061, filed 10/31/94, effective 12/1/94.]

WAC 484-20-063 Bed hold. All facility residents shall receive written notice of the bed hold policy in accordance with federal regulations at 42 C.F.R. § 483.12 and 38 C.F.R. § 51.80.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-063, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-063, filed 10/31/94, effective 12/1/94.]

WAC 484-20-065 Use of residents' income and resources. (1) **Monthly payments.** Each month residents shall pay his or her resident contribution as defined in WAC 484-20-010 on the department established payment due date. The amount paid shall not exceed the private rate for the program/service area in which the resident resides. Subsections (3) and (5) of this section list exceptions.

(2) **Personal needs allowance.**

(a) **Single residents.** If the resident's monthly income equals or exceeds the established personal needs allowance, he/she may retain the established personal needs allowance. If the individual's monthly income is less than the established personal needs allowance, his/her personal needs allowance shall be limited to:

(i) For residents who are medicaid recipients, the personal needs allowance authorized by the appropriate department of social and health services community service office; or

(ii) For residents who are not medicaid recipients to the income which he/she receives.

(b) **Married residents or registered domestic partners, both residing in the state veterans home.** If each individual's income equals or exceeds the established personal needs allowance, each may retain the established personal needs allowance. If one of the individual's monthly income is less than the established personal needs allowance, his/her personal needs allowance shall be limited to:

(i) For residents who are medicaid recipients, the personal needs allowance authorized by the appropriate department of social and health services community service office; or

(ii) For residents who are not medicaid recipients, to the income to which he/she has an individual right.

(3) **Exceptions to monthly payments.** (Note: This subsection (3) only applies to residents who are not medicaid recipients. The department of social and health services makes these determinations for residents who are medicaid

recipients in accordance with applicable medicaid rules.) Residents may be authorized to retain (in addition to their personal needs allowance) monthly therapeutic employment earnings, if the resident is participating in a therapeutic employment program and it is documented in his/her plan of care. The amount retained shall not exceed limits established under medical assistance eligibility rules.

(4) Application for benefits/entitlements.

(a) Residents are required to apply for any and all entitlements or benefits as soon as they become eligible. Residents and/or their representative must fully disclose all information required for determining eligibility for all entitlements and benefits.

(b) Agency veterans benefit staff shall assist residents to make application for entitlements and benefits.

(c) Residents who apply for medicaid and meet medical need requirements but are over the resource limits outlined in chapter 182-513 WAC, shall be advised of their options and the consequences of being over medicaid resource limits. Residents shall be billed at the private rate until medicaid resource limits are met.

(5) Support of a nonresident spouse.

(a) If a resident is a medicaid recipient and has a community spouse, the provisions of chapter 182-513 WAC apply; except where preempted by federal law; shall apply to income and resources.

(b) If a resident is not a medicaid recipient and has a community spouse, the provisions of chapter 182-513 WAC apply; except where preempted by federal law; shall be used to determine:

(i) Available and exempt income and resources with regard to eligibility and resident participation;

(ii) Ownership of income and resources; and

(iii) Participation by the community spouse.

(6) Only subsection (4)(a) and (b) of this section applies to residents of the colony at the Washington soldiers home.

(7) Resource limits.

(a) For residents who are medicaid recipients, resource limits are in accordance with medicaid rules found at chapter 182-513 WAC.

(b) For residents who are not medicaid recipients, resource limits shall be established by the facility using the medicaid resource limit for a single or a married individual, whichever is applicable.

(c) If a resident who is a medicaid recipient receives or accumulates funds in excess of resource limits in (a) of this subsection, the case shall be referred to the appropriate department of social and health services community service office to adjust the resident contribution and/or determine continuing medicaid eligibility. If the community service office determines the resident is no longer eligible to receive medicaid benefits, the resident shall pay at the private rate until medicaid eligibility is reestablished.

(d) If a resident who is not a medicaid recipient receives or accumulates funds in excess of resource limits in (b) of this subsection, the resident shall pay at the private rate until accumulated funds are reduced to the resource limit.

(e) Exceptions to the resource limits in (b) of this subsection may be granted on a case-by-case basis if a resident has an approved discharge plan which includes a goal to reestablish independent community living through either an

approved rehabilitation leave or participation in an approved vocational rehabilitation program.

(8) Retroactive, lump sum benefits.

(a) If a medicaid recipient receives a retroactive, lump sum award of benefits, he/she shall be required to report the award to the appropriate department of social and health services community service office. If the resident continues to be eligible for medicaid, the community service office will issue a new medicaid award letter which adjusts the resident contribution if appropriate. If the community service office determines the resident is no longer medicaid eligible, the award shall be counted as income for the month(s) in which moneys would have been received and the resident shall pay retroactively the resident contribution due from date of admission to date of receipt of the retroactive lump sum award; except the resident contribution will not be collected for those months during which the resident received medicaid benefits. If the resident's resources still exceed medicaid resource limits, the resident shall pay at the private rate until medicaid eligibility is reestablished.

(b) If a resident who is not a medicaid recipient receives a retroactive lump sum award, the award shall be counted as income for the month(s) in which moneys would have been received and the resident shall pay retroactively the resident contribution due from date of admission to date of receipt of the retroactive lump sum award.

(9) The estate of any individual who is a resident at the time of death will be charged for the balance of any cost of care which the resident did not pay during his/her residency in the state veterans home. The state veterans home shall inform the resident of the total amount of any past due cost of care. For residents who are medicaid recipients, recovery shall be in accordance with chapter 182-527 WAC. For any resident who is not a medicaid recipient, recovery shall be in accordance with a written agreement made at the time of admission.

(10) For any partial months of residency the resident's contribution shall apply first.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-065, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-065, filed 9/9/04, effective 10/10/04; WSR 95-07-082, § 484-20-065, filed 3/16/95, effective 4/16/95. Statutory Authority: RCW 43.60A.070 and 72.36.120. WSR 94-04-001, § 484-20-065, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-065, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-065, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-065, filed 7/17/80; Order 7659, § 484-20-065, filed 7/28/77.]

WAC 484-20-068 Resident council. (1) Each facility shall have resident council consisting of representatives elected by facility residents. Elections shall be held annually.

(2) The council shall annually elect a chair from among its members. The chair shall call and preside at council meetings.

(3) The resident council shall serve in an advisory capacity to the respective superintendents and to the director in all matters related to policy and operational decisions affecting resident care and life in the facility, to include, but not be limited to, input into the resident council biennial budget making process and facility supplementary policies and procedures.

The superintendent shall give due and proper consideration to such input.

(4) Each resident council shall:

(a) Actively participate in development of choices regarding activities, food, living arrangements, personal care and other aspects of resident life; and

(b) When so requested by a resident, serve as an advocate in resolving grievances and ensuring resident rights are observed.

(5) Benefit fund.

(a) The resident council for each state veterans home shall annually review the proposed expenditures from the benefit fund. The resident council approves expenditures from the state veterans home benefit fund.

(b) Disbursements from the benefit fund shall be authorized by the superintendent after approval by the state veterans home resident council.

(6) Governance of the resident council.

(a) Bylaws, approved by the majority vote of the residents, shall define resident council operations.

(b) Bylaws shall be reviewed annually and amended as deemed appropriate by a majority vote of the residents.

(c) Bylaws shall include, but not be limited to definitions of mechanisms for:

(i) Annual elections of council members and chair;

(ii) Make up and responsibilities of any council committees;

(iii) Meeting schedules;

(iv) Determining the number of council members; and

(v) To ensure provisions for participation and representation from the medicaid certified nursing facility sections, should those residents choose to participate in resident council activities. When considering benefit fund related issues/expenditures in accordance with chapter 72.36 RCW and WAC 484-20-070, state veterans home benefit fund, the resident council shall ensure representation from all levels of care.

(d) The superintendent at each facility shall review and sign the bylaws, indicating agreement with and support of the bylaws.

(7) The resident council shall meet with the superintendent monthly and with the department director three times annually.

(8) Each resident council shall be provided the following:

(a) Meeting space;

(b) Appropriate equipment and supplies; and

(c) Clerical support for minutes of all resident council meetings as requested.

(9) All residents are eligible to serve on the resident council providing that they have signed the resident agreement which all residents receive upon admission to a state veterans home, and that they have not violated the provisions of WAC 484-20-090, the resident agreement or any agency or veterans home policies within the past twelve months.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-068, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-068, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-068, filed 8/14/92, effective 9/14/92; WSR 86-05-014 (Order 86-01), § 484-20-068, filed 2/13/86; WSR 85-20-099 (Order 85-01),

§ 484-20-068, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-068, filed 7/17/80; Order 7659, § 484-20-068, filed 7/28/77.]

WAC 484-20-070 State veterans home benefit fund.

(1) Each veterans home shall maintain a benefit fund into which all private donations, bequeaths, and gifts to the facility shall be deposited, unless the donor made a specific request for use of the funds.

(2) The resident council shall participate in the identification of resident and facility needs for benefit fund solicitations.

(3) The resident council shall develop proposals for expenditures from the benefit fund. The minutes of the resident council meetings shall reflect the council's discussion and decision-making process related to proposed benefit fund expenditures. Facility fiscal staff may assist the resident council in the development of expenditure proposals as requested. The resident council shall ensure all areas of the state veterans home are represented during the council's discussion and decision-making process related to proposed benefit fund expenditures.

(4) Expenditures from the benefit fund shall be made as approved by the resident council and authorized by the superintendent. Whenever individuals or groups have made a donation, bequeath or gift to a state veterans home and have designated a specific purpose for such donation, bequeath or gift, the resident council and the superintendent shall take such designated purpose into account when approving expenditure of the funds. Should the resident council and the superintendent disagree over an expenditure approved by the resident council, the resident council or the superintendent may request a review by the director.

(5) Disbursements from the benefit fund shall be for the benefit and welfare of the residents of the respective state veterans home.

(6) The resident council shall receive monthly reports of income to and expenditures from the benefit fund.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-070, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-070, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-070, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-070, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-070, filed 7/17/80; Order 7659, § 484-20-070, filed 7/28/77.]

WAC 484-20-080 Annual declaration of income and resources. (1) Each resident shall promptly provide the superintendent or designated representative with a statement reflecting all income and resources:

(a) Annually, at such time as determined by department policy;

(b) Within fourteen days of any change in income;

(c) Within fourteen days of receipt of any lump sum/back-award payment of benefits. The department shall provide forms for reporting of income and resources; and

(d) If the resident is able to demonstrate good cause, exceptions may be made to the reporting deadlines in (b) and (c) of this subsection.

(2) Each resident shall comply with any reporting requirements necessary to initiate/continue any benefits and/or pensions to which he/she is entitled.

(3) Reports shall be made at intervals and on forms prescribed by the entity paying the benefits and/or pension. Copies shall be submitted to the facility's administration for filing in the resident's administrative file:

(a) U.S. Department of Veterans Affairs benefits - As prescribed by the U.S. Department of Veterans Affairs.

(b) Social Security benefits - As prescribed by the Social Security Administration.

(c) Medicaid benefits - As prescribed by the department of social and health services.

(d) Other pensions and benefits - As prescribed by the entity paying the pension/benefit.

(4) When a resident is authorized to contribute to the support of a dependent under WAC 484-20-065, the dependent shall also be required to comply with any required reporting intervals, using the prescribed form(s).

(5) The veterans benefit specialist and business office staff shall be available to assist residents to complete and submit appropriate reports in a timely manner and to resolve any underpayment or overpayment of benefits.

(6) Failure to comply with all income and resource reporting requirements may result in overpayment or underpayment of the resident contribution. Underpayment of the resident contribution may be grounds to begin discharge proceedings in accordance with WAC 484-20-120. Notice of such administrative action shall be given in accordance with WAC 484-20-103.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-080, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070, chapter 72.36 RCW and 2001 2nd sp.s. c 4. WSR 01-23-001, § 484-20-080, filed 11/7/01, effective 12/8/01. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-080, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 80-09-069 (Order 80-01), § 484-20-080, filed 7/17/80; Order 7659, § 484-20-080, filed 7/28/77.]

WAC 484-20-085 Resident behavior and facility practices. All residents and facility staff shall be furnished a copy of the facility's policies regarding resident rights and a copy of chapter 484-20 WAC. Residents receive this information at the time of admission and within fifteen days of any change.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-085, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 95-03-053, § 484-20-085, filed 1/12/95, effective 2/12/95. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-085, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-085, 10/1/85; Order 7659, § 484-20-085, filed 7/28/77.]

WAC 484-20-086 Restraints/prevention of abuse—Medicaid certified nursing facility. State veterans homes shall follow federal regulations in 42 C.F.R. § 483.13 and 38 C.F.R. § 51.90.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-086, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070, chapter 72.36 RCW and 2001 2nd sp.s. c 4. WSR 01-23-001, § 484-20-086, filed 11/7/01, effective 12/8/01. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-086, filed 10/31/94, effective 12/1/94.]

(10/5/16)

WAC 484-20-087 Resident rights. State veterans homes shall follow federal requirements in 42 C.F.R. § 483.10 and 38 C.F.R. § 51.70.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-087, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-087, filed 9/9/04, effective 10/10/04; WSR 94-22-050, § 484-20-087, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-087, filed 8/14/92, effective 9/14/92.]

WAC 484-20-088 Quality of life—Medicaid certified nursing facility. State veterans homes shall follow federal requirements in 42 C.F.R. § 483.15 and 38 C.F.R. § 51.100.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-088, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-088, filed 10/31/94, effective 12/1/94.]

WAC 484-20-090 State veterans home rules. Residents of the state veterans homes are expected to comply with the following facility rules. Facility rules apply to all residents:

(1) Health and safety rules.

(a) Emergency evacuation. Any time a fire or alarm is sounded, domiciliary residents must immediately evacuate the building and report to the designated evacuation area. Residents may not enter the evacuated building until designated staff indicate all is clear. Nursing care unit residents must follow the instructions of the nursing staff.

(b) Community living skills. The condition of residents living quarters must meet existing fire, safety and health-sanitation codes. Residents shall accomplish and/or assist with maintaining their living quarters as defined in their comprehensive care plan. Vacated rooms shall be left in a clean condition.

(c) Electrical appliances. Only low wattage household type electrical appliances such as television sets, electric clocks, electric razors, fans of 150 watts or less with acceptable finger guards, small refrigerators rated at not more than 1.5 amps and approved by the facility, radios, audio and/or video recorders (VCRs), and disc playing machines may be used in resident's rooms. Use of any other electrical equipment requires the written approval of the superintendent or designated representative.

(d) Repair of rooms. Residents shall not alter or repair their living quarters or other common use areas. This includes but is not limited to walls (e.g., for hanging pictures), other flat surfaces, electrical systems, television/cable hook-ups, phone hook-ups, heating systems, and plumbing. State veterans home staff shall assist residents in personalizing their rooms, including but not limited to hanging personal pictures and checking electrical appliances as authorized in (c) of this subsection. Requests for alterations and/or repairs shall be made to the state veterans home facilities manager.

(e) Alcohol, marijuana and illegal drugs are prohibited on the premises of any state veterans home. Neither medical nor recreational marijuana use is allowed at a state veterans home. According to the Washington state department of health, health care providers cannot write prescriptions for medical marijuana. They may provide a recommendation for use of medical marijuana; however, this is not considered a

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prescription for marijuana. This applies to all residents, family members, staff, visitors and volunteers in the home.

(f) Weapons, firearms and edged weapons. Possession of firearms, ammunition, explosives, dangerous or edged weapons is prohibited on the premises of any state veterans home.

(g) Animals. Unauthorized possession or feeding of animals on state veterans home property is prohibited except when specifically sanctioned by the superintendent or designated representative.

(h) Tobacco products and electronic smoking devices. Use of tobacco products or electronic smoking devices is allowed only in designated outdoor smoking areas.

(2) General facility rules.

(a) Visiting hours. Normal visiting hours for guests are 8:00 a.m. to 10:00 p.m.

(b) Program listening. Radios, TVs, and tape recording-playing devices such as video tape recorders (VCRs) and cassette players may be used in resident's rooms. Volume levels of such equipment must be kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced noise levels in the general surroundings so that others will not be disturbed. The use of headphones is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. Pursuant to U.S. Department of Veterans Affairs census reporting requirements, residents leaving the grounds for any purpose must sign out at designated locations. Upon returning, the resident must sign in again. After returning from overnight pass or social leave, the resident must remain on the grounds overnight before permission to go on an additional overnight pass or social leave can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from overnight pass or social leave at the prescribed time without obtaining permission for an extension, may result in the resident being discharged in accordance with WAC 484-20-120. Residents being admitted to the facility must remain on the grounds overnight before overnight pass or leave privileges may be exercised unless an exception is granted by the superintendent or designated representative.

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity or the state of Washington without permission is also prohibited. Residents are required to reimburse the state veterans home for theft and intentional or negligent injury to state property.

(e) Vehicle registration. Vehicles kept on state veterans home property must be registered at least annually with the state veterans home administration. Residents who drive on the state veterans home property must: Possess a valid Washington state driver's license; provide proof of ownership and/or registration; and, show proof of at least minimal insurance as required by Washington state financial responsibility law. The requirement to register applies to vehicles owned by residents, owned by another and registered in the name of the resident, and/or any vehicle regardless of ownership that is regularly in the possession of the resident. Vehicles must have current license tags. All traffic and parking control signs must be obeyed.

(f) Personal conduct between residents and others. Residents are expected to refrain from obscene, sexually or racially demeaning, threatening language, or behavior, or physically assaultive behavior. Such behavior, directed at another person, whether on the grounds or off the grounds during a state veterans home-sponsored activity, will be considered a violation of this rule.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-090, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070, chapter 72.36 RCW and 2001 2nd sp.s. c 4. WSR 01-23-001, § 484-20-090, filed 11/7/01, effective 12/8/01. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-090, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-090, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-090, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-090, filed 7/17/80; Order 7659, § 484-20-090, filed 7/28/77.]

WAC 484-20-095 Supplementary policies and procedures. The superintendent or designated representative of each state veterans home shall establish supplementary policies and procedures consistent with the substance and intent of the rules in this chapter and applicable federal and state statutes and standards.

[Statutory Authority: RCW 43.60A.070, chapter 72.36 RCW and 2001 2nd sp.s. c 4. WSR 01-23-001, § 484-20-095, filed 11/7/01, effective 12/8/01. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-095, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-095, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-095, filed 7/28/77.]

WAC 484-20-100 Violation—Investigation. (1) Reports of possible violations of state veterans home rules shall be investigated by the superintendent or his/her designee.

(2) The superintendent charging a violation of the rules or other misconduct by a resident shall have the burden of establishing the violation by clear, cogent and convincing evidence.

(3) Investigations of all substantiated violations of the rules shall include a referral to the patient care planning team to rule out health related causes. The patient care planning team shall document actions taken to review the rules violations with the resident and any resulting modifications to the care plan.

(4) Should the investigation reveal that the resident has violated state veterans home rules on several occasions and has refused to follow through with recommended treatment, counseling, and/or corrective actions, as documented in the clinical record, the investigation shall be forwarded to the superintendent for review and determination of appropriate administrative action. Any administrative action proposed pursuant to this section shall be given in accordance with WAC 484-20-103.

[Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-100, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-100, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-100, filed 10/1/85; WSR 80-09-069 (Order 80-01), § 484-20-100, filed 7/17/80; Order 7659, § 484-20-100, filed 7/28/77.]

WAC 484-20-103 Administrative action, notice of. (1) The state veterans home must notify the resident and the resident's representative, and make a reasonable effort to

notify, if known, an interested family member of any proposed administrative action, as defined in RCW 34.05.010(3) and this chapter. Exceptions are indicated in subsection (4) of this section.

(2) All notices of proposed administrative actions must be given in writing, in a manner which the resident understands at least thirty days before the proposed administrative action will occur. Except, notice may be given as soon as practical before a transfer or discharge when:

(a) The safety of individuals in the state veterans home would be endangered;

(b) The health of individuals in the state veterans home would be endangered;

(c) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(d) A resident has not resided in the facility for thirty days.

(3) All written notices must include:

(a) The reason for the proposed action;

(b) The effective date of the proposed action;

(c) If the proposed action is a transfer or discharge, the location to which the resident is to be transferred or discharged;

(d) The name, address and telephone number of the state long-term care ombudsman.

(4) For facility residents notice of transfer or discharge is governed by chapter 388-97 WAC.

(5) For all transfers or discharges, staff must give sufficient preparation and orientation to residents to ensure a safe transfer or discharge from the state veterans home.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-103, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-103, filed 9/9/04, effective 10/10/04. Statutory Authority: RCW 43.60A.070 and 72.36.030. WSR 97-06-013, § 484-20-103, filed 2/25/97, effective 3/28/97. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-103, filed 10/31/94, effective 12/1/94.]

WAC 484-20-105 Dispute settlement. Residents have two avenues to appeal an administrative action.

Exception: Transfer and/or discharge of a medicaid certified nursing facility resident is governed by WAC 388-97-0120.
Transfer and/or discharge appeals is governed by WAC 388-97-0140.

(1) **Informal settlement.** Informal settlement of matters that may make more elaborate proceedings unnecessary under this chapter is strongly encouraged. Use of the informal settlement process does not preclude a resident from requesting an adjudicative proceeding at any time during the informal settlement process.

(a) An informal settlement to review an administrative action by the department may be requested by forwarding a written request to the superintendent, not later than twenty-one days following receipt of the written notice of an administrative action by the state veterans home.

(b) Within fourteen days of receipt of the request for review, the superintendent or his/her designee shall review the administrative action and shall inform the resident of his/her decision to uphold, modify or reverse the administrative action. Notification of the superintendent's decision will be given in writing and in all cases the superintendent's deci-

sion shall be final except in the case of a request to continue the matter through an adjudicative proceeding.

(2) **Adjudicative proceeding.** An adjudicative proceeding is a formal appeal of an administrative action.

(a) An adjudicative proceeding may be requested by forwarding a written request to the superintendent not later than twenty-one days from the date the resident receives the notice of an administrative action or a final decision under the informal settlement provisions of this section.

(b) All such requests shall include a statement of whether the resident is represented and, if so, the name and address of the representative and be signed by the resident or his/her legal representative.

(c) The department shall immediately forward the request to the office of administrative hearings for scheduling of an administrative hearing pursuant to chapters 34.05 and 34.12 RCW and chapter 10-08 WAC.

(d) Any administrative action imposed pursuant to this chapter shall be deferred until the outcome of the administrative hearing except in cases of discharge under WAC 484-20-120 (1)(a), (b), and (c).

(e) Administrative hearings pursuant to this subsection shall be conducted in the state veterans home in which the client resides except that in cases of discharge under WAC 484-20-120 (1)(e), the hearing shall be conducted in a location which is jointly agreed upon by both parties.

(f) Initial orders issued by the administrative law judge shall become final twenty-one days following issuance, unless the complaining party or the state veterans home requests a review of the order. In the case of such a review, the director or his/her designee, serving as the department's reviewing officer, shall conduct a review pursuant to chapter 34.05 RCW and issue a final order in the matter under consideration.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-105, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-105, filed 9/9/04, effective 10/10/04; WSR 94-22-050, § 484-20-105, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-105, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-105, filed 10/1/85; Order 7659, § 484-20-105, filed 7/28/77.]

WAC 484-20-111 Grievance procedure. (1) Department grievance procedures shall consist of an optional informal discussion process and a formal process.

(a) Any resident, his or her appointed representative, family member or advocate may file a grievance related in any way to the state veterans home, another resident or a state veterans home staff.

(i) Filing. Grievance may be filed either orally or in writing to designated social work staff. Any oral grievance shall be reduced to writing by the staff receiving the grievance.

(ii) Grievances must be filed within fourteen days of the event or discovery of the event being grieved. This deadline may be extended for good cause at the discretion of the designated social work staff.

(iii) Grievance forms are available and located in easily accessed locations throughout the state veterans home. Completed grievance forms must be signed by the resident or individual filing the grievance on behalf of the resident and forwarded to designated social work staff for investigation.

(b) A resident shall not be subject to discipline or retaliation for participating in any manner in the state veterans home's grievance process.

(c) Residents are not prohibited from requesting an adjudicative proceeding or from filing a grievance with any state client advocacy group such as the state survey and certifications agency or the state ombudsman program at any time during the grievance resolution process.

(2) Informal discussion process. Residents are encouraged to attempt to resolve grievances through an informal discussion with individuals who are involved. A grievance investigator shall facilitate such a discussion upon request.

(3) Formal grievance process.

(a) Investigation. Designated social work staff shall investigate all grievances received.

(i) In accordance with federal regulations at 42 C.F.R. § 483.13 and C.F.R. § 51.90, the medicaid certified nursing facility shall:

(A) Ensure that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source, and misappropriation of resident property are reported immediately to the superintendent and to other officials in accordance with federal and state law through established procedures (including the federal and state survey and certification agencies);

(B) Have evidence that all alleged violations are thoroughly investigated; and

(C) Prevent further potential abuse while the investigation is in progress.

(ii) The results of all investigations shall be reported to the superintendent or his/her designated representative and to other officials in accordance with federal and state law (including to the federal and state survey and certification agencies) within five working days of the incident, and if the alleged violation is verified, appropriate corrective action must be taken.

(b) At any point in the grievance process, a resident may choose to have another individual (including the resident council grievance committee, if one exists) to advocate on his/her behalf and/or accompany him/her to any investigative interviews.

(c) The grievance investigation shall be completed within seven days of receipt of the written grievance by the designated social work staff.

(d) The resident and/or person filing the grievance on behalf of the resident shall be informed in writing of the results of the investigation and the actions that will be taken to correct any identified problems.

(e) The grievance investigation shall be conducted in such a manner as to maintain the confidentiality of the resident. Should the resident request assistance of an outside resident advocate, access to the resident's clinical or personal files shall be granted only with the written authorization from the resident.

(4) Should the resident not be satisfied with the results of the investigation or the recommended actions, he/she may request a review by the superintendent.

(a) Such a request shall be made in writing and submitted within seven days of receipt of the notice of the results of the grievance investigation.

(b) The superintendent shall consider all available information related to the grievance and issue a written decision on the matter within fourteen days of receipt of the review request.

(c) The superintendent's decision is final except when the resident chooses to access the dispute settlement process allowed in WAC 484-20-105.

(5) Upon admission, each resident or his/her appointed representative shall receive oral and written information related to the state veterans home's grievance procedure. Posters informing residents of the state veterans home's grievance procedure and listing names and phone numbers of state veterans home staff and outside resident advocates who are available to assist with grievance resolution shall be placed in locations within each state veterans home where they are easily visible to residents.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-111, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-111, filed 10/31/94, effective 12/1/94.]

WAC 484-20-116 Social leave. Facility residents and staff shall comply with state regulations related to social leave under WAC 388-97-0160.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-116, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-116, filed 9/9/04, effective 10/10/04; WSR 94-22-050, § 484-20-116, filed 10/31/94, effective 12/1/94.]

WAC 484-20-120 Transfer and discharge of state veterans home residents. Transfer and discharge of state veterans home residents shall be in accordance with 42 C.F.R. § 483.12 and 38 C.F.R. § 51.80.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-120, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 04-19-026, § 484-20-120, filed 9/9/04, effective 10/10/04. Statutory Authority: RCW 43.60A.070 and 72.36.030. WSR 97-06-013, § 484-20-120, filed 2/25/97, effective 3/28/97. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-120, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-120, filed 8/14/92, effective 9/14/92; WSR 85-20-099 (Order 85-01), § 484-20-120, filed 10/1/85; Order 7659, § 484-20-120, filed 7/28/77.]

WAC 484-20-135 Transfer from one state veterans home to another. (1) A resident may apply for transfer to any state veterans home. Requests for transfer are to be forwarded to the admissions team.

(2) All such requests shall be reviewed by the admissions team, using the admissions criteria.

(3) In addition, the admission team shall contact the superintendent or designated representative of each state veterans home to obtain other information which may be pertinent to the transfer request.

(4) The admission team shall make a recommendation to approve or deny the transfer.

(5) The names of residents who are approved for transfer shall be placed on the waiting list for the program or service which the admission team has determined shall be most appropriate for their health care needs. The position on the waiting list shall be determined by the date on which the transfer was approved.

[Statutory Authority: Chapter 72.36 RCW and 2014 c 184. WSR 16-20-105, § 484-20-135, filed 10/5/16, effective 11/5/16. Statutory Authority: RCW 43.60A.070, chapter 72.36 RCW and 2001 2nd sp.s. c 4. WSR 01-23-001, § 484-20-135, filed 11/7/01, effective 12/8/01. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-135, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-135, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-135, filed 7/28/77.]

WAC 484-20-140 Readmission. Former residents may apply for readmission to the state veterans home by submitting an application in accordance with WAC 484-20-015.

[Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-140, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-140, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-140, filed 7/28/77.]

WAC 484-20-145 Burial in the state veterans home cemetery. (1) To the extent practicable the remains of individuals who die at a state veterans home shall be disposed of in accordance with instructions given prior to death.

(2) An individual or his/her survivors (in the line of succession as designated in RCW 68.50.160) may request burial in the state veterans home cemetery, if the state veterans home has a cemetery, when the deceased is a resident of the state veterans home at the time of death.

(3) A nonresident spouse of a former resident who is buried in the facility's cemetery may request burial in the state veterans home cemetery, unless the spouse has remarried. If the spouse wishes to be buried in the facility's cemetery, he/she makes such a request with the knowledge that his/her remains will be cremated and buried in the same gravesite as the former resident.

(4) Funeral arrangements and all burial costs shall be the responsibility of the deceased individual's estate or his/her survivors (or the county if there are no survivors) in accordance with RCW 68.50.160.

[Statutory Authority: RCW 43.60A.070, chapter 72.36 RCW and 2001 2nd sp.s. c 4. WSR 01-23-001, § 484-20-145, filed 11/7/01, effective 12/8/01. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-145, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-145, filed 8/14/92, effective 9/14/92; WSR 80-09-069 (Order 80-01), § 484-20-145, filed 7/17/80; Order 7659, § 484-20-145, filed 7/28/77.]

WAC 484-20-150 Population level. The superintendents shall keep the population of the state veterans homes as close to full capacity as possible provided; such population approximates the population submitted and approved in the department's budget.

[Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. WSR 94-22-050, § 484-20-150, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. WSR 92-17-046, § 484-20-150, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-150, filed 7/28/77.]