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HOUSE BILL 2096

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Dunshee and Brough; by request of Department of Veterans Affairs

Read first time 03/05/93. Referred to Committee on State Government.

1 AN ACT Relating to state institutions; amending RCW 72.36.020,  
2 72.36.030, 72.36.035, 72.36.120, 72.36.130, and 74.09.120; adding new  
3 sections to chapter 72.36 RCW; repealing RCW 72.36.080; providing an  
4 effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.36 RCW  
7 to read as follows:

8 Qualifying operations at state veterans homes operated by the  
9 department of veterans affairs, may be provided under the state's  
10 medicaid reimbursement system as administered by the department of  
11 social and health services.

12 The department of veterans affairs may contract with the department  
13 of social and health services under the authority of RCW 74.09.120 but  
14 shall be exempt from the provisions of RCW 74.46.420 through 74.46.590.  
15 This contract shall include the rate setting and reimbursement systems  
16 for medicaid reimbursement. The nursing care operations at the state  
17 veterans homes shall be subject to inspection by the department of  
18 social and health services. This includes every part of the state  
19 veterans home's premises, an examination of all records, including

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

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

6 The superintendent of each state veterans home shall cause the  
7 election of a resident council. Resident councilmembers may be either  
8 residents of the facility or family members of residents. The resident  
9 council shall serve in an advisory capacity to the superintendent in  
10 matters related to policy and operational decisions affecting resident  
11 care and life in the facility.

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

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

28 **Sec. 4.** RCW 72.36.030 and 1977 ex.s. c 186 s 1 are each amended to  
29 read as follows:

30 ~~((All honorably discharged veterans who have served the United~~  
31 ~~States government in any of its wars, and members of the state militia~~  
32 ~~disabled while in the line of duty, may be admitted to the state~~  
33 ~~soldiers' home at Orting under such rules and regulations as may be~~  
34 ~~adopted by the department: PROVIDED, That such applicants have been~~  
35 ~~actual bona fide residents of this state at the time of their~~  
36 ~~application, and are indigent and unable to support themselves:~~

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

25 (1)(a) All honorably discharged veterans of a branch of the armed  
26 forces of the United States or merchant marines; (b) members of the  
27 state militia disabled while in the line of duty; and (c) the spouses  
28 of these veterans, merchant marines, and members of the state militia.  
29 However, it is required that the spouse was married to and living with  
30 the veteran three years prior to the date of application for  
31 admittance, or, if married to him or her since that date, was also a  
32 resident of a state veterans home in this state or entitled to  
33 admission thereto;

34 (2)(a) The spouses of: (i) All honorably discharged veterans of  
35 the United States armed forces; (ii) merchant marines; and (iii)  
36 members of the state militia who were disabled while in the line of  
37 duty and who were residents of a state veterans home in this state or  
38 were entitled to admission to one of this state's state veteran homes  
39 at the time of death; (b) the spouses of: (i) All honorably discharged

1 veterans of a branch of the United States armed forces; (ii) merchant  
2 marines; and (iii) members of the state militia who would have been  
3 entitled to admission to one of this state's state veterans homes at  
4 the time of death, but for the fact that the spouse was not indigent,  
5 but has since become indigent and unable to support himself or herself  
6 and his or her family. However, the included spouse shall be at least  
7 fifty years old and have been married to and living with their husband  
8 or wife for three years prior to the date of their application. The  
9 included spouse shall not have been married since the death of his or  
10 her husband or wife to a person who is not a resident of one of this  
11 state's state veterans homes or entitled to admission to one of this  
12 state's state veterans homes; and

13 (3) All applicants for admission to a state veterans home shall  
14 apply for and receive either all federal or all state entitlements, or  
15 both for which they are eligible. This includes medical assistance  
16 under RCW 74.09.500 through 74.09.755 for all nursing care applicants.

17 **Sec. 5.** RCW 72.36.035 and 1991 c 240 s 2 are each amended to read  
18 as follows:

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

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

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

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

32 (4) "State veterans home" means either the Washington soldiers'  
33 home and colony in Orting, or the Washington veterans home in Retsil,  
34 or both.

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

36 **Sec. 6.** RCW 72.36.120 and 1977 ex.s. c 186 s 7 are each amended to  
37 read as follows:

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

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

10 (2) Disbursements from the soldiers' home revolving fund shall be  
11 for the benefit and welfare of all members of the soldiers' home and  
12 such disbursements shall be on the authorization of the superintendent  
13 or his authorized representative after approval has been received from  
14 a duly constituted body representative of the members.

15 (3) In order to maintain an effective expenditure and revenue  
16 control, the soldiers' home revolving fund shall be subject in all  
17 respects to chapter 43.88 RCW, but no appropriation shall be required  
18 to permit expenditures from such funds.) All income of residents of a  
19 state veterans home in excess of the established personal needs  
20 allowance set out under RCW 72.36.130 shall be deposited in the state  
21 general fund. All expenditures and revenue control shall be subject to  
22 chapter 43.88 RCW.

23 **Sec. 7.** RCW 72.36.130 and 1977 ex.s. c 186 s 8 are each amended to  
24 read as follows:

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

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

34 (2) Disbursements from the veterans' home revolving fund shall be  
35 for the benefit and welfare of all members of the Washington veterans'  
36 home and such disbursements shall be on the authorization of the  
37 superintendent of the home or his duly authorized representative after

1 approval has been received from a duly constituted body representative  
2 of the members.

3 ~~(3) In order to maintain an effective expenditure and revenue~~  
4 ~~control, the veterans' home revolving fund shall be subject in all~~  
5 ~~respects to chapter 43.88 RCW, but no appropriation shall be required~~  
6 ~~to permit expenditures from such funds.)~~ Personal needs allowance  
7 shall be defined for:

8 (1) Nursing care residents by federal and state medicaid rules  
9 unless adjusted by the legislature; and

10 (2) Domiciliary residents by rules adopted by the United States  
11 department of veterans affairs or the department. However, the  
12 personal needs allowance for domiciliary residents shall not be  
13 decreased below one hundred sixty dollars per month during periods of  
14 residency in a state veterans home domiciliary.

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

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

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

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

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

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

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

15 NEW SECTION. **Sec. 9.** RCW 72.36.080 and 1977 ex.s. c 186 s 5, 1975  
16 c 13 s 2, 1973 1st ex.s. c 154 s 104, & 1959 c 28 s 72.36.080 are each  
17 repealed.

18 NEW SECTION. **Sec. 10.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and shall take  
21 effect July 1, 1993.

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