

2 SSB 5966 - S AMD - 001049
3 By Senator Rinehart

4 ADOPTED 5/5/93

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that continued
8 operation of state veterans' homes is necessary to meet the needs of
9 eligible veterans for shelter, personal and nursing care, and related
10 services; that certain residents of veterans' homes or services
11 provided to them may be eligible for participation in the state's
12 medicaid reimbursement system; and that authorizing medicaid
13 participation is appropriate to address the homes' long-term funding
14 needs. The legislature also finds that it is important to maintain the
15 dignity and self-respect of residents of veterans' homes, by providing
16 for continued resident involvement in the homes' operation, and through
17 retention of current law guaranteeing a minimum amount of allowable
18 personal income necessary to meet the greater costs for these residents
19 of transportation, communication, and participation in family and
20 community activities that are vitally important to their maintenance
21 and rehabilitation.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.36 RCW
23 to read as follows:

24 Qualifying operations at state veterans' homes operated by the
25 department of veterans affairs, may be provided under the state's
26 medicaid reimbursement system as administered by the department of
27 social and health services.

28 The department of veterans affairs may contract with the department
29 of social and health services under the authority of RCW 74.09.120 but
30 shall be exempt from RCW 74.46.660(6), and the provisions of RCW
31 74.46.420 through 74.46.590 shall not apply to the medicaid rate-
32 setting and reimbursement systems. The nursing care operations at the
33 state veterans' homes shall be subject to inspection by the department
34 of social and health services. This includes every part of the state
35 veterans' home's premises, an examination of all records, including

1 financial records, methods of administration, general and special
2 dietary programs, the disbursement of drugs, methods of supply, and any
3 other records the department of social and health services deems
4 relevant.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.36 RCW
6 to read as follows:

7 The department of veterans affairs shall provide by rule for the
8 annual election of a resident council for each state veterans' home.
9 The council shall annually elect a chair from among its members, who
10 shall call and preside at council meetings. The resident council shall
11 serve in an advisory capacity to the director of the department of
12 veterans affairs and to the superintendent in all matters related to
13 policy and operational decisions affecting resident care and life in
14 the home.

15 By October 31, 1993, the department shall adopt rules that provide
16 for specific duties and procedures of the resident council which create
17 an appropriate and effective relationship between residents and the
18 administration. These rules shall be adopted after consultation with
19 the resident councils and the state long-term care ombuds, and shall
20 include, but not be limited to the following:

- 21 (1) Provision of staff technical assistance to the councils;
- 22 (2) Provision of an active role for residents in developing choices
23 regarding activities, foods, living arrangements, personal care, and
24 other aspects of resident life;
- 25 (3) A procedure for resolving resident grievances; and
- 26 (4) The role of the councils in assuring that resident rights are
27 observed.

28 The development of these rules should include consultation with all
29 residents through the use of both questionnaires and group discussions.

30 The resident council for each state veterans' home shall annually
31 review the proposed expenditures from the benefit fund that shall
32 contain all private donations to the home, all bequeaths, and gifts.
33 Disbursements from each benefit fund shall be for the benefit and
34 welfare of the residents of the state veterans' homes. Disbursements
35 from the benefits funds shall be on the authorization of the
36 superintendent or his or her authorized representative after approval
37 has been received from the home's resident council.

1 The superintendent or his or her designated representative shall
2 meet with the resident council at least monthly. The director of the
3 department of veterans affairs shall meet with each resident council at
4 least three times each year.

5 **Sec. 4.** RCW 72.36.020 and 1977 c 31 s 2 are each amended to read
6 as follows:

7 The director of the department of veterans affairs shall appoint a
8 superintendent for ~~((the state soldiers' home and colony, and a~~
9 ~~superintendent for the Washington veterans' home, who, with the consent~~
10 ~~of the director, may be styled, respectively, "commandant of the~~
11 ~~home")) each state veterans' home. The superintendent shall exercise
12 management and control of the institution in accordance with either
13 policies ((and/or)) or procedures promulgated by the director of the
14 department of veterans affairs, or both, and rules and regulations of
15 the department. In accordance with chapter 18.52 RCW, the individual
16 appointed as superintendent for either state veterans' home shall be a
17 licensed nursing home administrator. The department may request a
18 waiver to, or seek an alternate method of compliance with, the federal
19 requirement for a licensed on-site administrator during a transition
20 phase from July 1, 1993, to June 30, 1994.~~

21 **Sec. 5.** RCW 72.36.030 and 1977 ex.s. c 186 s 1 are each amended to
22 read as follows:

23 ~~((All honorably discharged veterans who have served the United~~
24 ~~States government in any of its wars, and members of the state militia~~
25 ~~disabled while in the line of duty, may be admitted to the state~~
26 ~~soldiers' home at Orting under such rules and regulations as may be~~
27 ~~adopted by the department: PROVIDED, That such applicants have been~~
28 ~~actual bona fide residents of this state at the time of their~~
29 ~~application, and are indigent and unable to support themselves:~~
30 ~~PROVIDED FURTHER, That the surviving spouses of all veterans and~~
31 ~~members of the state militia disabled while in the line of duty, who~~
32 ~~were members of a soldiers' home or colony or veterans' home in this~~
33 ~~state or entitled to admission thereto at the time of death, and~~
34 ~~surviving spouses of all such veterans and members of the state~~
35 ~~militia, who would have been entitled to admission to a soldiers' home~~
36 ~~or colony or veterans' home in this state at the time of death, but for~~
37 ~~the fact that they were not indigent and unable to earn a support for~~

1 themselves and families, which spouses have since the death of their
2 husbands or wives, become indigent and unable to earn a support for
3 themselves shall be admitted to such home: PROVIDED, FURTHER, That
4 such spouses are not less than fifty years of age and were married and
5 living with their husbands or wives on or before three years prior to
6 the date of their application, and have not been married since the
7 decease of their husbands or wives to any person not a member of a
8 soldiers' home or colony or veterans' home in this state or entitled to
9 admission thereto: AND PROVIDED, FURTHER, That sufficient facilities
10 and resources are available to accommodate such applicant.) All of the
11 following persons who have been actual bona fide residents of this
12 state at the time of their application, and who are indigent and unable
13 to support themselves and their families may be admitted to a state
14 veterans' home under rules as may be adopted by the director of the
15 department, unless sufficient facilities and resources are not
16 available to accommodate these people:

17 (1)(a) All honorably discharged veterans of a branch of the armed
18 forces of the United States or merchant marines; (b) members of the
19 state militia disabled while in the line of duty; and (c) the spouses
20 of these veterans, merchant marines, and members of the state militia.
21 However, it is required that the spouse was married to and living with
22 the veteran three years prior to the date of application for
23 admittance, or, if married to him or her since that date, was also a
24 resident of a state veterans' home in this state or entitled to
25 admission thereto;

26 (2)(a) The spouses of: (i) All honorably discharged veterans of
27 the United States armed forces; (ii) merchant marines; and (iii)
28 members of the state militia who were disabled while in the line of
29 duty and who were residents of a state veterans' home in this state or
30 were entitled to admission to one of this state's state veteran homes
31 at the time of death; (b) the spouses of: (i) All honorably discharged
32 veterans of a branch of the United States armed forces; (ii) merchant
33 marines; and (iii) members of the state militia who would have been
34 entitled to admission to one of this state's state veterans' homes at
35 the time of death, but for the fact that the spouse was not indigent,
36 but has since become indigent and unable to support himself or herself
37 and his or her family. However, the included spouse shall be at least
38 fifty years old and have been married to and living with their husband
39 or wife for three years prior to the date of their application. The

1 included spouse shall not have been married since the death of his or
2 her husband or wife to a person who is not a resident of one of this
3 state's state veterans' homes or entitled to admission to one of this
4 state's state veterans' homes; and

5 (3) All applicants for admission to a state veterans' home shall
6 apply for all federal and state benefits for which they may be
7 eligible, including medical assistance under chapter 74.09 RCW.

8 **Sec. 6.** RCW 72.36.035 and 1991 c 240 s 2 are each amended to read
9 as follows:

10 For purposes of this chapter, unless the context clearly indicates
11 otherwise(~~(7)~~):

12 (1) "Actual bona fide residents of this state" (~~shall mean~~) means
13 persons who have a domicile in the state of Washington immediately
14 prior to application for (~~membership in the soldiers' home or colony~~
15 ~~or veterans')~~ admission to a state veterans' home.

16 (~~The term~~) (2) "Department" means the Washington state department
17 of veterans affairs.

18 (3) "Domicile" (~~shall mean~~) means a person's true, fixed, and
19 permanent home and place of habitation, and shall be the place where
20 the person intends to remain, and to which the person expects to return
21 when the person leaves without intending to establish a new domicile
22 elsewhere.

23 (4) "State veterans' home" means either the Washington soldiers'
24 home and colony in Orting, or the Washington veterans' home in Retsil,
25 or both.

26 (5) "Veteran" has the same meaning established in RCW 41.04.005.

27 **Sec. 7.** RCW 72.36.120 and 1977 ex.s. c 186 s 7 are each amended to
28 read as follows:

29 (~~All income of members of the soldiers' home in excess of~~
30 allowable income shall be deposited in the soldiers' home revolving
31 fund as established in section 55, chapter 269, Laws of 1975 1st ex.
32 sess. (uncodified, and herein continued and reenacted).

33 (1) Allowable income shall be defined by the rules and regulations
34 adopted by the department: PROVIDED, That the allowable income of
35 members accepted for membership shall not be decreased below one
36 hundred sixty dollars per month during periods that such members are
37 resident thereat.

1 ~~(2) Disbursements from the soldiers' home revolving fund shall be~~
2 ~~for the benefit and welfare of all members of the soldiers' home and~~
3 ~~such disbursements shall be on the authorization of the superintendent~~
4 ~~or his authorized representative after approval has been received from~~
5 ~~a duly constituted body representative of the members.~~

6 ~~(3) In order to maintain an effective expenditure and revenue~~
7 ~~control, the soldiers' home revolving fund shall be subject in all~~
8 ~~respects to chapter 43.88 RCW, but no appropriation shall be required~~
9 ~~to permit expenditures from such funds.)~~ All income of residents of a
10 state veterans' home, other than the personal needs allowance and
11 income from therapeutic employment, shall be deposited in the state
12 general fund--local and be available to apply against the cost of care
13 provided by the state veterans' homes. The resident council created
14 under section 3 of this act may make recommendations on expenditures
15 under this section. All expenditures and revenue control shall be
16 subject to chapter 43.88 RCW.

17 **Sec. 8.** RCW 74.09.120 and 1992 c 8 s 1 are each amended to read as
18 follows:

19 The department shall purchase necessary physician and dentist
20 services by contract or "fee for service." The department shall
21 purchase nursing home care by contract. The department shall establish
22 regulations for reasonable nursing home accounting and reimbursement
23 systems which shall provide that no payment shall be made to a nursing
24 home which does not permit inspection by the department of social and
25 health services of every part of its premises and an examination of all
26 records, including financial records, methods of administration,
27 general and special dietary programs, the disbursement of drugs and
28 methods of supply, and any other records the department deems relevant
29 to the establishment of such a system.

30 The department may purchase nursing home care by contract in
31 veterans' homes operated by the state department of veterans affairs.
32 The department shall establish rules for reasonable accounting and
33 reimbursement systems for such care.

34 The department may purchase care in institutions for the mentally
35 retarded, also known as intermediate care facilities for the mentally
36 retarded. The department shall establish rules for reasonable
37 accounting and reimbursement systems for such care. Institutions for
38 the mentally retarded include licensed nursing homes, public

1 institutions, licensed boarding homes with fifteen beds or less, and
2 hospital facilities certified as intermediate care facilities for the
3 mentally retarded under the federal medicaid program to provide health,
4 habilitative, or rehabilitative services and twenty-four hour
5 supervision for mentally retarded individuals or persons with related
6 conditions and includes in the program "active treatment" as federally
7 defined.

8 The department may purchase care in institutions for mental
9 diseases by contract. The department shall establish rules for
10 reasonable accounting and reimbursement systems for such care.
11 Institutions for mental diseases are certified under the federal
12 medicaid program and primarily engaged in providing diagnosis,
13 treatment, or care to persons with mental diseases, including medical
14 attention, nursing care, and related services.

15 The department may purchase all other services provided under this
16 chapter by contract or at rates established by the department.

17 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.36 RCW
18 to read as follows:

19 The legislature finds that to meet the objectives of section 1,
20 chapter, Laws of 1993 1st sp. sess. (section 1 of this act), the
21 personal needs allowance for all nursing care residents of the state
22 veterans' homes shall be an amount approved by the federal health care
23 financing authority, but not less than ninety dollars or more than one
24 hundred sixty dollars per month during periods of residency. For all
25 domicilliary residents, the personal needs allowance shall be one
26 hundred sixty dollars per month, or a higher amount defined in rules
27 adopted by the department.

28 NEW SECTION. **Sec. 10.** A new section is added to chapter 72.36 RCW
29 to read as follows:

30 No reduction in the allowable income provided for in current
31 department rules may take effect until the effective date of
32 certification of qualifying operations at state veterans' homes for
33 participation in the state's medicaid reimbursement system.

34 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
35 each repealed:

1 (1) RCW 72.36.080 and 1977 ex.s. c 186 s 5, 1975 c 13 s 2, 1973 1st
2 ex.s. c 154 s 104, & 1959 c 28 s 72.36.080; and
3 (2) RCW 72.36.130 and 1977 ex.s. c 186 s 8.

4 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and shall take
7 effect July 1, 1993."

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10 ADOPTED 5/5/93

11 On page 1, line 1 of the title, after "institutions;" strike the
12 remainder of the title and insert "amending RCW 72.36.020, 72.36.030,
13 72.36.035, 72.36.120, and 74.09.120; adding new sections to chapter
14 72.36 RCW; creating a new section; repealing RCW 72.36.080 and
15 72.36.130; providing an effective date; and declaring an emergency."

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