

2 **SSB 5966 - H AMD ADOPTED AS AMENDED 4-25-93**

3 By Representative R. Meyers

4

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

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

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

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

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

1 general and special dietary programs, the disbursement of drugs,
2 methods of supply, and any other records the department deems relevant.

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

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

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

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

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

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

36 The superintendent or his or her designated representative shall
37 meet with the resident council at least monthly. The director of the

1 department of veterans affairs shall meet with each resident council at
2 least three times each year.

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

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

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

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

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

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

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

1 state's state veterans' homes or entitled to admission to one of this
2 state's state veterans' homes; and

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

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

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

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

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

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

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

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

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

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

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

36 (2) Disbursements from the soldiers' home revolving fund shall be
37 for the benefit and welfare of all members of the soldiers' home and

1 such disbursements shall be on the authorization of the superintendent
2 or his authorized representative after approval has been received from
3 a duly constituted body representative of the members.

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

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

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

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

31 The department may purchase care in institutions for the mentally
32 retarded, also known as intermediate care facilities for the mentally
33 retarded. The department shall establish rules for reasonable
34 accounting and reimbursement systems for such care. Institutions for
35 the mentally retarded include licensed nursing homes, public
36 institutions, licensed boarding homes with fifteen beds or less, and
37 hospital facilities certified as intermediate care facilities for the
38 mentally retarded under the federal medicaid program to provide health,

1 habilitative, or rehabilitative services and twenty-four hour
2 supervision for mentally retarded individuals or persons with related
3 conditions and includes in the program "active treatment" as federally
4 defined.

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

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

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

16 The legislature finds that to meet the objectives of section 1,
17 chapter, Laws of 1993 (section 1 of this act), the personal needs
18 allowance for all residents of the state veterans' homes, including
19 both domiciliary and nursing care residents, shall be an amount
20 approved by the federal health care financing authority, but not less
21 than ninety dollars or more than one hundred sixty dollars per month
22 during periods of residency.

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

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

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

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

33 (2) RCW 72.36.130 and 1977 ex.s. c 186 s 8.

34 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect July 1, 1993."

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