



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: September 14, 2021

TIME: 9:30 AM

WSR 21-19-057

Agency: Washington State Department of Veterans Affairs

Title of rule and other identifying information: (describe subject) 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 (CMS) 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 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

Is rule necessary because of a:

- | | | |
|-------------------------|---|-----------------------------|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Washington State Department of Veterans Affairs

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Heidi Audette	Olympia	360-791-8966
Implementation:	Linda Fairbank	Olympia	(360) 791-2026
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.

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- 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;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): 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

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AND RECEIVED BY (date) 11/22/2021

Date: 9/14/2021

Name: Heidi Audette

Title: Communications & Legislative Director

Signature:

