

WSR 21-19-057
EXPEDITED RULES
DEPARTMENT OF
VETERANS AFFAIRS

[Filed September 14, 2021, 9:30 a.m.]

Title of Rule and Other Identifying Information: WAC 484-20-090
State veterans homes rules.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Modification of a section on alcohol in state veterans' homes. This will allow the state veterans' homes to provide alcohol to residents who have a written order from a health care provider. The Centers for Medicare and Medicaid Services regulates nursing homes using a series of standards known as F Tags. F550 refers to resident rights and requires nursing homes to ensure that residents have a right to a dignified existence and that they have rights guaranteed to them under federal and state laws and regulations. This change is being made to prevent a veterans' home from receiving a citation for failing to meet F550 and violating resident rights.

Reasons Supporting Proposal: F550 refers to resident rights and requires nursing homes to ensure that residents have a right to a dignified existence and that they have rights guaranteed to them under federal and state laws and regulations. It is important for the Washington state department of veterans affairs (WDVA) to make this change to allow residents to consume alcohol, if a health care provider provides a written order. Alcohol may not be stored in resident rooms and will only be stored by veterans' home staff members.

Statutory Authority for Adoption: RCW 43.60A.070; chapter 72.36
RCW.

Statute Being Implemented: F550.

Rule is necessary because of federal law, [no information supplied by agency].

Name of Proponent: WDVA, governmental.

Name of Agency Personnel Responsible for Drafting: Heidi Audette, Olympia, 360-791-8966; Implementation and Enforcement: Linda Fairbank, Olympia, 360-791-2026.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: It is important for WDVA to make this change to allow residents to consume alcohol if a health care provider provides a written order. Alcohol may not be stored in resident rooms and will only be stored by veterans' home staff members.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rule incorporates a reference to F550 without material change.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Heidi Audette, WDVA, 1102 Quince Street S.E., Olympia, WA 98504, phone 360-791-8966, fax 360-725-2197, email heidia@dva.wa.gov, AND RECEIVED BY November 22, 2021.

September 14, 2021
Heidi Audette
Communications and
Legislative Director

OTS-3278.1

AMENDATORY SECTION (Amending WSR 16-20-105, filed 10/5/16, effective 11/5/16)

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

(1) Health and safety rules.

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

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

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

(d) Repair of rooms. Residents shall not alter or repair their living quarters or other common use areas. This includes but is not limited to walls (e.g., for hanging pictures), other flat surfaces, electrical systems, television/cable hook-ups, phone hook-ups, heating systems, and plumbing. State veterans home staff shall assist residents in personalizing their rooms (~~r~~) including, but not limited to, hanging personal pictures and checking electrical appliances as au-

thorized in (c) of this subsection. Requests for alterations and/or repairs shall be made to the state veterans home facilities manager.

(e) ~~((Alcohol,))~~ Marijuana and illegal drugs are prohibited on the premises of any state veterans home. ~~((Neither medical nor recreational marijuana use is allowed at a state veterans home. According to the Washington state department of health, health care providers cannot write prescriptions for medical marijuana. They may provide a recommendation for use of medical marijuana; however, this is not considered a prescription for marijuana.))~~ This applies to all residents, family members, staff, visitors and volunteers in the home.

(f) Alcohol is permitted with a physician or other authorized health care provider's written order. Alcohol must be stored by veterans home staff.

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

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

~~((h))~~ (i) Tobacco products and electronic smoking devices. No resident smoking is allowed on state veterans home campuses. Residents may not use tobacco products or electronic smoking devices. Exceptions are made only for residents who were authorized to smoke prior to the no smoking rule taking effect. For these residents, use of tobacco products or electronic smoking devices is allowed only in designated outdoor smoking areas.

(2) General facility rules.

(a) Recommended visiting hours. ~~((Normal))~~ Recommended 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))~~ DVDs and portable speakers may be used in resident's rooms. Volume levels of such equipment must be kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced noise levels in the general surroundings so that others will not be disturbed. The use of headphones is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

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

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity

or the state of Washington without permission is also prohibited. Residents are required to reimburse the state veterans home for theft and intentional or negligent injury to state property.

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

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

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