

Chapter 72.36 RCW
SOLDIERS' AND VETERANS' HOMES AND VETERANS' CEMETERY

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RCW 72.36.010 Establishment of soldiers' home—Long-term leases.

(1) There is established at Orting, Pierce county, an institution which shall be known as the Washington soldiers' home.

(2) The department is authorized to work with public or private entities on projects to make the best use of the soldiers' home property and facilities. These projects may include, but are not limited to, the renovation and long-term lease of the Garfield barracks building on the soldiers' home campus.

(3) All long-term leases of the soldiers' home property shall be subject to the requirements of RCW 43.82.010, except that such leases may run for up to seventy-five years. [2010 c 75 s 1; 1959 c 28 s 72.36.010. Prior: 1901 c 167 s 1; 1890 p 269 s 1; RRS s 10727.]

RCW 72.36.020 Appointment of administrator and director of nursing services for state veterans' homes—Licensed nursing home administrator. The director of the department of veterans affairs shall appoint an administrator and director of nursing services for each state veterans' home. The administrator shall exercise management and control of the institution in accordance with either policies or procedures promulgated by the director of the department of veterans affairs, or both, and rules of the department. In accordance with chapter 18.52 RCW, the individual appointed as administrator for a state veterans' home shall be a licensed nursing home administrator and the agency shall provide preference to honorably discharged veterans in accordance with RCW 73.16.010. The director of nursing services shall be a registered nurse licensed in the state of Washington and is a position exempt from chapter 41.06 RCW. [2023 c 327 s 4; 2018 c 45 s 3; 2014 c 184 s 2; 1993 sp.s. c 3 s 4; 1977 c 31 s 2; 1959 c 28 s 72.36.020. Prior: 1890 p 271 s 7; RRS s 10728.]

Effective date—1993 sp.s. c 3: See note following RCW 72.36.140.

Findings—1993 sp.s. c 3: See RCW 72.36.1601.

Chief executive officers, general provisions: RCW 72.01.060.

RCW 72.36.030 Admission—Applicants must apply for federal and state benefits. All of the following persons who have been actual bona fide residents of this state at the time of their application may be admitted to a state veterans' home under rules as may be adopted by the director of the department, unless sufficient facilities and resources are not available to accommodate these people:

(1)(a) All veterans of the uniformed services of the United States or merchant marines who meet the discharge requirements under RCW 41.04.007 or are eligible for medical care provided by the United States department of veterans affairs; (b) members of the state militia disabled while in the line of duty; (c) Filipino World War II veterans who swore an oath to American authority and who participated in military engagements with American soldiers; (d) the spouses or the domestic partners of these veterans, merchant marines, and members of the state militia; and (e) parents any of whose children died while serving in the armed forces. However, it is required that the spouse was married to and living with the veteran, or that the domestic partner was in a domestic partnership and living with the veteran, three years prior to the date of application for admittance, or, if married to or in a domestic partnership with him or her since that date, was also a resident of a state veterans' home in this state or entitled to admission thereto;

(2) The spouses or domestic partners of: (a) All veterans of the United States uniformed services with a qualifying discharge as defined in RCW 73.04.005; (b) merchant marines; and (c) members of the state militia who were disabled while in the line of duty and who were

residents of a state veterans' home in this state or were entitled to admission to one of this state's state veteran homes at the time of death. However, the included spouse or included domestic partner shall not have been married since the death of his or her spouse or domestic partner to a person who is not a resident of one of this state's state veterans' homes or entitled to admission to one of this state's state veterans' homes; and

(3) All applicants for admission to a state veterans' home shall apply for all federal and state benefits for which they may be eligible, including medical assistance under chapter 74.09 RCW. [2024 c 146 s 30; 2014 c 184 s 3; 2008 c 6 s 503; 1998 c 322 s 49; 1993 sp.s. c 3 s 5; 1977 ex.s. c 186 s 1; 1975 c 13 s 1; 1959 c 28 s 72.36.030. Prior: 1915 c 106 s 1; 1911 c 124 s 1; 1905 c 152 s 1; 1901 c 167 s 2; 1890 p 270 s 2; RRS s 10729.]

Intent—2024 c 146: See note following RCW 73.04.005.

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

Effective date—1993 sp.s. c 3: See note following RCW 72.36.140.

Findings—1993 sp.s. c 3: See RCW 72.36.1601.

Severability—1977 ex.s. c 186: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 186 s 12.]

RCW 72.36.035 Definitions. For purposes of this chapter, unless the context clearly indicates otherwise:

(1) "Actual bona fide residents of this state" means persons who have a domicile in the state of Washington immediately prior to application for admission to a state veterans' home.

(2) "Department" means the Washington state department of veterans affairs.

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

(4) "State veterans' homes" means the Washington soldiers' home and colony in Orting, the Washington veterans' home in Retsil, the eastern Washington veterans' home, and the Walla Walla veterans' home.

(5) "Veteran" has the same meaning established in RCW 41.04.007. [2014 c 184 s 4; 2002 c 292 s 5; 2001 2nd sp.s. c 4 s 2; 1993 sp.s. c 3 s 6; 1991 c 240 s 2; 1977 ex.s. c 186 s 11.]

Effective date—1993 sp.s. c 3: See note following RCW 72.36.140.

Findings—1993 sp.s. c 3: See RCW 72.36.1601.

Severability—1977 ex.s. c 186: See note following RCW 72.36.030.

RCW 72.36.037 Resident rights. Chapter 70.129 RCW applies to this chapter and persons regulated under this chapter. [1994 c 214 s 23.]

Conflict with federal requirements—1994 c 214: See RCW 70.129.901.

RCW 72.36.045 State veterans' homes—Maintenance defined. In the maintenance of the state veterans' homes by the state through the department of veterans affairs, such maintenance shall include, but not be limited to, the provision of members' room and board, medical and dental care, physical and occupational therapy, and recreational activities, with the necessary implementing transportation, equipment, and personnel therefor. [2001 2nd sp.s. c 4 s 3; 1977 ex.s. c 186 s 10.]

Severability—1977 ex.s. c 186: See note following RCW 72.36.030.

RCW 72.36.060 Federal funds. The state treasurer is authorized to receive any and all moneys appropriated or paid by the United States under the act of congress entitled "An Act to provide aid to state or territorial homes for disabled soldiers and sailors of the United States," approved August 27, 1888, or under any other act or acts of congress for the benefit of such homes. Such moneys shall be deposited in the general fund and shall be expended for the maintenance of the state veterans' homes. [2001 2nd sp.s. c 4 s 5; 1977 ex.s. c 186 s 3; 1959 c 28 s 72.36.060. Prior: 1897 c 67 s 1; RRS s 10735.]

Severability—1977 ex.s. c 186: See note following RCW 72.36.030.

RCW 72.36.070 Washington veterans' home. There shall be established and maintained in this state a branch of the state soldiers' home, under the name of the "Washington veterans' home," which branch shall be a home for honorably discharged veterans who have served the United States government in any of its wars, members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state, the spouses or domestic partners of such veterans, and the parents any of whose children died while serving in the armed forces. [2014 c 184 s 6; 2008 c 6 s 506; 1977 ex.s. c 186 s 4; 1959 c 28 s 72.36.070. Prior: 1907 c 156 s 1; RRS s 10733.]

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

Severability—1977 ex.s. c 186: See note following RCW 72.36.030.

RCW 72.36.075 Eastern Washington veterans' home. There shall be established and maintained in this state a branch of the state soldiers' home, under the name of the "eastern Washington veterans' home," which branch shall be a home for veterans, their spouses, and

the parents any of whose children died while serving in the armed forces who meet admission requirements contained in RCW 72.36.030. [2014 c 184 s 7; 2001 2nd sp.s. c 4 s 6.]

RCW 72.36.081 Walla Walla veterans' home. The "Walla Walla veterans' home" is established and maintained in this state as a branch of the state soldiers' home, and is a home for veterans, their spouses, or parents any of whose children died while serving in the armed forces, who meet admission requirements contained in RCW 72.36.030. [2014 c 184 s 1.]

RCW 72.36.090 Hobby promotion. The administrators of the state veterans' homes are hereby authorized to:

(1) Institute programs of hobby promotion designed to improve the general welfare and mental condition of the persons under their supervision;

(2) Provide for the financing of these programs by grants from funds in the administrator's custody through operation of canteens and exchanges at such institutions;

(3) Limit the hobbies sponsored to projects which will, in their judgment, be self-liquidating or self-sustaining. [2018 c 45 s 4; 2001 2nd sp.s. c 4 s 8; 1977 ex.s. c 186 s 9; 1959 c 28 s 72.36.090. Prior: 1949 c 114 s 1; Rem. Supp. 1949 s 10736-1.]

Severability—1977 ex.s. c 186: See note following RCW 72.36.030.

RCW 72.36.100 Purchase of equipment, materials for therapy, hobbies. The administrator of each institution referred to in RCW 72.36.090 may purchase, from the appropriation to the institution, for operations, equipment or materials designed to initiate the programs authorized by RCW 72.36.090. [2018 c 45 s 5; 1959 c 28 s 72.36.100. Prior: 1949 c 114 s 2; Rem. Supp. 1949 s 10736-2.]

RCW 72.36.110 Burial of deceased member or deceased spouse or domestic partner. The administrator of the Washington veterans' home and the administrator of the Washington soldiers' home and colony are hereby authorized to provide for the burial of deceased members in the cemeteries provided at the Washington veterans' home and Washington soldiers' home: PROVIDED, That this section shall not be construed to prevent any relative from assuming jurisdiction of such deceased persons: PROVIDED FURTHER, That the administrator of the Washington soldiers' home and colony is hereby authorized to provide for the burial of spouses or domestic partners of members of the colony of the Washington soldiers' home. [2018 c 45 s 6; 2008 c 6 s 507; 1959 c 120 s 1; 1959 c 28 s 72.36.110. Prior: 1955 c 247 s 7.]

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

Disposition of property of deceased inmate of state institution: RCW 11.08.101, 11.08.111, 11.08.120.

RCW 72.36.115 Eastern Washington state veterans' cemetery. (1)

The department shall establish and maintain in this state an eastern Washington state veterans' cemetery.

(2) All honorably discharged veterans and their spouses or state registered domestic partners who meet eligibility requirements under 38 C.F.R. Sec. 38.620 are eligible for interment in the eastern Washington state veterans' cemetery.

(3) The department shall collect all federal veterans' burial benefits and other available state or county resources.

(4) The department shall adopt rules defining the services available, eligibility, fees, and the general operations associated with the eastern Washington state veterans' cemetery. [2017 c 185 s 8; 2009 c 521 s 169; 2007 c 43 s 2.]

Finding—2007 c 43: "The legislature recognizes the unique sacrifices made by veterans and their family members. The legislature recognizes further that while all veterans are entitled to interment at the Tahoma national cemetery, veterans and families living in eastern Washington desire a veterans' cemetery location closer to their homes. The legislature requested and received the department of veterans affairs feasibility study and business plan outlining the need and feasibility and now intends to establish a state veterans' cemetery to honor veterans in their final resting place." [2007 c 43 s 1.]

RCW 72.36.120 Deposit of veteran income—Expenditures and revenue control. All income of residents of a state veterans' home, other than the personal needs allowance and income from therapeutic employment, shall be deposited in the state general fund—local and be available to apply against the cost of care provided by the state veterans' homes. The resident council created under RCW 72.36.150 may make recommendations on expenditures under this section. All expenditures and revenue control shall be subject to chapter 43.88 RCW. [1993 sp.s. c 3 s 7; 1977 ex.s. c 186 s 7.]

Effective date—1993 sp.s. c 3: See note following RCW 72.36.140.

Findings—1993 sp.s. c 3: See RCW 72.36.1601.

Severability—1977 ex.s. c 186: See note following RCW 72.36.030.

RCW 72.36.140 Medicaid qualifying operations. Qualifying operations at state veterans' homes operated by the department of veterans affairs, may be provided under the state's medicaid reimbursement system as administered by the department of social and health services.

The department of veterans affairs may contract with the department of social and health services under the authority of RCW 74.09.120 but shall be exempt from *RCW 74.46.660(6), and the provisions of **RCW 74.46.420 through 74.46.590 shall not apply to the medicaid rate-setting and reimbursement systems. The nursing care operations at the state veterans' homes shall be subject to inspection by the department of social and health services. This includes every part of the state veterans' home's premises, an examination of all

records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs, methods of supply, and any other records the department of social and health services deems relevant. [1993 sp.s. c 3 s 2.]

Reviser's note: *(1) RCW 74.46.660 was repealed by 2010 1st sp.s. c 34 s 21.

** (2) RCW 74.46.420 through 74.46.590 were repealed by 1995 1st sp.s. c 18 s 98, effective June 30, 1998.

Effective date—1993 sp.s. c 3: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 sp.s. c 3 s 12.]

Findings—1993 sp.s. c 3: See RCW 72.36.1601.

RCW 72.36.145 Reduction in allowable income—Certification of qualifying operations. No reduction in the allowable income provided for in current department rules may take effect until the effective date of certification of qualifying operations at state veterans' homes for participation in the state's medicaid reimbursement system. [1993 sp.s. c 3 s 10.]

Effective date—1993 sp.s. c 3: See note following RCW 72.36.140.

Findings—1993 sp.s. c 3: See RCW 72.36.1601.

RCW 72.36.150 Resident council—Generally—Rules. The department of veterans affairs shall provide by rule for the annual election of a resident council for each state veterans' home. The council shall annually elect a chair from among its members, who shall call and preside at council meetings. The resident council shall serve in an advisory capacity to the director of the department of veterans affairs and to the administrator in all matters related to policy and operational decisions affecting resident care and life in the home.

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

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

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

The resident council for each state veterans' home shall annually review the proposed expenditures from the benefit fund that shall contain all private donations to the home, all bequeaths, and gifts.

Disbursements from each benefit fund shall be for the benefit and welfare of the residents of the state veterans' homes. Disbursements from the benefits funds shall be on the authorization of the administrator or the administrator's authorized representative after approval has been received from the home's resident council.

The administrator or the administrator's designated representative shall meet with the resident council at least monthly. The director of the department of veterans affairs shall meet with each resident council at least three times each year. [2018 c 45 s 7; 1993 sp.s. c 3 s 3.]

Effective date—1993 sp.s. c 3: See note following RCW 72.36.140.

Findings—1993 sp.s. c 3: See RCW 72.36.1601.

RCW 72.36.160 Personal needs allowance. The legislature finds that to meet the objectives of RCW 72.36.1601, the personal needs allowance for all nursing care residents of the state veterans' homes shall be an amount approved by the federal health care financing authority, but not less than ninety dollars or more than one hundred sixty dollars per month during periods of residency. For all domiciliary residents, the personal needs allowance shall be one hundred sixty dollars per month, or a higher amount defined in rules adopted by the department. [1993 sp.s. c 3 s 9.]

Effective date—1993 sp.s. c 3: See note following RCW 72.36.140.

Findings—1993 sp.s. c 3: See RCW 72.36.1601.

RCW 72.36.1601 Findings. The legislature finds that continued operation of state veterans' homes is necessary to meet the needs of eligible veterans for shelter, personal and nursing care, and related services; that certain residents of veterans' homes or services provided to them may be eligible for participation in the state's medicaid reimbursement system; and that authorizing medicaid participation is appropriate to address the homes' long-term funding needs. The legislature also finds that it is important to maintain the dignity and self-respect of residents of veterans' homes, by providing for continued resident involvement in the homes' operation, and through retention of current law guaranteeing a minimum amount of allowable personal income necessary to meet the greater costs for these residents of transportation, communication, and participation in family and community activities that are vitally important to their maintenance and rehabilitation. [1993 sp.s. c 3 s 1.]

Effective date—1993 sp.s. c 3: See note following RCW 72.36.140.

RCW 72.36.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to

marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 168.]