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247-02-040 Description of organization. (1) The authority is a public entity established under the provisions of chapter 70.37 RCW, which exercises essential governmental functions.

(2) Members. The authority consists of the governor; the lieutenant governor; the insurance commissioner; the chairman of the Washington state hospital commission; and one public member appointed by the governor on the basis of his or her interest or expertise in health care delivery, and confirmed by the senate for a term of four years. If the public office of any of the first four mentioned members is abolished, the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof.

(3) Officers. The officers of the authority shall be a chairman, who shall be the governor, and a secretary. The secretary shall hold office for two years, or until his or her successor is later elected, and shall be elected by a majority vote of the members from among themselves. Whenever a vacancy occurs in the office of secretary, the members of the authority shall elect a successor who shall serve out the remaining term.

(4) Authority staff: The staff of the authority shall consist of an executive director and such other employees as are determined by the authority as necessary to fulfill its responsibilities and duties. The executive director shall be the chief administrative officer of the authority and subject to its direction. All other staff shall be under his or her supervision and direction. The executive director shall keep a record of the proceedings of the authority and, when required by the authority, shall sign notes, contracts and other instruments. The executive director shall have custody of and be responsible for all moneys and securities of the authority and shall deposit all such moneys forthwith in such banks as the authority may designate from time to time.

(5) Administrative office: The administrative office of the authority shall be located at 504 E. 14th, Suite 130 Olympia, Washington 98504, which office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted, and except for business relating to public records, which is governed by WAC 247-12-050).

(6) Address for communications: All communications with the authority, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the authority's decisions and other matters, shall be addressed as follows: Washington Health Care Facilities Authority, 504 E. 14th, Suite 130, Olympia, Washington 98504. [Statutory Authority: RCW 70.37.050. 81-24-038 (Order 9, Resolution 79-3), § 247-02-040, filed 11/25/81. Statutory Authority: RCW 73.37.050 [70.37.050]. 81-24-038 (Order 9, Resolution 81-1), § 247-02-040, filed 11/25/81. Statutory Authority: RCW 70.37.050. 79-10-101 (Order 2, Resolution 79-3), § 247-02-040, filed 9/26/79.]
(2) Authority meetings: The meetings of the authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the chairman or a majority of the members of the authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in WAC 247-02-050(7).

(4) Chairman's voting rights: The chairman shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.


(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting. All bonds and coupons shall bear the facsimile signatures of the governor and executive director.

(8) Public participation in the meetings of the authority shall be as follows:

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the authority shall so notify the executive director in writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.

 iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The chairman of the authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the chairman. [Statutory Authority: RCW 70.37.050. 82-19-064 (Order 12), § 247-02-050, filed 9/20/82. Statutory Authority: RCW 73.37.050 [70.37.050]. 81-24-038 (Order 9, Resolution 81-1), § 247-02-050, filed 11/25/81. Statutory Authority: RCW 70.37.050. 79-10-101 (Order 2, Resolution 79-3), § 247-02-050, filed 9/26/79.]

Chapter 247-16 WAC

PROCEDURES AND FEES FOR PREPARATION AND PROCESSING OF APPLICATIONS FOR AUTHORITY ASSISTANCE

WAC

247-16-010 Purpose.
247-16-030 Applications for financial assistance.
247-16-035 Applications for equipment financing assistance.
247-16-040 Fees.
247-16-060 Priorities regarding applicant funding.
247-16-070 Authority action on applications.
247-16-080 Repealed.
247-16-090 Selection of investment banking firms as underwriters.
247-16-100 Selection of a feasibility consultant.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

247-16-080 Adoption of plan and system. [Statutory Authority: RCW 70.37.050. 79-10-101 (Order 2, Resolution 79-3), § 247-16-080, filed 9/26/79. Repealed by 81-24-038 (Order 9, Resolution 81-1), § 247-16-010, filed 11/25/81. Statutory Authority: RCW 73.37.050 [70.37.050].]

WAC 247-16-010 Purpose. The purpose of this chapter shall be to set forth the procedures pursuant to which the authority determines those health care facilities to which the authority will give financial assistance. [Statutory Authority: RCW 73.37.050 [70.37.050]. 81-24-038 (Order 9, Resolution 81-1), § 247-16-010, filed 11/25/81. Statutory Authority: RCW 70.37.050. 79-10-101 (Order 2, Resolution 79-3), § 247-16-010, filed 9/26/79.]

WAC 247-16-030 Applications for financial assistance. Because the needs of health care facilities in the state vary substantially, no application forms shall be provided by the authority. However, an applicant should furnish the following information to the authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the executive director of the authority:

(1) Identification of applicant:
Application For Assistance

(a) Legal name and address of applicant;
(b) Names, titles and telephone numbers of chief executive officer, chief financial officer and person assigned responsibility for liaison with the authority;
(c) Names, addresses and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firm (if any);
(d) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital). If private, describe type and ownership of stock, if any; how assets held and by whom; and attach copies of articles of incorporation or similar documentation;
(e) If applicant is a private hospital, attach a copy of IRS determination of 501(c)(3) status;
(f) Religious or other group affiliation, if any.

(2) Project for which financial assistance is sought (if applicable):
(a) Amount and requested terms of repayment for financing sought;
(b) General description of project to be accomplished with authority financial assistance;
(c) Current status of planning for project and dates proposed for (i) completion of drawings for project, if necessary (attach copies if completed); (ii) filing of environmental impact statement, if necessary; (iii) entry into construction contract; and (iv) completion or occupancy;
(d) Recommendations of the appropriate regional health systems agency, and of the state hospital commission, or the current status of their respective reviews;
(e) Current status of certificate of need for project. If certificate has been issued, attach copy;
(f) Cost of project (including simple breakdown of costs of general construction, site work, utilities, equipment, land acquisition, architects' and other fees, contingency, interim interest, other);
(g) Sources of funds for payment of project costs and dates of expected receipt (assistance from authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);
(h) Amount of projected revenues to be derived from project, the sources of such revenues, when expected to begin, and a three-year projection;
(i) Feasibility studies on project, if any (attach copy if one has been completed);
(j) Proposed security for authority-issued bonds;
(k) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.

(3) Debt to be refinanced with authority assistance (if applicable):
(a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;
(b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;
(c) Most recent decision and order of the state hospital commission on its annual review of the applicant's budget;
(d) Holder of debt (if ascertainable);
(e) Any negative debt service payment history;
(f) Proposed security for new authority-issued debt;
(g) Proposed date schedule for accomplishing debt refinancing.

(4) Finances of applicant:
(a) Audited (if audited) financial statements for past three years;
(b) Latest current financial statement;
(c) Current year's budget of revenues, expenses and capital expenditures;
(d) Projection of revenues, expenses, capital expenditures for next three-five years, including revenues and expenses of proposed project (if applicable);
(e) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;
(f) Sources of hospital revenues (private patient, Medicare, Medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years.

(5) General:
(a) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;
(b) Brief description of existing medical facilities, including number of beds, number of medical and other staff, categories of medical services offered, and laboratory and research facilities, if any;
(c) Brief description of hospital expansion plans, if any, in next ten years;
(d) Brief summary of statistics (last three years, if available) on percentage of bed occupancy and types and numbers of patients cared for (inpatient, outpatient, welfare, etc.);
(e) Estimate of aggregate savings over the life of the proposed financing to be realized by applicant through authority financing by tax-exempt bonds as compared to financing through taxable obligations. Specify interest assumptions on which savings calculations based;
(f) Describe means applicant proposes to use to ensure that savings from tax-exempt financing are passed on to patients of applicant. [Statutory Authority: RCW 73.37.050, 70.37.050. 81-24-038 (Order 9, Resolution 81-1), § 247–16–030, filed 11/25/81. Statutory Authority: RCW 70.37.050. 79–10–101 (Order 2, Resolution 79–3), § 247–16–030, filed 9/26/79.]

WAC 247–16–035 Applications for equipment financing assistance. Because the needs of health care facilities in the state vary substantially, no application forms shall be provided by the authority. However, an applicant should furnish the following information to the authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the executive director of the authority:

(1) Identification of applicant:
(a) Legal name and address of applicant;

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(b) Names, titles, and telephone numbers of chief executive officer, chief financial officer, and person assigned responsibility for liaison with the authority;
(c) Names, addresses, and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firms (if any);
(d) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital). If private, describe type and ownership of stock, if any; how assets held and by whom; and attach copies of articles of incorporation or similar documentation;
(e) If applicant is a private hospital, attach a copy of IRS determination of 501(c)(3) status.
(2) Project for which financial assistance is sought (if applicable):
   (a) Amount of financing sought;
   (b) Description of equipment to be purchased with authority financial assistance;
   (c) Current status of planning for equipment and dates proposed for purchase and installation;
   (d) Current status of certificate of need for project. If certificate has been issued, attach copy;
   (e) Cost of equipment (including installation);
   (f) Sources of funds for payment of project costs and dates of expected receipt (assistance from authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);
   (g) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.
(3) Debt to be refinanced with authority assistance (if applicable):
   (a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;
   (b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;
   (c) Decision and order of the state hospital commission approving inclusion of the equipment item or items in applicant's budget;
   (d) Holder of debt (if ascertainable);
   (e) Any negative debt service payment history;
   (f) Proposed date schedule for accomplishing debt refinancing.
(4) Finances of applicant:
   (a) Audited (if audited) financial statements for past year;
   (b) Latest current financial statement;
   (c) Current year's budget of revenues, expenses and capital expenditures;
   (d) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;
   (e) Sources of hospital revenues (private patient, Medicare, Medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years;
   (f) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;
   (g) Feasibility studies on project, if any (attach copy if one has been completed). [Statutory Authority: RCW 70.37.050. 83–01–061 (Order 14), § 247–16–035, filed 12/15/82.]

WAC 247–16–040 Fees. (1) Authorization to charge fees: The authority, pursuant to RCW 70.37.090, shall require applicants to pay fees and charges to the authority to provide it with funds for investigations, financial feasibility studies, expenses of issuance and sale of bonds, and other charges for services provided by the authority in connection with projects undertaken, as well as the operating and administrative expenses of the authority. In accordance with this authorization, an applicant shall pay to the authority such fees and charges as are necessary to meet any and all expenses incurred by the authority in connection with the processing of the application of the applicant, together with an annual service fee to defray expenses of the authority in administering and servicing the financing provided to the applicant and other allocable expenses of the authority. The authority shall assess an annual fee of one-tenth of one percent of the outstanding and unredeemed bonds of each applicant. The initial annual fee shall be paid to the authority on the date of closing of each tax exempt note or bond issue and in every anniversary date thereafter: Provided, however, That the authority by an adopted motion may set a different fee schedule and may waive all or any part of the annual or application fee.
(2) Fee obligations of the applicants: An applicant shall submit with its application an initial remittance of $7,500.00, to be credited against the fees and charges imposed or to be imposed by the authority on such applicant pursuant to this section in connection with the processing of an application. The applicant shall pay such fees and charges as they are billed to it from time to time by the authority. These expenses may be reimbursed to the applicants from the bond proceeds if financing is consummated. In addition, the application shall contain an appropriate legal commitment to indemnify the authority against any expenses or costs incurred by it in connection with the processing of the applicant's application and the completion of any project or plan and system subsequently approved and undertaken by the authority, as well as to pay the authority an annual service fee to defray expenses of the authority in administering and servicing the financing provided to the applicant and other allocable expenses of the authority, which annual fee shall be imposed so long as financing is being provided by the authority to the applicant.
(3) Refund of excess fees: The authority will refund any surplus fees paid or deposited by an applicant or participant which exceed the actual application-processing expenses and authority-determined pro rata administrative and operating costs of the authority.
(4) All the costs and expenses of the authority shall be paid from fees assessed pursuant to this section. No
Application For Assistance

247-16-090

WAC 247-16-090 Selection of investment banking firms as underwriters. (1) The applicants may select an investment banking firm as senior managing underwriter for its proposed financing, subject to review and approval by the authority. In every instance, the senior manager selected must be able to demonstrate a familiarity, competence and experience in the structuring and sale of health care facility bonds. The applicant shall notify the authority in writing of its proposed senior manager selection fifteen days prior to the date it intends to enter into a formal contractual agreement. The authority will notify the applicant of its acceptance or rejection of the applicant's senior manager selection no later than ten days after receipt of the applicant's notification. If rejected, the authority will set forth the reasons for rejection, and the applicant will then propose another senior manager, subject to authority approval in the same manner.

(2) To provide balanced management knowledge and sale distribution and to assure the most realistic bond terms and interest, the authority reserves the right to name investment banking firms as co-managers of any authority bond issue(s). The authority will not name an investment banking firm or firms as a co-managing underwriter or co-managing underwriters on bond issues of less than $10 million unless the authority determines that special circumstances so require. On issues of more than $10 million the authority will name a co-manager or co-managers for each issue. The authority will also review the division of the management fee in each instance where a co-manager is named. While the authority will actually select the co-managers, it will consider recommendations from the applicant as to the selection of any co-manager or co-managers.

In each instance, the applicant will be given a written notification fifteen days prior to the authority's actual designation of an investment banking firm or firms as a

WAC 247-16-060 Priorities regarding applicant funding. The authority will process health care facility applications for assistance in the order of their date of receipt. The date of receipt shall be the date the health care facility application together with the application fee is received by the authority at its Olympia office.

The authority reserves the right to change priorities and scheduling when the authority determines that a "first come, first served" priority scheduling is detrimental to the sale of another health care facility's bond issue or when conditions of health and safety or public benefit require a different priority. [Statutory Authority: RCW 73.37.050 (70.37.050). 81-24-038 (Order 9, Resolution 81-1), § 247-16-040, filed 11/25/81. Statutory Authority: RCW 70.37.050, 79-10-101 (Order 2, Resolution 79-3), § 247-16-040, filed 9/26/79.]

WAC 247-16-070 Authority action on applications. (1) The authority shall meet to review and consider the staff analysis and recommendations and the application.

(2) The authority may approve an application and adopt a resolution authorizing the issuance of bonds for the requested financing where it determines:

(a) It is necessary or advisable for the benefit of the public health for the authority to provide financing for the proposed project;

(b) The applicant can reasonably be expected to achieve successful completion of the health care facilities to be financed by the authority;

(c) The proposed project and the issuance of bonds by the authority for such project are economically feasible and can be undertaken on terms economically satisfactory to the authority;

(d) The proposed health care facility, if completed as described in the application, will carry out the purposes and policies of the act;

(e) The applicant has satisfied the authority that substantially all of the savings realized by the applicant from the availability of financing through tax-exempt bonds, as contrasted to financing through taxable debt, will be passed on by the applicant to its patients;

(f) The applicant has reasonably satisfied the requirements of the act and these regulations; and

(g) Other criteria that the authority has determined are appropriate factors in its decision-making process have been met.

(3) The authority may approve an application and a bond resolution on a conditional basis where the criteria of WAC 247-16-070(2) have been met and pending satisfaction of such other conditions or requirements as the authority shall determine to be reasonable and necessary in order to carry out the purposes, policies and requirements of the act and these regulations. The applicant shall be notified in writing of such conditions or requirements, which may include, but need not be limited to, the amendment of an application or proposed bond resolution in order to meet the availability of funds, changes in costs, or other purposes or circumstances which may enhance the ability of the authority or the applicant to complete the project or better serve the purposes and policies of the act. Upon the satisfaction of such additional conditions or requirements, the application shall be deemed approved pursuant to WAC 247-16-070(2).

(4) The authority may also deny an application; in such event, it shall notify the applicant of such action, specifying in writing the reasons for its denial. [Statutory Authority: RCW 73.37.050 (70.37.050). 81-24-038 (Order 9, Resolution 81-1), § 247-16-070, filed 11/25/81. Statutory Authority: RCW 70.37.050, 79-10-101 (Order 2, Resolution 79-3), § 247-16-070, filed 9/26/79.]

WAC 247-16-080 Repealed. See Disposition Table at beginning of this chapter.

moneys of the state of Washington shall be expended for such purposes. [Statutory Authority: RCW 73.37.050 (70.37.050). 81-24-038 (Order 9, Resolution 81-1), § 247-16-040, filed 11/25/81. Statutory Authority: RCW 70.37.050, 79-10-101 (Order 2, Resolution 79-3), § 247-16-040, filed 9/26/79.]
co-manager on a particular bond issue. [Statutory Authority: RCW 73.37.050 [70.37.050]. 81–24–038 (Order 9, Resolution 81–1), § 247–16–090, filed 11/25/81.]

WAC 247–16–100 Selection of a feasibility consultant. The authority shall maintain a list of management and accounting firms which it deems qualified to conduct feasibility studies for the applicants. The applicant's selection of a firm from the approved list shall constitute authority approval. In the event an applicant wishes to select a firm not on the approved list, the authority will review the proposed firm's qualifications on a case-by-case basis, based on its familiarity, competence, and experience in health care management and accounting. The applicant shall not enter into any contractual agreement with a management or accounting firm not on the approved list until written approval has been granted by the authority. [Statutory Authority: RCW 73.37.050 [70.37.050]. 81–24–038 (Order 9, Resolution 81–1), § 247–16–100, filed 11/25/81.]

Title 248 WAC
HEALTH, BOARD AND DIVISION OF DEPARTMENT OF SOCIAL AND HEALTH SERVICES

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248–21 Hospice care center.
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248–23 Residential treatment facilities for psychiatrically impaired children and youth.
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Chapter 248–14 WAC
NURSING HOMES

WAC
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248–14–530 Pest control.
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248–14–560 Equipment.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER


WAC 248–14–001 Definitions. (1) All adjectives and adverbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" – an employee responsible for the development, implementation, and maintenance of a program for residents intended to provide activities to meet the residents' needs and interests.