

Title 484 WAC

VETERANS' AFFAIRS, DEPARTMENT OF

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Chapter 484-10 WAC

DEPARTMENTAL HEADQUARTERS

WAC

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WAC 484-10-005 Purpose of organization. The department of veterans affairs shall be the administrative body responsible for all duties and functions delegated to it by state law. Additionally, within budgetary limitations, it will initiate and maintain program control of:

- (1) State veterans institutions.
- (2) A system of veterans services, for veterans and their beneficiaries in various locations throughout the state, to provide claims and referral activities.
- (3) Fiduciary services for eligible incompetent veterans and their beneficiaries.

[Order 7659, § 484-10-005, filed 7/28/77.]

WAC 484-10-010 State veterans institutions. The Washington soldiers home and colony, and the Washington veterans home shall have, respectively, a chief executive officer to be called a superintendent. The superintendent shall be directly responsible to the director of the department of veterans affairs.

[Order 7659, § 484-10-010, filed 7/28/77.]

WAC 484-10-015 Veterans services. Field services for veterans and their beneficiaries shall be administered from the department of veterans affairs by a person designated by the director of the department. This designee shall be responsible for implementing departmental policy and maintaining program control, either directly and/or through contract administration.

[Order 7659, § 484-10-015, filed 7/28/77.]

WAC 484-10-020 Personnel services. Personnel services for departmental recruiting, testing and compliance with all applicable laws, rules, and policies shall be maintained by the department of veterans affairs.

The person responsible for administration of these services shall be designated by the director of the department.

[Order 7659, § 484-10-020, filed 7/28/77.]

WAC 484-10-025 Administrative services. Intra-departmental administrative services shall be provided by the department to include, but not be limited to: Accounting, purchasing, budget preparation, maintenance of supplies, and such management studies and program support functions as the director deems necessary.

[Order 7659, § 484-10-025, filed 7/28/77.]

WAC 484-10-030 Fiduciary services. Such fiduciary and other services mandated by RCW 43.60A.070 may be provided by the department of veterans affairs. Program administration and control shall be lodged in departmental headquarters, although the staff actually providing the services may be located elsewhere.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-10-030, filed 7/17/80; Order 7659, § 484-10-030, filed 7/28/77.]

WAC 484-10-035 Veterans' affairs advisory committee. Rules of operation.

(1) The committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the governor and the director on all matters pertaining to the department of veterans' affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable.

(2) The department of veterans' affairs, and its director, shall fully recognize the advisory committee, as established under RCW 43.60A.080.

(3) The committee chair shall, following annual elections but before September, confer with the director to set the number of, and schedule for, authorized meetings during the following twelve months.

(4) A quorum must be present prior to the transaction of official committee business. A quorum for the committee shall be construed to be a simple majority of the committee members authorized in RCW 43.60A.080.

(5) The order of business will be according to *Robert's Rules of Order* as revised, and the usual order of business shall be as follows:

- (a) Pledge of Allegiance;
- (b) Roll call;

- (c) Reading and approval of minutes;
- (d) Reading of official and other communications;
- (e) Audience introductions;
- (f) Report from the director or his/her designee;
- (g) Report of committees;
- (h) Old business;
- (i) New business;
- (j) Agenda set for next meeting;
- (k) Time and place for next meeting;

(l) Adjournment (by majority vote of members present).

(6) Summary minutes shall be kept of all of the committee proceedings and a complete copy will be provided to each member of the committee and the director within fourteen calendar days of adjournment. When requested to do so by the committee, the director shall present a copy of the minutes to the governor.

(7) Each member of the committee is expected to actively participate in and attend all meetings of the committee. The name of any committee member who has three consecutive unexcused absences from regularly scheduled meetings will be automatically forwarded to the governor's office with a request that a replacement be named to the committee. A copy of the replacement request will be forwarded to the appropriate veterans' organization department commander.

(8) The chairperson shall notify, in writing, any member having three consecutive unexcused absences that a recommendation is being forwarded to the governor.

(9) A member will receive an excused absence at the discretion of the chairperson or director.

(10) The director, or his/her designee, and such members of the department staff as the director selects, shall meet with the committee on a regular basis.

(11) The committee will annually review the quality and range of services performed by the department.

(12) Annually, the committee shall designate one of its meetings as a joint meeting with the commanders and service officers of all veterans' organizations nationally recognized by the Federal Department of Veterans' Affairs.

(13) During June of each year, there shall be an election of the chairperson and vice-chairperson for the coming year. New officers shall take office in September. Those elected will serve for one year and be limited to one term in succession.

(14) All meetings and events relating to the advisory committee shall be accessible to all members and guests.

(15) The chairperson may appoint special committees consisting of not less than two members when necessary to make special inquiries, reports, and investigations.

[Statutory Authority: RCW 43.60A.070. 92-17-045, § 484-10-035, filed 8/14/92, effective 9/14/92; Order 7659, § 484-10-035, filed 7/28/77.]

WAC 484-10-040 Coordination with other agencies.

The department of veterans affairs shall be responsible for coordination with other agencies, both public and private, of all programs and projects affecting veterans and their beneficiaries, as its director may deem appropriate.

[Order 7659, § 484-10-040, filed 7/28/77.]

WAC 484-10-045 Practice and procedures. In those contested cases, declaratory proceedings, and requests for

rule making in which the department of veterans affairs has authority to conduct hearings, practice and procedure shall be in accordance with those uniform rules promulgated by the code reviser and codified as chapter 1-08 WAC as now written or as hereafter amended except for those situations covered under WAC 484-120-105.

[Order 7659, § 484-10-045, filed 7/28/77.]

WAC 484-10-050 Exception to rules. (1) The rules are necessarily based on conditions which are considered to apply in the great majority of situations. Individual circumstances may exist in which application of the rule seems to work in opposition to the objective desired. This may occur when an individual's situation differs from that of the majority or when his circumstances are peculiar. In these cases, exceptions may be considered.

(2) An exception cannot be made to a specific provision of the law. However, individual case exception to a rule or procedure not specifically enunciated in the law can be authorized by the department of veterans affairs when it appears to be in the best interest of overall economy and the individual's welfare.

(3) Exception decisions are not subject to the fair hearing procedure of WAC 484-120-105.

[Order 7659, § 484-10-050, filed 7/28/77.]

Chapter 484-20 WAC

WASHINGTON SOLDIERS' HOME AND COLONY—WASHINGTON VETERANS HOME

WAC

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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 484-20-125 Discharge—Honorable. [Order 7659, § 484-20-125, filed 7/28/77.] Repealed by 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 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 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) Allowable income - See personal needs allowance.
- (2) Department - The department of veterans affairs "(WDVA)."
- (3) Director - The director of the department of veterans affairs or his designee.
- (4) Facility - A synonym for either the Washington veterans' or Washington soldiers' home.
- (5) Gross misconduct - Intentional or negligent conduct evidencing substantial disregard (a) for the interests of other home member(s), staff person(s), or visitor(s), or (b) for the offending member's duties and obligations as a member of the home.
- (6) Income - Money or other gain received by a resident, or a resident and his/her spouse, on any incremental basis (e.g., yearly, semi-annually, monthly, weekly, or daily) from sources such as but not limited to: Veterans' benefits, Social Security, civil service annuities, retirement benefits, royalties, interest on bonds, savings accounts, certificates of deposit or similar instruments, and/or earnings. Nonincremental such as but not limited to, distributions derived from interest payments, unanticipated payments on stock held by a resident, and royalties paid for creative endeavors are also considered income for purposes of this section.
- (7) Member - See "resident" below.
- (8) Resident - An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.
- (9) Personal needs allowance - The minimum amount (as defined in RCW 72.36.120 and 72.36.130) which a resident may retain from his/her income.
- (10) Rehabilitation furlough - A period of time granted by a superintendent or designee, permitting a resident to attempt to reestablish independent living or other care arrangements in a community of his/her choice while retaining the right to return to the soldiers'/veterans' home without reapplying for admission.
- (11) Patient care plan - A plan which outlines details of health care which the resident needs and receives. Those residents who do not meet admission criteria for age and/or permanent disability must have specific rehabilitation goals included in their patient care plan.
- (12) Resident council - A duly constituted body elected by the facility residents in accordance with RCW 72.36.120 and 72.36.130. The resident council when serving in a capacity other than that specified in RCW 72.36.120 and 72.36.130, acts in an advisory capacity to the facility's administration in those cases where the RCWs and WACs so specify.

(13) Superintendent - The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-010, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-010, filed 10/1/85; 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) An application for admission to membership in the Washington veterans' home, the Washington soldiers' home or the Washington soldiers' home colony shall be made to the department on forms prescribed by the agency. Applications may be made for an indefinite or for a specified period of time.

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

(3) Designated agency staff shall review the application and all supporting documents and recommend approval or disapproval for admission. The applicant will receive written notice of the decision. If an applicant is denied admission, the written notice shall include a statement of the reason and authority for denial. The letter will be signed by the agency staff responsible for recommending disapproval for admission.

(4) An applicant denied admission may, within thirty days of mailing of a written notification of denial, submit a written request for reconsideration to the agency staff person(s) responsible for the application denial.

(5) If the applicant disagrees with the decision of the agency staff designated in subsection (4) of this section, (s)he may submit a written request for review to the director. Within thirty days of receipt of the written request for review, the director, or designee, shall make a written reply to the applicant.

(6) Subject to the bed availability in the appropriate level of care and the ability of the home(s) to provide the required care, individuals shall be admitted in the order in which their applications are approved. If the needs of the applicant are of such a nature that current care programs at the facility(ies) cannot meet his/her needs, the superintendent may disapprove the application.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-015, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-015, filed 10/1/85; 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 the rules of WAC 484-20-025 through 484-20-060.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-020, filed 8/14/92, effective 9/14/92; 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 Department of Veterans' Affairs health care facilities. (1) Consideration for admission to a DVA care facility shall be on the basis

that each facility has the ability to provide the appropriate care services to meet the needs of the applicant. Veterans will be given preference over nonveterans for admission purposes if budgeting and/or bed limit constraints require.

(2) Admissions to each of the respective WDVA facilities shall be in the chronological order that applications are approved.

(3) A waiting list will be maintained at each facility for all established levels of service. As applicants are approved and levels of service established, applicants names shall be added in chronological order to established waiting lists.

(4) An applicant may be denied admission, or have his/her position on a specific service waiting list changed to another service waiting list, when:

(a) In the interim between application and scheduled admission, the applicant's needs have changed which will require different degrees of services to meet his/her needs;

(b) The applicant's service needs have changed to such a degree that the facility can no longer meet the applicant's needs. Prior to scheduling admission, any person whose application is over one hundred eighty days old is required to have his/her physician update the medical data.

(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.

(6) If the applicant's financial status has changed during the period between application approval and scheduled date for admission, or additional financial information becomes available, a new financial assessment shall be required. The applicant's eligibility will be reassessed. If the revised financial status makes the applicant ineligible, the director, for good cause, may approve admission.

(7) Prior to admission, the applicant shall be required to sign a payment agreement which will stipulate the method and time of payments to the home; the amount required in payment each month; and penalties for nonpayment. Further, the applicant shall be required, upon admission, to submit changes of address directing benefit checks and other sources of income to be routed to the home's business office where they may be opened by the resident in the presence of authorized staff.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-023, filed 8/14/92, effective 9/14/92.]

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 when the applicant is to be admitted to the 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 evidences of nonrelinquishment of Washington state residence;

(3) Is not living in this state by reason of 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 citizenship similar to subsection (2) of this section.

[Statutory Authority: RCW 43.60A.070. 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

(a) In the armed forces of the United States government in any of its wars for a minimum of ninety days, some portion of which falls within the dates of WAC 484-20-030(2) below for which the applicant received a discharge under honorable conditions, or

(b) In the armed forces of the United States government in any of its wars with less than ninety days, some portion of which falls within the dates in WAC 484-20-030(2) below during which the applicant received a service-connected disability, and was discharged under honorable conditions, or

(c) As a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to wartime service, and have received a discharge under honorable conditions, or

(d) As a member of the Coast Guard, Merchant Marines, or other typically nonmilitary organizations when such service was recognized by the United States government as equivalent to service in the armed forces and upon discharge, the veteran received a discharge under honorable conditions as evidenced by possession of a DD214, or similar documents in accordance with WAC 484-20-015(2).

(2) The current inclusive dates referred to in subsection (1)(a) are

(a) World War I - April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918,

(b) World War II - December 7, 1941, to December 31, 1946,

(c) Korean War - June 27, 1950, to January 31, 1955,

(d) Viet Nam - August 5, 1964, to May 7, 1975.

(e) Such other or additional conflicts as recognized by the federal Department of Veterans' Affairs as wartime service.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-030, filed 8/14/92, effective 9/14/92; 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 property. Transfer or assignment of real, or personal property of high intrinsic value within two years of the date of application without having received adequate consideration shall create the presumption that such assignment or transfer was for the purpose of rendering him/herself eligible with respect to the limitations of property resources in WAC 484-20-040. The burden of disproving such intent shall be upon the applicant. The director may waive this requirement for good cause. Personal property, irrespective of value, which has great

sentimental value to the applicant shall not be subject to the provisions of this section.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-035, filed 8/14/92, effective 9/14/92; 80-09-069 (Order 80-01), § 484-20-035, filed 7/17/80; Order 7659, § 484-20-035, filed 7/28/77.]

WAC 484-20-040 Eligibility—Assets. (1) Applicants for admission may retain any liquid assets up to a value of two thousand dollars, as of September 1, 1992. After that date, asset limits shall be computed at the beginning of the calendar year at a rate in accordance with advances in the Consumer Price Index established on annualized basis for the previous twelve months. If the applicant has assets in excess of established limits, (s)he may be admitted to a veterans' home provided:

(a) His/her assets and total expected annual income for the year following admission, less the established limit, and divided by twelve, would not exceed actual monthly cost of care in the home;

(b) The applicant agrees to deposit such liquid assets in a safekeeping account held jointly by the home and the resident, such account to be held at the home of admission; and

(c) The applicant agrees to pay actual cost of care until such assets are reduced to an amount not to exceed the provisions of WAC 484-20-065(8).

(2) Applicants with real property in excess of the limits set forth in subsection (1) of this section may be admitted to the homes provided that:

(a) A good faith effort is made to sell the property at current market value;

(b) The proceeds of the sale of the property are deposited into a safekeeping account held jointly by the home and resident;

(c) The resident agrees to retroactive payment from the safekeeping account for actual cost of care from the time of admission to the time the funds are deposited into the safekeeping account;

(d) The resident agrees to allow withdrawal from the safekeeping account an amount equivalent to the difference between monthly income and actual cost of care until his/her assets are reduced to an amount not to exceed the provisions of WAC 484-20-065(8).

(3) In the event of admission under conditions in subsections (1) and (2) of this section where the applicant is discharged or dies, the provisions of WAC 484-20-065(8) apply.

(4) For good cause shown the director may authorize an exception to the limit in subsection (1) of this section.

(5) An applicant for membership in the colony of the state soldiers' home may not hold liquid assets in excess of that established in RCW 72.36.040. They are permitted to own real property provided such property is the domicile of the colony resident and is located within the school district of Orting.

(6) An applicant for admission to either home may own real property in excess of established limits provided such property is the domicile of the spouse and/or dependent children of the applicant.

(7) Real property owned by a couple where one is a resident of a state veterans' home and the other lives in the

community shall, upon sale of the property, be subject to a division of the net proceeds whereby fifty percent is kept by the spouse living in the community and fifty percent by the spouse living in the home. Any resultant amount of assets held by the resident will be subject to the provisions of WAC 484-20-065(8). Exceptions to this distribution is allowed when the spouse living in the community purchases another residence of equal or greater value than the net proceeds of the sale in which (s)he expects to live. Where the spouse purchases a home of lesser value than the net proceeds from the sale of the first residence, the assets will be divided in accordance with the '50-50' stipulation above will apply.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-040, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-040, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-040, filed 7/17/80; Order 7659, § 484-20-040, filed 7/28/77.]

WAC 484-20-045 Eligibility—Inability to support self. To be eligible for admission an applicant must provide evidence of inability to support himself or herself. An applicant, age sixty-five or older, provided his/her income and assets fall within limitations set forth in this chapter, is not required to provide further evidence of inability to support him/herself. If an applicant is less than age sixty-five, (s)he must have a long-term disability necessitating care, as determined by the applicant's physician, for an indeterminate period of such duration that it can reasonably be assumed that the applicant's condition will not allow him/her return to independent living. Applicants under age sixty-five who do not have a permanent disability are eligible for admission only if their application contains specific rehabilitation goals. Such applicants may be admitted for a specific period of time. Any reductions or extensions of the admission period are made at the discretion of the superintendent upon recommendation of the interdisciplinary patient care team.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-045, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-045, filed 7/28/77.]

WAC 484-20-050 Eligibility—Income. An applicant with income in excess of that required to purchase the type of care (s)he requires shall not be eligible for admission unless:

(1) The director, upon recommendation of the superintendent, has authorized an exception; and

(2) The applicant agrees to use his/her income in excess of allowable income as provided in WAC 484-20-065.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-050, filed 8/14/92, effective 9/14/92; 80-09-069 (Order 80-01), § 484-20-050, filed 7/17/80; Order 7659, § 484-20-050, filed 7/28/77.]

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

(1) The veteran was a resident at the time of death or would have been eligible for admission except for his/her income or resources; and

(2) The spouse:

(a) Meets the provisions of WAC 484-20-045; and

(b) Has not remarried a person who is not a resident or eligible for admission.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-055, filed 8/14/92, effective 9/14/92; 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. A married couple may be admitted to the homes provided:

(1) They both meet the requirements of WAC 484-20-045.

(2) They are legally married, and if not living together, are separated because of different health care needs.

(3) They have been married at least three years prior to application, or the spouse is personally eligible for admission.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-060, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-060, filed 7/28/77.]

WAC 484-20-065 Use of residents' income and assets. (1) Residents shall relinquish on a monthly basis, within time limits established by WDVA policy, all income in excess of their personal needs allowance to the veterans' home or soldiers' home revolving fund except as outlined in subsection (5) of this section. The amount relinquished shall not exceed the total cost of care of the resident determined consistent with subsection (8) of this section. The superintendent may make exceptions for income of individuals on rehabilitation furlough who are attempting to reestablish residency within the community and for earnings of residents participating in therapeutic employment programs indicated in their patient care plan.

(2) Couples residing in the home(s) shall each be allowed maximum personal needs allowances as provided in this chapter as long as each individual's income equals or exceeds the maximum personal needs allowance. Should one of the individual's income fall below the maximum personal needs allowance, his/her personal needs allowance shall be limited to the income to which (s)he has an individual right.

(3) The personal needs allowance shall be increased by a portion of each future increase of the maximum annual income limitation as set for a single veteran without dependents as authorized by P.L. 95-588. The increase will be determined by the formula $P \times A/12$ rounded to the nearest dollar. ('P' equals the percent of increase, 'A' equals the amount of increase.)

(4) Residents shall be required to apply for any and all entitlements or benefits as soon as they become eligible home staff are available to assist with applications for entitlements.

(5) A resident may contribute toward the necessary support of a nonresident spouse, dependent children or dependent parent. The contribution will not exceed the family member's personal income and/or any spousal/dependent benefits included in the resident's benefits. An additional contribution from the resident's personal needs allowance may be considered.

(6) Computation of the amount owed by the resident to have towards the cost of care shall be computed on the basis of the resident's actual entitlement.

(7) The provisions of this section do not apply to residents of the colony at the soldiers' home.

(8) A resident who receives or accumulates funds equal to or greater than three months' cost of his/her care must relinquish the excess assets to the revolving fund or request voluntary discharge, unless such resident is admitted under the provisions of WAC 484-20-030(1). Provisions of this paragraph apply only to residents admitted after adoption of this section. 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 residence in the home. Reasonable allowances will be made for funeral costs.

(9) Residents and their spouses are required to disclose to the department all income and assets at least annually, or whenever there is a change in family income or assets.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-065, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-065, filed 10/1/85; 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 Duly constituted body. (1) Each home shall have resident council consisting of the representatives elected by the home residents. The council is established to approve revolving fund disbursements and to communicate to the home's administration member needs and concerns.

(2) The resident council shall be composed of representatives from domiciliary, nursing care and, in the case of the soldiers' home, the colony.

(3) Representatives from the living units shall be elected by residents of that living unit or by all residents of the home.

(4) In the event of a vacancy on the resident council the resident council and the superintendent shall submit names to fill such vacancy subject to confirmation by a majority of the remaining elected representatives.

(5) The resident council and the superintendent or designee shall meet on a regularly scheduled basis. Agenda items may be submitted by the resident council, any home member, or the administration.

(6) The resident council may meet on its own at any time without notice to the administration.

(7) General meetings of the home residents will be held on a regular basis. Locations, times, and dates of such meetings will be published in advance to insure maximum attendance from the general resident population.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-068, filed 8/14/92, effective 9/14/92; 86-05-014 (Order 86-01), § 484-20-068, filed 2/13/86; 85-20-099 (Order 85-01), § 484-20-068, filed 10/1/85; 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 Veterans' home or soldiers' home revolving fund. (1) The superintendent shall deposit all funds received from residents in accordance with provisions of WAC 484-20-065 into a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative.

(4) A proposed budget shall be prepared for each fiscal year by the superintendent or a duly authorized representative, and the WDVA assistant director for administrative services, which shall delineate income by sources and allocations by category. This budget shall be presented to the resident council for modification and approval. Approval of the budget shall constitute authority for the superintendent or his duly authorized representative(s) to make disbursements from the revolving fund in accordance with the approved budget. Should the resident council and superintendent disagree over budget items, the resident council or superintendent may request a review by the agency director. In all such reviews, the decision of the director is final.

(5) Expenditure of the revolving funds shall be subject to the provisions of state law and state personnel merit system rules and any applicable provisions with organizations representing staff. The revolving fund budget must continue funding for existing civil service positions until such time as the director or his/her designee, either individually or pursuant to a good faith request from the majority of the resident council, reduces full-time funding of a position or positions from the revolving fund, approves, termination of position(s) through a reduction-in-force and all appeal rights of affected civil service employees have been exhausted.

(6) A quarterly report of the revolving fund activity shall be available for public inspection.

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

WAC 484-20-075 Aid and attendance account. (1)

The superintendent shall establish an aid and attendance and a care and maintenance account within the home's revolving fund. Expenditures from these accounts shall be made exclusively in connection with provision of direct care services in the homes and for payment of medical care services by medical practitioners, medical care facilities, and pharmacies outside the homes when such services or medical goods cannot be provided by home medical, nursing or therapies staff or from pharmaceuticals available through the home.

(2) The portion of each nursing care resident's income which is derived from a federal Department of Veterans' Affairs aid and attendance allowance payable to a veteran under Public Law 95-588 shall be deposited into the aid and attendance account of the revolving fund.

(3) The portion of each domiciliary resident's income which is derived from housebound allowances payable under Public Law 95-588, shall be deposited into the aid and attendance account of the revolving fund.

(4) In the event a veteran's federal Department of Veterans' Affairs Aid and Attendance/Housebound allowance is discontinued for any reason, and the veteran receives a care and maintenance allowance payable under the provisions of the PL....., such care and maintenance funds shall be deposited into the care and maintenance account of the revolving fund.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-075, filed 8/14/92, effective 9/14/92; 86-05-014 (Order 86-01), § 484-20-075, filed 2/13/86; 85-20-099 (Order 85-01), § 484-20-075, filed 10/1/85; 80-09-069

(Order 80-01), § 484-20-075, filed 7/17/80; Order 7659, § 484-20-075, filed 7/28/77.]

WAC 484-20-080 Annual declaration of income and assets. Each member will provide the superintendent with an annual statement reflecting all income and assets on a form prescribed by the department. When the member is authorized to contribute to the support of his/her dependents under WAC 484-20-065(4), the dependent will also be required to complete a statement of income and assets.

[Statutory Authority: RCW 43.60A.070. 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 Residents' rights and rules of conduct. Each new home resident and new employee shall be furnished with the home's policies regarding resident rights and with a copy of chapter 484-20 WAC.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-085, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-085, 10/1/85; Order 7659, § 484-20-085, filed 7/28/77.]

WAC 484-20-087 Resident rights. (1) Prior to or at the time of admission and annually thereafter, each resident shall be fully informed of his/her rights orally and in writing.

(2) The resident will be informed in a language (s)he understands regarding all rules and regulations covering resident conduct and responsibilities.

(3) Acknowledgement of receipt of these rights will be placed in the resident's medical and/or administrative record.

(4) The resident has a right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the facility. The department of veterans' affairs, and such facilities under the control of the department of veterans' affairs, will protect and promote the right of each resident. Each resident shall have the right to:

(a) Exercise his/her rights as a citizen of the United States;

(b) Be free of interference, coercion, discrimination, or reprisal in the exercise of his/her rights;

(c) Inspect and purchase photocopies of all records pertaining to the resident upon written request and forty-eight hours notice (excluding week-ends) to the resident's facility;

(d) Be fully informed in language (s)he can understand of his/her total health status, including but not limited to, his/her medical condition;

(e) Refuse treatment and to refuse to participate in experimental research, provided that the resident is informed of therapeutic alternatives, and the consequences of refusing such nonexperimental treatment, including the option of discharge from the home when it is determined that the resident's or other resident's welfare cannot be guaranteed without such treatment(s).

(f) Know what services and goods which will be provided by the facility and which services and goods the resident must provide for him/herself.

(g) Manage his/her financial affairs without the requirement that (s)he deposit his/her personal funds with the home.

(h) Fully informed in advance about care and treatment and of treatment that may affect the resident's well-being

and, unless adjudged incompetent under the laws of the state, participate in planning care and treatment.

(i) Personal privacy and confidentiality of his/her personal and clinical records, which shall include but not necessarily be limited to: Accommodations; medical treatment; written and telephone communications; personal care; visits; meetings of family and resident groups.

(j) Voice grievances with respect to treatment or care that is, or fails to be furnished, without discrimination or reprisal.

(k) Prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents;

(l) Refuse to perform services for the facility, and if (s)he chooses to perform work, the home must document the need or desire to work in the care plan, specify the nature of the services performed, and whether services are voluntary or compensated by stipends established by the superintendent for the work-therapy program. The resident must agree to the work arrangements described in the care plan.

(m) To privacy in written communications, including: The right to send and receive mail promptly that is unopened; and access to stationery, postage, and writing instruments at the resident's expense.

(n) Immediate access to the resident by any representative of the Secretary of HEW; the federal Department of Veterans' Affairs; any representative of a state licensing agency; the resident's individual physician; the state long-term ombudsman.

(o) Regular access to the private use of a telephone, provided that the costs entailed from such use shall be borne by the resident.

(p) Retain and use personal possessions including appropriate clothing and some furnishings, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

(q) Self-administer drugs unless the home's patient care team has determined that this practice is unsafe.

(r) Examine the results of any federal or state inspection of the facility, along with any plan(s) for correction.

(5) In the event that a resident is judged financially incompetent under federal laws or mentally incompetent under the laws of the state by a court of competent jurisdiction, his/her rights may be exercised by a representative appointed under federal law or a guardian appointed under state law.

(6) Each resident shall receive a written description of resident rights to include a description of the manner of protecting personal funds and procedures established to resolve resident grievances or to initiate investigation of any reports of resident abuse, neglect, or misappropriation of resident property in the facility.

(7) The facility will inform each resident of the name, specialty, and way of contacting his/her attending physician.

(8) Except in a medical emergency or when the resident is incompetent, the facility will consult with the resident and notify the resident's physician, legal representative, or interested family member within twenty-four hours when there is:

(a) An accident resulting in injury to the resident;

(b) A significant change in the resident's physical, mental, or psychosocial status;

(c) A need to significantly alter treatment;

(d) A decision to transfer or discharge the resident from the facility.

(9) The facility will also promptly notify the resident, appointed representative/guardian, or designated family member when there is:

(a) A change in room or roommate assignment;

(b) A change in the resident's rights under federal or state law or regulations.

(10) The facility records and periodically updates the address and phone number of the resident's appointed representative or interested family member.

(11) The facility will establish and maintain a system that assures a full, complete, and separate accounting, according to generally accepted accounting principals, of each resident's personal funds entrusted to the home on the resident's behalf. The system must preclude any commingling of resident funds with facility funds or with the funds of any other resident. Individual financial records must be available on request by the resident or his/her appointed representative.

(12) The facility will provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(13) The facility will allow representatives of the state ombudsman to examine the resident's records with the written permission of the resident or the resident's appointed representative/guardian, so long as such access is consistent with state law.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-087, filed 8/14/92, effective 9/14/92.]

WAC 484-20-089 Washington Soldiers' Home Colony—Rights and responsibilities. (1) Individuals eligible for the colony program, hereinafter called "colony residents," shall have access to the following programs available to on-grounds residents of the Washington soldiers' home subject to certain restrictions as noted:

(a) Participation in the home's on-grounds activities programs. Participation in off-grounds activities is also permitted except that a co-payment may be established by the superintendent to defray a portion of the costs of the activity.

(b) Transportation to medical appointments, provided that such transportation does not exceed those transportation services provided to on-grounds residents of the soldiers' home. In the event that public transportation becomes available, the superintendent may require a co-payment for home transportation purposes not to exceed fifty percent of the prevailing public transportation costs.

(c) Distribution of medications from the home's pharmacy to the extent that colony residents cannot obtain such medications through private, state and/or federal medical insurance programs for which the colony member is eligible. In the event that the colony member is ineligible for such medical insurance programs, the superintendent may require that a co-charge be paid by the colony member.

(d) In-patient nursing care when authorized by home medical staff and when such care is not otherwise available through private, state, or federal government medical

insurance programs for which the colony resident is eligible. When admitted to a home nursing care unit and the inpatient stays exceed fourteen calendar days, the superintendent may require that the colony resident make a co-payment for nursing care services. Such co-payments shall be a set per diem amount as determined by WDVA policy except as waived by the director.

(e) Admission to the soldiers' or veterans' home as a long-term resident. Colony residents are required to complete a standard application for admission except that they shall be placed at the top of any existing waiting list for the type of care they require unless the date of their admission to the colony is later than another applicant on the same waiting list. In such cases, the colony resident's place on the waiting list shall be preceded only by the application or applications for admission preceding the colony member's.

(f) Cash stipends for food allowances and clothing, as determined by the director and allocated by the legislature.

(g) Burial in the Washington soldiers' home cemetery in such a manner as determined prudent by the superintendent and established by department policy.

(2) Colony residents are required to:

(a) Provide the superintendent with an annual statement reflecting all income and assets at such a time as determined by department policy and on a form prescribed by the department.

(b) Report any changes in income or assets within a reasonable period, not to exceed thirty days, after such changes.

(c) Comply with rules of conduct as outlined in WAC 484-20-090 except for those which reasonably apply exclusively to on-grounds residents of the soldiers' home when participating in programs on the grounds of the soldiers' home.

(d) Maximize all benefits and entitlements for which they are eligible, utilizing services, and/or obtaining goods available through such local, state, or federal programs prior to utilizing services or obtaining goods through the soldiers' home.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-089, filed 8/14/92, effective 9/14/92.]

WAC 484-20-090 Rules of conduct. Residents of the homes are required to comply with the following rules of conduct. The following rules of conduct apply to all residents of the homes.

(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. Resident personal hygiene and community living skills must meet established fire, safety and health-sanitation codes. Each resident shall accomplish and/or assist with maintaining their personal hygiene and living quarters as defined in their patient 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, radios, audio and/or video recorders (VCRs), and disc playing machines may be used in resident's rooms. Use of any other electric equipment requires the written approval of the superintendent.

(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. All such alterations/repairs shall be accomplished by home staff. Requests for alterations/repairs shall be made through staff designated by the superintendent or his/her alternate to the plant manager.

(e) Alcohol - drugs. Possession or use of intoxicating beverages, narcotics, or controlled substances on the grounds of the Washington veterans' homes or during off-grounds activities sponsored by the home(s), without a physician's written prescription is prohibited. Drugs which were prescribed by a physician but which are no longer used by the resident to whom they were issued, shall be turned in to the home pharmacy.

(f) Weapons. Possession of firearms, ammunition, explosive or dangerous weapons is prohibited.

(g) Animals. Possession or feeding of animals on home grounds is prohibited except when specifically sanctioned by the superintendent.

(2) General rules of conduct.

(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, while not required, is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. Residents leaving the grounds for any purpose must sign out at designated locations in such a manner as prescribed by the home administration. Upon returning, the resident must sign in again. After returning from pass or furlough, the resident must stay in his/her room overnight before permission to go on pass or furlough can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from pass or furlough at the prescribed time without obtaining permission for an extension, makes the resident absent without official leave. Residents being admitted to the home must remain in their rooms overnight before pass or leave privileges may be exercised unless an exception is granted by the administration.

(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 home for theft and intentional or negligent injury to state property.

(e) Vehicle registration. Vehicles kept on home grounds must be registered at least annually with the administration of the home. Residents who drive on the home grounds 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 law. The requirement to register applies to vehicles owned by residents, owned by another and registered in the name of the resident, and any vehicle regardless of ownership that is regularly in the possession of the resident. Vehicles must have current license tags and they must display the home identification sticker. All traffic and parking control signs must be obeyed. Residents must comply with the provisions of the Washington state financial responsibility law.

(f) Personal conduct between residents and staff. Residents will conduct themselves in an orderly, courteous, and cooperative manner at all times. Obscene, sexually or racially demeaning, threatening language, or behavior, or physically assaultive behavior, directed at another person, whether on the grounds or off the grounds during a home-sponsored activity, will be considered a violation of this rule. Residents will obey all valid instructions directed at them by staff acting in an official capacity.

(g) Attire of home residents. Residents must dress in a manner so as not to reasonably offend the sensitivity of others.

[Statutory Authority: RCW 43.60A.070, 92-17-046, § 484-20-090, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-090, filed 10/1/85; 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 of each home shall establish supplementary policies and procedures consistent with the substance and intent of the rules in this chapter and existing federal and state statutes and standards. The resident council shall be afforded the opportunity for input into such supplementary policies and procedures. The superintendent will give due and proper consideration to such input.

[Statutory Authority: RCW 43.60A.070, 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. Reports of possible rule violations shall be investigated by the superintendent or designee. 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.

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

WAC 484-20-105 Penalties. The superintendent may impose penalties for the violation of rules of conduct, for gross misconduct or for willful failure to comply with any responsibility placed upon them by WAC 484-20-065; such penalties may include:

(1) Restricting the resident to the home grounds for a maximum of sixty days when determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction.

(2) An enforced furlough to a maximum of sixty days;

(3) A combination of penalties in subsections (1) and (2) of this section provided the combined total time does not exceed sixty days;

(4) Transfer to another DVA home or colony;

(5) Discharge from a home pursuant to WAC 484-20-120.

[Statutory Authority: RCW 43.60A.070, 92-17-046, § 484-20-105, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-105, filed 10/1/85; Order 7659, § 484-20-105, filed 7/28/77.]

WAC 484-20-110 Fair hearing. (1) Any resident upon whom a penalty has been imposed under WAC 484-20-105 may request a fair hearing from the superintendent or the director. A resident who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to the determination of violation and penalty, if any.

(2) Disciplinary sanctions imposed pursuant to this chapter shall be deferred until the outcome of any such appeal except where, in the judgment of the superintendent or other person acting in his absence, the resident's conduct is a threat to the health and safety of others. Any competent resident who strikes, threatens another person with bodily harm, is found in possession of a lethal weapon or illegal drugs shall be considered a threat to the health and safety of others and shall be immediately discharged from the home.

(3) A request for a fair hearing must be made in writing and forwarded to the home superintendent within thirty days of receipt of notice that a penalty is being imposed upon the resident.

(4) All requests for fair hearings shall be signed by the resident or legal representative and specify:

(a) The penalty which is being appealed;

(b) The issues/circumstances which support the appeal;

(c) The resident's address;

(d) The name and address of the resident's legal representative.

(5) A fair hearing shall be held, within sixty days after receipt of the request, in the home or colony in which the client resides. The fair hearing shall be conducted pursuant to chapter 10-08 WAC by an administrative law judge from the office of administrative hearings who shall issue a proposed decision for consideration by the director. If the parties cannot satisfactorily agree on informal procedures for discovery, the administrative law judge may issue orders specifying the conditions under which discovery shall proceed.

(6) The administrative law judge shall, within thirty days after the date of the fair hearing, issue a proposed decision for consideration by the agency director. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

(7) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

(8) Any party adversely affected by a proposal for decision may file written argument and exception with the director. Written argument and exception must be filed within fifteen days from the date the proposal for decision was mailed to the parties. Such fifteen-day period may be extended by the director or his or her designee upon motion of a party when the motion is filed during the fifteen-day period and good cause for the extension is shown. Good cause includes mistake, inadvertence, and excusable neglect on the part of the moving party or unavoidable casualty or misfortune preventing the moving party from timely filing. Upon a showing of good cause either party may file exception and argument within thirty days of the date the proposed decision was mailed to the parties.

(9) The director, or his or her designee, shall consider the whole record or such portions of the record as are cited by a party or parties in exception and argument. The director or designee shall render the final department decision. The director or designee may accept additional evidence to correct omissions in the record upon his or her own motion or the motion of a party. The director or designee may remand the proceedings to the administrative law judge for the taking of additional evidence or argument.

(10) During the fair hearing process, the resident must continue making payments to the home in accordance with the provisions of WAC 484-20-065. Failure to comply will be grounds for immediate removal from the home. Should the matter under dispute be over financial issues and a decision is made in favor of the resident, the home will make an immediate adjustment.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-110, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-110, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-110, filed 7/17/80; Order 7659, § 484-20-110, filed 7/28/77.]

WAC 484-20-115 Furlough. (1) Furlough time will be earned by the resident at the rate of two days per month of residence.

(2) The superintendent may grant a furlough

(a) At the request of the resident. The furlough may not exceed thirty days at one time except in case of emergency or extenuating circumstances.

(b) As a disciplinary measure as provided in WAC 484-20-105.

(3) Authorized absences of ninety-six hours or less shall not be considered furloughs.

(4) The superintendent or his designee may authorize furlough in advance of accrual only in the case of emergency or extenuating circumstances.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-115, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-115, filed 7/28/77.]

WAC 484-20-120 Discharge. (1) A resident may receive an honorable discharge from the home when:

(a) The member so requests and has liquidated all outstanding indebtedness to the home;

(b) The resident has sufficient financial resources to support community living;

(c) The resident no longer needs the care and services of the home, regardless of financial ability;

(d) The care requirements of the resident cannot be provided by the home;

(2) A resident may receive a disciplinary discharge:

(a) For failure to comply with the provisions of WAC 484-20-065, Use of resident's income and assets;

(b) For conviction of a felony or gross misdemeanor;

(c) For repeated violation of the general rules of conduct, WAC 484-20-090;

(d) For gross misconduct when such conduct poses an immediate danger to the safety of other residents and/or staff

(e) When a resident has been absent without leave for a period in excess of fifteen days;

(f) As the result of the director's final decision following a fair hearing which upholds the original findings and penalties imposed upon a resident in accordance with the provisions of WAC 484-20-100 and 484-20-105.

(3) A provisional honorable discharge may be given by a home superintendent to a resident with outstanding indebtedness to the home who agrees to liquidate the outstanding amount within a mutually-agreed-upon time period. Such provisional discharges shall be changed by the superintendent to a disciplinary discharge upon the resident's failure to fulfill the requirements of the agreement to liquidate indebtedness.

(4) Any discharge from the home shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action. All discharges shall be subject to the provisions of WAC 484-20-110.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-120, filed 8/14/92, effective 9/14/92; 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. (1) A resident may apply for transfer to either home or colony. Transfer shall be approved upon recommendation of the appropriate superintendent(s).

(2) A resident may be transferred from one veterans' home to another upon recommendation of the transferring and the receiving superintendents and authorization by the director when such transfer is for medical reasons.

[Statutory Authority: RCW 43.60A.070. 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. A former resident who requested voluntary discharge and received an honorable discharge may not apply for readmission until three months after discharge. A former resident who received a disciplinary discharge may not apply for readmission until twelve months after discharge. The superintendent may approve exceptions on a case-by-case basis, following review of the circumstances of the discharge.

[Statutory Authority: RCW 43.60A.070. 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. The superintendent may authorize burial in home cemeteries for:

- (1) A deceased resident for whom other arrangements have not been made;
- (2) The deceased spouse of a former resident who is buried in the home cemetery, unless the spouse shall have remarried; or
- (3) Cremated remains of a spouse, or other family member of a spouse who has not remarried since the death of a resident who is buried in the home cemetery, so long as burial will be in the same gravesite. All costs of burial shall be the responsibility of the next of kin.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-145, filed 8/14/92, effective 9/14/92; 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 superintendent shall keep the population of the home as close to full capacity as possible provided such population approximates the population for which budgeted by the legislature. Residents will be assigned to a level of care consistent with their health care needs.

[Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-150, filed 8/14/92, effective 9/14/92; Order 7659, § 484-20-150, filed 7/28/77.]

**Chapter 484-30 WAC
VETERANS FIELD SERVICES**

WAC	
484-30-005	Description and purpose of services.
484-30-010	Data gathering and reporting.
484-30-015	Auditing.

WAC 484-30-005 Description and purpose of services. The department may establish and maintain offices within the state to afford services to veterans and their beneficiaries. Within limitations imposed by budgetary considerations, these offices shall maintain services and training including, but not limited to:

(1) **Claims service.** This service will primarily be in providing forms, and assistance in preparing them, for eligible veterans and their beneficiaries, in claims against the federal government under Title 38, United States Code. However, assistance may also be rendered in assisting any eligible veteran or beneficiary in preparing and presenting a claim against any agency, private or public, which has to do with a right, of a veteran or his beneficiary, which is based upon service in the military service of the United States of America.

(2) **Referral service.** This service shall consist of referral of the veteran or beneficiary to a resource which may have the capability of affording supplementary or discrete benefits to those for which a veteran or beneficiary may be eligible as a result of military service. Such referrals would include, but not be limited to:

- (a) Social Security or Supplementary Security Income offices.
- (b) Employment and employment training resource facilities, public and private.
- (c) Public assistance.
- (d) Vocational rehabilitation sources, public and private.

- (e) Alcohol and drug related assistance.
- (f) Mental health facilities.
- (3) **Outreach services.** These services shall include claims and referral services, but are provided at outreach locations, on a regular basis, from the established veterans service office.

(4) **Representation at veterans administration regional office.** This shall consist of the maintenance of personnel at the veterans administration regional office in Seattle, to represent eligible veterans and their beneficiaries before VA rating and appeal boards, or other VA administrative bodies, when such can be done through a power of attorney granted by the veteran or beneficiary.

[Order 7659, § 484-30-005, filed 7/28/77.]

WAC 484-30-010 Data gathering and reporting. In order to ensure that all eligible veterans and beneficiaries are treated equitably, such data as may be required shall be compiled in each veterans service office and submitted to the department of veterans affairs on a monthly basis. Such data shall be in form and content as prescribed by the department.

[Order 7659, § 484-30-010, filed 7/28/77.]

WAC 484-30-015 Auditing. The veterans service offices of the department of veterans affairs shall be audited to the extent and frequency necessary to ensure compliance with such procedural and data gathering requirements as are established by the department.

[Order 7659, § 484-30-015, filed 7/28/77.]

**Chapter 484-40 WAC
FIDUCIARY SERVICES**

WAC	
484-40-005	Scope of services.
484-40-010	Conservation of income.
484-40-015	Case level.
484-40-020	Auditing.

WAC 484-40-005 Scope of services. As authorized by RCW 43.60A.070, the director of the department of veterans affairs, or his designee, is authorized to act as:

- (1) Executor under the last will of the estate of any deceased veteran.
- (2) Administrator of the estate of any deceased veteran.
- (3) The guardian or duly appointed federal fiduciary of the estate of any insane or incompetent veteran.
- (4) Guardian or duly appointed federal fiduciary of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans administration as having money due from the veterans administration, the payment of which is dependent upon the appointment of a guardian or other type fiduciary.

No estate larger than \$15,000.00, authorized by RCW 73.04.130 shall be eligible for any of the preceding categories.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-40-005, filed 7/17/80; Order 7659, § 484-40-005, filed 7/28/77.]

WAC 484-40-010 Conservation of income. Paramount in consideration in the handling of the funds of those eligible for fiduciary services shall be expenditure of funds in the best interest of the individual.

[Order 7659, § 484-40-010, filed 7/28/77.]

WAC 484-40-015 Case level. (1) The director of the department of veterans affairs, or his designee, is authorized to provide the scope of services enumerated under WAC 484-40-005. He is not required to do so.

(2) The director of veterans affairs shall determine when the case level is commensurate with available personnel and funding.

(3) The director of the department may refuse the provision of further services, under this chapter, whenever he deems appropriate for whatever reasons he deems appropriate.

[Order 7659, § 484-40-015, filed 7/28/77.]

WAC 484-40-020 Auditing. (1) All funds received and disbursed in conjunction with services afforded under this chapter shall be accounted for by generally accepted accounting standards.

(2) The director of the department of veterans affairs or his designee shall cause a fiscal audit to be performed on all records and documents pertaining to the funds for which conservatorship is afforded under this chapter.

(3) Such audit may be performed by accountants within the department of veterans affairs or accountants from another governmental agency.

(4) Such audit shall be performed at time intervals not to exceed fourteen months and shall ensure that no period of time shall be unaudited.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-40-020, filed 7/17/80; Order 7659, § 484-40-020, filed 7/28/77.]

Chapter 484-50 WAC PUBLIC RECORDS

WAC

484-50-005 Disclosure.
484-50-010 Exemptions.

WAC 484-50-005 Disclosure. (1) All public records of the department of veterans affairs are available for public inspection and copying pursuant to these rules except as otherwise provided in RCW 42.17.310 and WAC 484-50-010.

(2) Requests for any identifiable public record may be initiated at the headquarters of the department of veterans affairs, in Olympia.

[Order 7659, § 484-50-005, filed 7/28/77.]

WAC 484-50-010 Exemptions. (1) The department of veterans affairs reserves the right to determine that a public record requested is exempt under the provisions of RCW 42.17.310 or federal or other state laws and regulations.

(2) Pursuant to RCW 42.17.260, the department of veterans affairs reserves the right to delete identifying details when it makes available or publishes any public record, in any case in which there is reason to believe that disclosure of such details may be unreasonable invasion of personal privacy. The public records officer shall fully justify such deletion in writing.

[Order 7659, § 484-50-010, filed 7/28/77.]