
SENATE BILL 5966

State of Washington

53rd Legislature

1993 Regular Session

By Senators Rinehart, Haugen and M. Rasmussen; by request of Department of Veterans Affairs

Read first time 03/26/93. Referred to Committee on Ways & Means.

1 AN ACT Relating to state institutions; amending RCW 72.36.020,
2 72.36.030, 72.36.035, 72.36.120, and 74.09.120; adding new sections to
3 chapter 72.36 RCW; repealing RCW 72.36.080 and 72.36.130; making an
4 appropriation; providing an 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
13 department of social and health services under the authority of RCW
14 74.09.120 but the provisions of RCW 74.46.420 through 74.46.590 shall
15 not apply to the medicaid rate setting and reimbursement systems. The
16 nursing care operations at the state veterans' homes shall be subject
17 to inspection by the department of social and health services. This
18 includes every part of the state veterans' home's premises, an
19 examination of all records, including financial records, methods of

1 administration, general and special dietary programs, the disbursement
2 of drugs, methods of supply, and any other records the department deems
3 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 all federal and state benefits for which they may be
15 eligible, including medical assistance under chapter 74.09 RCW.

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

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

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

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

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

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

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

35 **Sec. 6.** RCW 72.36.120 and 1977 ex.s. c 186 s 7 are each amended to
36 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 nondirected income of
19 residents of a state veterans' home shall be deposited in the state
20 general fund--local and be available to apply against the cost of care
21 provided by the state veterans' homes. All expenditures and revenue
22 control shall be subject to chapter 43.88 RCW.

23 **Sec. 7.** RCW 74.09.120 and 1992 c 8 s 1 are each amended to read as
24 follows:

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

36 The department may purchase nursing home care by contract in
37 veterans' homes operated by the state department of veterans affairs.

1 The department shall establish rules for reasonable accounting and
2 reimbursement systems for such care.

3 The department may purchase care in institutions for the mentally
4 retarded, also known as intermediate care facilities for the mentally
5 retarded. The department shall establish rules for reasonable
6 accounting and reimbursement systems for such care. Institutions for
7 the mentally retarded include licensed nursing homes, public
8 institutions, licensed boarding homes with fifteen beds or less, and
9 hospital facilities certified as intermediate care facilities for the
10 mentally retarded under the federal medicaid program to provide health,
11 habilitative, or rehabilitative services and twenty-four hour
12 supervision for mentally retarded individuals or persons with related
13 conditions and includes in the program "active treatment" as federally
14 defined.

15 The department may purchase care in institutions for mental
16 diseases by contract. The department shall establish rules for
17 reasonable accounting and reimbursement systems for such care.
18 Institutions for mental diseases are certified under the federal
19 medicaid program and primarily engaged in providing diagnosis,
20 treatment, or care to persons with mental diseases, including medical
21 attention, nursing care, and related services.

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

24 NEW SECTION. Sec. 8. A new section is added to chapter 72.36 RCW
25 to read as follows:

26 Personal needs allowance for residents in state veterans' homes
27 shall be defined for:

28 (1) Nursing care residents in the department's amendment to the
29 state plan for medical assistance under Title XIX. The personal needs
30 allowance for nursing care residents shall be equal to the personal
31 needs allowance established by the United States department of veterans
32 affairs for a single veteran residing in a private sector nursing home.

33 (2) In the event the personal needs allowance for nursing care
34 residents described in subsection (1) of this section is not allowed by
35 the federal health care financing administration, the personal needs
36 allowance for nursing care residents shall be defined by state medical
37 assistance rules and the state veterans' home resident support account
38 described in section 9 of this act shall be implemented.

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

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

8 (1) In the event the personal needs allowance for nursing care
9 residents described in section 8 of this act is not allowed, there is
10 established in the state treasury, two appropriated dedicated accounts.
11 One account for each state veterans' home, called a resident support
12 account.

13 (a) The resident support account for the soldiers' home and colony
14 at Orting is created in the state treasury. All moneys appropriated
15 for the purposes of this section shall be deposited in the account.
16 Moneys in the account may be spent only after appropriation.
17 Expenditures from the account may only be used for the social welfare
18 needs of the residents of the soldiers' home and colony at Orting.

19 (b) The resident support account for the Washington veterans' home
20 at Retsil is created in the state treasury. All moneys appropriated
21 for the purposes of this section shall be deposited in the account.
22 Moneys in the account may be spent only after appropriation.
23 Expenditures from the account may only be used for the social welfare
24 needs of the residents of the Washington veterans' home at Retsil.

25 Biennial appropriation requests for the resident support account
26 shall be based on the following formula: The difference between the
27 personal needs allowance established by the United States department of
28 veterans' affairs for a single veteran residing in private sector
29 nursing home and the personal needs allowance established by the state
30 department of social and health services for medical assistance
31 recipients residing in private sector nursing homes, multiplied by the
32 projected number of residents residing in nursing care units at the two
33 state veterans' homes multiplied by twenty-four months.

34 (2) Each state veterans' home's resident council, as elected under
35 section 2 of this act, shall meet and recommend to the superintendent
36 of each state veterans' home a budget for the resident support account.
37 Expenditures from the resident support account shall be on the

1 authorization of the superintendent of each state veterans' home or the
2 superintendent's authorized representative.

3 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
4 each repealed:

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

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

8 NEW SECTION. **Sec. 11.** The sum of three hundred eighty-five
9 thousand dollars, or as much thereof as may be necessary, is
10 appropriated for the biennium ending June 30, 1995, from the general
11 fund to the department of veterans' affairs for the purposes of funding
12 the resident support accounts created in section 9 of this act.

13 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and shall take
16 effect July 1, 1993.

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