

**RHODE ISLAND GOVERNMENT REGISTER**  
**PUBLIC NOTICE OF PROPOSED RULEMAKING**

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**AGENCY:** Department of Human Services

**DIVISION:** Office of Veterans Affairs

**RULE IDENTIFIER:** ERLID 3232

**REGULATION TITLE:** Rhode Island Veterans Home General Rules and Regulations

**RULEMAKING ACTION:** Direct Final

**Direct Final:** If no formal objection is received on or before 11:59 p.m. EDT, Thursday, August 30, 2018, the Rhode Island Office of Veterans Affairs will file the repeal without opportunity for public comment.

**TYPE OF FILING:** Repeal

**TIMETABLE FOR ACTION ON THE PROPOSED RULE:** The public notice date is July 27, 2018 and the end of comment period date is August 30, 2018.

**SUMMARY OF PROPOSED RULE:** The Rhode Island Veterans Home General Rules and Regulations, dated November 2004, are being repealed to allow for the adoption of 180-RICR-10-00-01 Rhode Island Veterans Home: General Rules of the Rhode Island Veterans Home. The proposed rule addresses the same issues relative to resident admissions, conduct, and discharges as the rule being repealed. The substantive changes found in the proposed rule are:

- Reformatting and recodification of the rules as required by R.I. Gen. Laws § 42-35-2.11.
- § 1.1: Removed “History” section and creates Authority section.
- § 1.2: Creates Purpose section.
- § 1.3: Removed “Mission Statement”, “Vision Statement”, and “Work Therapy” sections.
- § 1.6: Adds “Application Procedures” and “Inactive List” sections.
- § 1.6(F): Updates the amount for funeral expenses for residents who die without a will pursuant to recently amended R.I. Gen. Laws § 30-24-9.
- § 1.7(C): Updates the amount for funeral expenses for residents who die without a will pursuant to recently amended R.I. Gen. Laws § 30-24-9.

- § 1.10(I): Updates the television policy and removes superfluous language.
- § 1.11: Removed prior version's "Monetary Benefits" section.
- § 1.12(C): Removed from prior version: "During these periods the resident may be required to attend scheduled AA meetings and shall be provided a schedule of counseling sessions (via an individualized treatment plan) by social services."
- § 1.12(D): Adds new section prohibiting illegal drug use.
- § 1.13: Removes "Bulletin Boards" section.
- § 1.19: Revises section to reflect changes to living arrangements due to move to new facility and removes superfluous language.

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by 11:59 p.m. EDT, Thursday, August 30, 2018, to the address listed below.

**ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:**

**Mailing Address:**

Rhode Island Office of Veterans Affairs  
560 Jefferson Boulevard, Suite 206  
Warwick, RI 02886

**Email Address:**

[michael.jolin@vets.ri.gov](mailto:michael.jolin@vets.ri.gov)

**WHERE COMMENTS MAY BE INSPECTED:**

**Mailing Address:**

Rhode Island Office of Veterans Affairs  
560 Jefferson Boulevard, Suite 206  
Warwick, RI 02886

**FOR FURTHER INFORMATION CONTACT:**

ATTN: Michael Jolin, Rhode Island Office of Veterans Affairs, 560 Jefferson Boulevard, Suite 206, Warwick, RI 02886; [michael.jolin@vets.ri.gov](mailto:michael.jolin@vets.ri.gov); (401) 921-0955.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Analysis Summary and Supporting Documentation:**

The repeal of the current rule and the proposed adoption of the new rule will result in no impact on small businesses. The proposed rule addresses the same issues relative to resident admissions, conduct, and discharges. For full regulatory analysis or supporting documentation see agency contact person above.

**Authority for This Rulemaking:** R.I. Gen. Laws § 30-24-2

**Regulatory Findings:**

In the development of the proposed repeal, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**The Proposed Repeal:**

The Rhode Island Office of Veterans Affairs proposes to adopt 180-RICR-10-00-1 Rhode Island Veterans Home: General Rules of the Rhode Island Veterans Home. The Rhode Island Office of Veterans Affairs proposes to repeal The Rhode Island Veterans Home General Rules and Regulations, dated November 2004, as follows:

**~~RHODE ISLAND VETERANS HOME GENERAL RULES  
AND REGULATIONS~~**

**~~F O R E W O R D~~**

~~THIS BOOKLET IS INTENDED TO FAMILIARIZE THE PUBLIC WITH GENERAL INFORMATION PERTAINING TO THE RHODE ISLAND VETERANS HOME. WE ARE CONSTANTLY STRIVING TO PROVIDE IMPROVED QUALITY SERVICES TO MEET THE GROWING NEEDS OF OUR VETERAN RESIDENTS. THE OBSERVANCE OF THE RULES AND REGULATIONS CONTAINED IN THIS BOOKLET ARE MANDATORY. SHOULD YOU HAVE ANY QUESTIONS CONCERNING THIS BOOKLET, PLEASE CONTACT YOUR SOCIAL WORKER.~~

~~DANIEL J. EVANGELISTA —ASSOCIATE DIRECTOR DHS/VETERANS AFFAIRS RHODE ISLAND VETERANS HOME~~

~~REVISED: ——— 11/2004~~

~~APPROVED BY: ——— JANE HAYWARD, DIRECTOR DEPARTMENT OF HUMAN SERVICES~~

## **~~NONDISCRIMINATION NOTICE~~**

~~In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) and Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the U.S. Department of Health and Human Services implementing regulations (45 C.F.R. Parts 80 and 84) and the U.S. Department of Education implementing regulations (34 C.F.R. Parts 104 and 106), Rhode Island Department of Human Services (DHS), does not discriminate on the basis of race, color, national origin, handicap or sex in acceptance for or provision of services, employment or treatment, in its educational and other programs and activities. Under other provisions of applicable law, DHS does not discriminate on the basis of age, creed, political belief or sexual preference.~~

~~For further information about these laws, regulations and DHS grievance procedures for resolution of complaints of discrimination, contact DHS at 600 New London Avenue, Cranston, Rhode Island 02920, telephone number 462-2121. The Community Relations Liaison officer is the coordinator for implementation of Title VI, and the Vocational Rehabilitation Placement Supervisor is the coordinator for implementation of Title IX and Section 504. The Director of DHS or his/her designee has the overall responsibility for DHS civil rights compliance.~~

~~Inquiries concerning the application of Title IX and 34 C.F.R. Part 106 to DHS may also be made directly to the Assistant Secretary for Civil Rights, U.S. Department of Education, Washington, D.C. 20202 or the Office for Civil Rights, U.S.~~

~~Department of Education, Region I, Boston, Massachusetts 02109.~~

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## HISTORY

The Rhode Island Veterans Home was established in 1890 and for many years functioned as a Domiciliary Home for Civil War Veterans. In 1955 a new facility was built. Additions and renovations were constructed in 1969, 1977, and 1984. The Home now has five nursing units, a thirty-six bed Special Needs Unit and two ambulatory units, one of which is a Veterans Transitional Support Program for homeless veterans who qualify.

Services are provided in the following areas: Dental, Medical, Dietary, Recreation, Religious, Speech, Occupational and Activities Therapy, Gift Shop, Library, Physical Therapy, Social Services and Administration.

The Home is a State facility located at 480 Metacom Avenue, Bristol, Rhode Island; (Route 136), approximately eighteen (18) miles southeast from Providence, Telephone number (401) 253-8000, Fax number (401) 254-1340.

# ~~BASIC ELIGIBILITY~~

~~Admission to the Rhode Island Veterans Home is restricted to: any person who has served in the Army, Navy, Marine Corps, Merchant Marine, Coast Guard or Air Force of the United States for a period of ninety (90) days or more and such period began or ended during any foreign war in which the United States shall have been engaged or in any expedition or campaign for which the United States government issued a campaign medal, and who was honorably discharged therefrom, and who shall be deemed to be in need of such care provided at the Rhode Island Veterans Home, may be admitted to said facility subject to such rules and regulations as shall be adopted by the Director of Human Services to govern the admission of applicants to the facility.~~

~~Any person who has served less than the ninety (90) day period and who was honorably discharged from service, who as a result of service, acquired a service connected disability or disease, may be admitted. The applicant must be accredited to the enlistment or induction quota of the State of Rhode Island *or* shall have resided in the State of Rhode Island for at least two (2) consecutive years prior to the date of application.~~

~~The Rhode Island Veterans Home will accept any veteran that we are licensed to accept. The Medical Director shall retain the power to approve or disapprove any veteran's diagnosis for admission to the Home.~~

~~Admission to the Rhode Island Veterans Home is voluntary. Admission shall be made without discrimination as to race, color, national origin, religion, sex, disability, marital status, age, sexual orientation, gender identity or expression, assets, or income.~~

## ~~ELIGIBLE DATES OF SERVICE FOR ADMISSION~~

### ~~WORLD WAR I~~

~~April 6, 1917 to November 11, 1918  
Service in Russia, April 6, 1917 to April 1, 1920~~

### ~~WORLD WAR II~~

~~December 7, 1941 to December 31, 1946~~

### ~~KOREAN CONFLICT~~

~~June 27, 1950 to January 31, 1955~~

### ~~VIETNAM ERA~~

~~August 5, 1964 to May 7, 1975  
(February 28, 1961 — May 7, 1975 for veterans who served "in country" before August 5, 1964)~~

### ~~PERSIAN GULF ERA~~

~~August 2, 1990 through a date to be set by law or  
Presidential Proclamation~~



## ~~MISSION STATEMENT~~

~~The Rhode Island Veterans Home provides quality nursing, medical, social and rehabilitative services to eligible Rhode Island Veterans. These services are provided with the objective of improving the resident's physical, emotional, spiritual and economic well being, while being cared for in a dignified manner.~~

## ~~VISION STATEMENT~~

~~We are dedicated to our residents. We strive to provide the highest standards of care with warmth and compassion, in a comfortable environment.~~

## ~~WORK THERAPY~~

- ~~I. In addition to our occupational and physical therapy programs, there is a genuine need on the part of some of our residents to participate in a more structured form of activity.~~

~~Residents, who are physically and mentally capable, are encouraged to participate in limited assignments in the supporting and volunteer services of the Home.~~

~~Individual work therapy assignments are based on each resident's capabilities. Assignments are made after medical clearance has been obtained from the Home's physician.~~

- ~~II. Contract work therapy is available to veterans participating in the Veterans Transitional Support Program.~~
- ~~III. Non-Paid Work Therapy may be assigned on infrequent occasions, for brief periods of time, and may include manual labor.~~

## RESIDENT RIGHTS

~~Each resident shall have personal rights which include, but are not limited to the following:~~

- ~~1. To be accorded dignity in their personal relationships with staff, residents and other persons.~~
- ~~2. To be accorded safe, healthful and comfortable accommodations, furnishings and equipment.~~
- ~~3. To be free from corporal or unusual punishment, forced isolation, humiliation, intimidation, mental abuse or other actions of a punitive nature, such as withholding of monetary allowances or interfering with daily living functions such as eating or sleeping patterns or elimination.~~

4. ~~To be informed by the Rhode Island Veterans Home (RIVH) of the provisions of law regarding complaints such as confidentiality.~~
5. ~~To have the freedom of attending religious services or activities of their choice and to have visits from the spiritual advisory of their choice.~~
6. ~~To visit the facility prior to residence along with their family and responsible persons.~~
7. ~~To have their family or responsible persons regularly informed by the RIVH of activities related to their care or services including ongoing evaluations, as appropriate to the residents needs.~~
8. ~~To have communications to the RIVH from their family and responsible persons answered promptly and appropriately.~~
9. ~~To have their visitors, including ombudspersons and advocacy representatives, visit privately during reasonable hours but without prior notice, provided that the rights of other residents are not infringed upon.~~
10. ~~To wear their own clothes; to keep and use their own personal possessions, including their own toilet articles; and to keep and be allowed to spend their own money unless medically inadvisable.~~
11. ~~To have access to individual storage space for private use.~~
12. ~~To have reasonable access to telephones, to make and receive confidential calls.~~
13. ~~To mail and receive unopened personal correspondence.~~
14. ~~To receive or reject medical care or other services.~~
15. ~~To receive assistance in exercising the right to vote.~~
16. ~~To move from the facility.~~

## ~~ADMISSION PROCEDURES~~

### ~~1. Advance Directive~~

~~Upon admission, all competent residents and/or responsible parties are given the opportunity to complete an Advance Directive.~~

### ~~2. Next of kin~~

~~Upon admission, residents are required to furnish the name, address and telephone number of the person or persons to be called in the event of any emergency.~~

~~If a change occurs in the name, or family, or telephone number of a next-of-kin, resident or family is required to promptly notify the business office or social service office.~~

### ~~3. — Wills~~

~~Upon admission, each resident is urged to have a will drawn and notify the Home as to location of the will.~~

- ~~A) This action will assure the resident that their assets will revert to a person or persons of their choice.~~
- ~~B) If a resident does not draw a will, property/monies/assets under State Law, including joint savings accounts belonging to a resident at the time of their death at the Home, after payment of funeral expenses which shall not exceed three thousand dollars (\$3,000.) and after payment of the reasonable debts and expenses of the deceased resident, shall become the property of the State of Rhode Island for eventual deposit in the Veterans Home Fund, Chapter 30-24-9, General Laws of Rhode Island.~~

### ~~30-24-9. — Property of Deceased Residents~~

~~All goods, chattels, property, money and effects of a deceased resident of the Rhode Island Veterans Home, which have not been disposed of by him by a completed intervivos conveyance or gift, or by valid will, after payment therefrom of the funeral expenses which shall not exceed three thousand dollars (\$3000) and after payment therefrom of the reasonable debts and expenses of the deceased resident to be determined by rules and regulations as shall be adopted by the Director, shall upon his demise become the property of the State of Rhode Island, and shall be applied by the Director of Human Services or his designee to the uses and purposes of the Veterans Restricted Account, provided, however, that the Director may in his discretion deliver to any surviving relative of said deceased resident any of such property or effects as may serve as a memento of a said deceased resident. For the purposes of this section, the provisions of Chapter 24 of title 33 entitled "Small Estates" shall be applicable.~~

### ~~30-24-6. — Acceptance of Gifts — Veterans Home Restricted Account~~

~~The said Director of Human Services is hereby authorized and empowered to take and receive in the name of the state any grant, devise, gift or bequest of real or personal property that may be made for the use and benefit of the Rhode Island Veterans Home or the residents or purposes thereof. All money so received, and all money received under the provisions of 30-24-9 and 30-24-10, will be paid over to the general treasurer and shall be kept by him or her as a restricted account to be known as the "Veterans Home Restricted Account." The Director may sell and dispose of any real or personal property received under this section, and any property received under this section, and any property received under 30-24-9, and the proceeds of such sale be~~

~~paid over to the General Treasurer to be made a part of said restricted account. The said restricted account shall be used for the improvement of the social, recreational and education programs, including the purchase of educational and recreational supplies and equipment for the welfare of members as deemed necessary by the Director of Human Services and for operational expenses. In addition to the uses provided heretofore, the said restricted account shall be used for capital improvements at the Veterans Home and Veterans Cemetery which the Director of Human Services deems necessary; provided, however, the amount allocated to the Veterans Cemetery shall not exceed twenty five percent (25%) of the said restricted account collected in anyone fiscal year.~~

~~For the purpose of this section, "collected" shall mean the amount actually received pursuant to 30-24-9 and 30-24-10 in a fiscal year and any income earned by the "Veterans Home Restricted Account" in a fiscal year.~~

#### **4. Selection of Funeral Director**

~~Upon admission, residents are required to indicate the selection of a Funeral Director. This selection may be changed by the resident at any time by notifying Social Work Service. The selection shall be submitted for review by the resident's specified next-of-kin or guardian. The Home does not assume the financial responsibility of the resident's burial, but can, when necessary, make appropriate arrangements for a resident's burial.~~

~~An amount of up to \$3,000.00 may be released for funeral expenses for burial of a resident possessing such assets.~~

#### **5. Bed Retention**

~~It is the policy of the Rhode Island Veterans Home to allow its residents to retain their bed when absent provided they comply with the Home's maintenance fee regulations.~~

~~Residents who are hospitalized and whose nursing care requirements cannot be met at the Rhode Island Veterans Home shall be program discharged as of the date notification is received from the hospital as to the extent of the resident's complexity of care.~~

~~Residents shall nominate an individual (next-of-kin or guardian) to exercise their bed retention rights in the event to which they are unable.~~

~~Residents or their nominee, who fails to elect discharge within fifteen (15) days from the date of absence, shall be maintained on the rolls and subject to the procedure for billing and collection of maintenance fees.~~

#### **6. Federal Medicare Insurance**

~~All residents eligible for Federal Medicare Insurance Parts A & B or other medical insurance must maintain coverage in the event hospitalization or special medical procedures is obtained on a private basis.~~

~~Residents are required to meet all costs, including transportation, from their own funds, for private medical services.~~

## ~~GENERAL REGULATIONS~~

~~The following Rules and Regulations have been established by the management in accordance with the General Laws of the State of Rhode Island, the Civil Rights Act of 1964, and applicable Veterans Administration Regulations. (See APPENDIX II-Non Discrimination Clause).~~

### **1. ~~Smoking/Tobacco Usage:~~**

~~Per Executive Order 91-40, the Home is a smoke free environment. Residents are allowed to smoke in Designated Areas. The resident's treatment team will evaluate and determine whether resident is deemed an independent smoker or supervised smoker.~~

~~A. All Residents found in violation of posted smoking policy will be subject t to the following restrictions as determined by the Treatment Team:~~

- ~~1. A first offense will result in a 14-day restriction in which all smoking paraphernalia will be issued and or cleared by the charge nurse.~~
- ~~2. A second offense will result in a 30-day restriction.~~
- ~~3. A third offense will result in a 60-day restriction.~~
- ~~4. A fourth offense will result a 90-day restriction.~~
- ~~5. All offenses will be reviewed by the Treatment Team to determine if there is a need for continuous supervision as well as if the individual is a danger to self or others which can result in a discharge due to safety issues.~~

### **2. ~~Personal Care:~~**

~~Residents are required to keep themselves clean at all times unless the physician has determined that the resident requires assistance.~~

- A. ~~Residents shall bathe or shower, frequently, but at least twice a week or more frequently as reviewed by treatment team.~~
- B. ~~Residents shall wear clean clothing.~~
- C. ~~Residents shall be clean-shaven; beards and/or mustaches must be neatly trimmed.~~
- D. ~~Residents may use the Home's free barbering service.~~
- E. ~~Residents wearing pajamas outside of respective nursing unit area will be required to wear a robe at all times.~~

**3. Living Environment:**

~~Unless otherwise excused for reason of extreme physical disabilities, residents shall maintain their bedside area in a neat and clean condition. In addition, residents shall:~~

- A. ~~When inside or outside of the building, deposit refuse in the appropriate containers provided for such purposes and not on the floor or grounds.~~
- B. ~~Keep locker neat and orderly, to insure health and safety. Inspections will be held monthly.~~
- C. ~~Do not store any kind of perishable food in their room.~~
- D. ~~Exercise every precaution against fire and respond to every fire alarm in accordance with instructions posted in units.~~
- E. ~~Dress appropriately in accordance with the prevailing weather.~~
- F. ~~Residents must adhere to posted meal hours.~~

**4. Solicitations:**

~~No resident (or employee) shall bring any article for sale to the Home; nor shall any resident (or employee) engage in the business of selling articles to employees or residents of the Home.~~

- A. ~~No resident shall engage in any type of business or private employment, except in conjunction with authorized rehabilitation services.~~
- B. ~~No resident shall enter into any contract which in any way obligates the Rhode Island Veterans Home.~~
- C. ~~Residents will not lend or borrow money from each other or from staff.~~

- D. ~~Residents engaging in voluntary detail duty (work therapy), will be expected to carry out assignments as thoroughly and as efficiently as possible.~~

**5. Clothing and Personal Effects:**

- A. ~~Residents with income will be required to purchase their own clothing and other personal effects.~~
1. ~~*For the convenience of residents, these articles are available through the private PX vendor (Gift Shop) located within the Home.*~~
- B. ~~Residents without income can be issued clothing, toilet articles and other essential items which are necessary to health and comfort.~~
1. ~~*For the convenience of residents, a private laundry and dry-cleaning vendor is located within the Home.*~~
  2. ~~*Unit areas provide a washer and dryer with detergent available.*~~
- C. ~~Excess luggage and personal property will be stored in the luggage room. Residents requesting permission to go to the luggage room must contact the Labor Supervisor, Monday through Friday, between 9:00 a.m. and 12:00 noon. Excess luggage can also be stored in the additional locker room area (old D-3 area). Assigned keys can be picked up from the Maintenance Department. This area will be open from 8:00 a.m. to 4:00 p.m., Monday through Friday.~~
- D. ~~Residents will observe quiet time after 10:00 p.m.~~
- E. ~~Residents will be appropriately attired at all times outside of their living quarters, i.e., dining area and lobby. Residents wearing pajamas outside of respective nursing unit area will be required to wear a robe at all times.~~

**6. Valuable Personal Property—All Residents:**

- A. ~~Residents will inform the nurse in charge or dormitory leader when personal property is brought into the Home or disposed of (given away or destroyed) to insure an accurate inventory.~~
- B. ~~The facility recommends that residents should have all valuable personal property (television, radio, watch, electric shaver, etc.) marked for permanent identification. This service can be performed by the Business Office upon request and provided by the Home's Security personnel. Each resident is responsible for their personal property at all times.~~
- C. ~~Nursing care residents may purchase a security box for valuables they desire to have in their room.~~

## ~~7.~~ Radio Policy

~~In order to assure the comfort and well-being of all, a resident will be allowed the use of personally-owned radio when operated at a reasonable tone.~~

## ~~8.~~ Television Policy

### ~~A) Personally-owned television~~

- ~~1. *Nursing care residents are permitted to purchase a television for use in their room, providing only one television is in each room.*~~
- ~~2. *A) — Repairs, which are required, are the responsibilities of the resident or his guardian.*~~

~~B) Only table model TV's no larger than 19" can be used and must be adaptable to the Master Antenna System (no indoor antenna is permitted). Cable service is available at the resident's cost.~~

~~C) The resident or guardian must notify the Home of the purchase of any television in order to insure an accurate inventory.~~

### ~~B) Donated or Home-Owned Televisions~~

- ~~1. *Televisions, when available, will be assigned to residents who do not have adequate income or assigned to residents designated by the donating organizations.*~~
- ~~2. *Repairs will be arranged and paid for by the Home.*~~
- ~~3. *Only table models will be accepted and must be adaptable to Home's Master Antenna System.*~~

### ~~C) Television Location~~

- ~~1. *All televisions will be located according to directions of the maintenance superintendent for proper electrical antenna accessibility and to comply with Life and Safety Code.*~~
- ~~2. *Television regulations will be posted, but all televisions will be turned off in all Wards at 10:00 p.m. unless otherwise authorized.*~~



3. ~~Any resident who rents a cable/pay T.V. Box from the local Cable Company is responsible for the (Box's) safety and upkeep. It will be the resident and his Next-of-kin or Guardian's responsibility to return the Cable Company's equipment upon discharge.~~

## ~~9. Wheelchairs~~

### ~~A. Personally-Owned Wheelchairs~~

1. ~~Nursing care residents can, with medical approval and/or an assessment, by the OT department, purchase a wheelchair.~~
2. ~~These wheelchairs will remain the exclusive property of the resident with the following conditions:~~
  - A) ~~Repairs which are required are the responsibilities of the resident or his guardian.~~
  - B) ~~A resident or guardian can arrange for the purchase and delivery a wheelchair through the Business Office.~~
  - C) ~~Residents assessed incapable of safe operation may request a review by the Treatment Team.~~

### ~~B. Donated or Home-Owned Wheelchairs~~

1. ~~Temporary wheelchairs will be assigned to nursing residents who cannot afford one.~~
2. ~~Repairs shall be arranged and paid for by the Home.~~

## ~~10. Automobiles~~

~~For reasons of health and safety, under no circumstances shall a nursing care resident own or operate any automobile/vehicle. Any exception must be approved by the RIVH Administrator.~~

## ~~11. Telephones~~

~~The Home provides adequate public telephone service. A resident is not to receive incoming telephone calls at the nursing stations. Incoming messages will be taken and given to the resident as soon as possible.~~

~~12. — Field Trips~~

~~Residents attending authorized field trips require medical approval.~~

~~13. — Residents Council~~

~~A Residents Council shall be authorized for the purpose of promoting activities and improvements of the services of the Rhode Island Veterans Home, and is in compliance with the Residents Right Policy.~~

~~The Residents Council consists of volunteer residents. The function of the Residents Council is to enhance the services of the Home without interfering with the Administrative authority of the agency. Any social work student assigned to the Home will be appointed coordinator.~~

~~14. — Family Council~~

~~The Family Council meets monthly in the facility's Library. The Council is represented by past and current family members and friends. All family members and friends are invited to attend the monthly meetings.~~

FINANCE

- ~~1. No resident or employee of the Home, other than the Administrator, Assistant Administrator or a Designee, shall take for safekeeping any money or article of value from any resident of the Home.~~
- ~~2. A resident or employee of the Home, other than the Administrator, Assistant Administrator, or a Designee, shall not cash a benefit check or be involved with any matter concerning residents funds.~~

~~3. — Monetary Benefits~~

~~Residents in receipt of monetary benefits from any source are required to have all checks mailed to the Rhode Island Veterans Home.~~

- ~~A) At the time of admission, change of address forms will be executed on behalf of the resident.~~
- ~~B) The only exception is when a resident's monetary benefits are controlled by a guardian, conservator, representative payee, fiduciary, or any other court or agency appointed individual.~~
- ~~C) At the time of discharge, residents will report to the Business Office to complete change of address forms in order to change the address of benefit checks from the~~

~~Home to the new address. Failure to comply will result in the return to the respective agencies of all checks delivered to the Home.~~

#### ~~4. Supervision of Monetary Benefits~~

~~In order to promote and safeguard the welfare and well-being of residents, all benefit checks from any source, shall be supervised by the management of the Home.~~

- ~~A) Residents funds shall be held in a savings account in their name in a designated State licensed financial institution.~~
- ~~B) Residents shall not open another savings account other than the one authorized by the management of the Home.~~
- ~~C) Residents who desire to draw funds from their account shall do so on their designated bank day. Bedridden patients will be seen by the bank representative at their bedside.~~
- ~~D) Residents shall not be permitted to have money in excess of \$100.00 on their person at any time.~~
- ~~E) Residents shall immediately notify the Business Office of any change in their income.~~
- ~~F) Residents being discharged from the Home must appear at the Business Office to sign a withdrawal slip to close their savings account. Funds shall be turned over to the resident when discharged from the Home.~~
- ~~G) The Administrator or his designate shall be authorized to open monetary benefit correspondence to assure timely processing.~~

#### ~~5. Maintenance Fee~~

~~Charges at the Rhode Island Veterans Home are in accordance with regulations established by the Department of Human Services as required by the General Laws of the State of Rhode Island.~~

#### ~~30-24-10 VETERANS ADMISSIBLE TO HOME -- FEES~~

~~*Any person who has served in the Army, Navy, Marine Corp., Coast Guard or Air Force of the United States for of ninety (90) days or more and such period began during any foreign war in*~~

~~which the United States been engaged or in any expedition or campaign for United States government issues a campaign medal, was honorably discharged therefrom, and who shall to be in need of such care provided at the Rhode Island Veterans Home, may be admitted to said facility subject to such rules and regulations as shall be adopted by the Director of Human Services to govern the admission of applicants to the facility. Any person who has served in the Armed Forces of the United States designated herein and otherwise qualified, who has served less than the ninety (90) day period described herein, and who was honorably discharged from such service, and who as a result of such service acquired a service-connected disability or disease, may be admitted. No person shall be admitted to the facility unless the person has been accredited to the enlistment or induction quota of the State of Rhode Island or the person shall have resided in the State of Rhode Island for at least two (2) consecutive years next: prior to the date of the application for admission to the facility. The Director shall, at the end of each fiscal year, determine the net per diem expenses of maintenance of residents in the facility and shall assess against each resident who has net income, as defined herein, a fee equal to ninety percent (90%) of the resident's net income, provided that such fees shall not exceed the actual cost of care and maintenance for such resident; and provided that an amount equal to twenty percent (20%) of the maintenance fee assessed shall be allocated to and deposited in the Veterans Restricted Account. For the purposes of this section, net income is defined as gross income minus applicable federal and state taxes and minus: (1) an amount equal to ninety dollars (\$90) per month of residency and fifty percent (50%) of any sum received due to wounds incurred under battle conditions for which the resident received the Purple Heart; and (2) the amount paid by a resident for the support and maintenance of his or her spouse, parent (s), minor Children, or child(ren) who is/are blind or permanently and totally disabled in Title XVI of the Federal Social Security Act (42 U.S.C. 138881-1383c), subject to a maximum amount to be determined by rules and regulations as shall be adopted by the Director. Said fees shall be paid monthly to the Home and any failure to make payment when due shall be cause for dismissal from the facility. Prior to dismissal, the resident shall be afforded administrative due process. Admissions to the Veterans Home shall be made without discrimination as to race, color, national origin, religion, sex, handicap, asset or income.~~

~~Specific regulations have been adopted and filed under the Administrative Procedures Act. These regulations are available through the Business Office and cover in detail:~~

~~100 STATUTORY REQUIREMENTS~~

~~100A DOMICILIARY CARE PROGRAM FOR HOMELESS VETERANS (V.T.S.P)~~

~~101 FINANCIAL STATEMENT (BUS. 17)\*~~

~~102 REVISED FINANCIAL STATEMENT (BUS. 17)\*~~

~~103 GROSS INCOME DEFINED~~

~~104 DEDUCTIONS FROM GROSS INCOME~~

~~105 FEDERAL AND STATE TAXES~~

- 106 ~~ONE HUNDRED SIXTEEN DOLLAR (\$116) DEDUCTION~~
- ~~106A SPECIAL THERAPEUTIC PERSONAL NEEDS DEDUCTION~~
- 107 ~~PURPLE HEART DEDUCTION~~
- 108 ~~GUARDIANSHIP FEES~~
- 109 ~~SUPPORT DEDUCTION (BUS. 18)\*~~
- 110 ~~VERIFICATION OF DATA~~
- 111 ~~PER DIEM COST~~
- 112 ~~MAINTENANCE FEES~~
- 113 ~~NET INCOME~~
- 114 ~~PAYMENT OF MAINTENANCE FEES 114A NEW ADMISSIONS~~
- 115 ~~ADMISSION~~
- 116 ~~HOSPITALIZED RESIDENTS~~
- 117 ~~INTER-WARD TRANSFERS~~
- 118 ~~RESIDENTS ON PASS, LEAVE OR A.W.O.L.~~
- 119 ~~DISCHARGES~~
- 120 ~~FAILURE TO PAY MAINTENANCE FEES~~
- 121 ~~RIGHTS OF APPEAL~~

## **M E D I C A L**

### **1. Medical Rounds**

- A) ~~Any resident desiring to see the Home physician will inform the nursing unit Charge Nurse who will notify the physician.~~

- B) ~~Medical Rounds are done daily Monday—Friday and only emergencies on Saturday and Sunday and Holidays.~~

## ~~2. Professional Medical Services~~

~~Residents shall consider the Home's physician as their attending physician and should take all prescribed medications and follow all advice and regimen laid down by the Home physician and medical staff. If a resident refuses treatment, the resident shall be informed of the medical consequences of this action. If a resident is mentally incapable of making a competent decision, approval will be sought from the guardian, next-of-kin, or other person of record legally entitled to give such approval. If the Rhode Island Veterans Home physician orders the hospitalization of a resident, the Veterans Administration Hospital will be notified of the order in accordance with established policy. Residents may choose to use Private Hospitals when they have coverage.~~

- A) ~~If admission to a Veterans Administration facility cannot be accomplished, the Home's physicians shall arrange transfer to another medical facility for treatment or procedures essential for proper medical care. All costs incurred by the resident in a private facility shall be the resident's responsibility.~~
- B) ~~If a resident requests the services of a private physician or private hospital, all costs (including transportation) shall be the responsibility of the resident or guardian.~~

~~Residents requesting services of an eye doctor, foot doctor, oral surgeon or other specialist not on the staff, shall consult first with the Medical Department.~~

- A) ~~An appointment shall be made by the Medical Department with the Physician of the Resident's choice.~~
- B) ~~Payment for such private medical services shall be the responsibility of the resident, guardian or his family.~~

### ~~3. Alcohol Control~~

~~Residents unable to control their drinking habits to the extent that drinking interferes with their health, social adjustment or the well being of others, shall be mandated to attend AA meetings and any other services offered by the Home.~~

~~The Home's physician, Administrator, or Director of Nurses may order restrictions to clinically obtain and promote sobriety of a resident utilizing the following procedure:~~

<del>1st situation —</del>	<del>14 days restricted to facility and grounds</del>
<del>2nd situation —</del>	<del>30 days restricted to facility and grounds</del>
<del>3rd situation —</del>	<del>60 days restricted to facility and grounds</del>
<del>4th situation —</del>	<del>90 day restricted to facility and grounds</del>

~~All offenses will be reviewed by the Treatment Team to determine if there is a need for continuous supervision as well as if the individual is a danger to self or others which can result in a discharge due to safety issues.~~

~~During these periods the resident may be required to attend scheduled AA meetings and shall be provided a schedule of counseling sessions (via an individualized treatment plan) by social services.~~

### ~~4. Dental Services~~

~~Residents requiring dental services, shall contact the charge nurse of their respective ward. Costs incurred for dental services provided outside the facility are the responsibility of the resident.~~

### ~~5. Medical Communications~~

~~When a resident receives any communication from the Veterans Administration, Social Security Administration, or any other agency requesting resident to report for medical examination or for any reason, it is imperative that the residents immediately refer such communication to the medical office.~~

~~If a resident receives a Veterans Administration patient data card, it shall be the resident's responsibility to turn this card into the medical office. It is essential that this procedure be followed so the Home can arrange appointments and suitable means of transportation.~~

### ~~6. Medical Devices~~

~~Residents in need of a medical device (surgical supports, artificial limbs, hearing aids, leg braces, etc.) shall consult first with the Home physician. If approved by the Home physician, the resident~~

~~shall request the assistance of the medical department. The resident shall not independently arrange these services.~~

#### ~~7. Health Insurance Portability and Accountability Act (HIPAA)~~

~~The HIPAA Privacy Rule (the Rule) became law on April 14, 2001. The primary focus of the Rule is to enhance the privacy protections afforded to individual consumers at all levels of health care treatment, payment and healthcare operations. An individual's privacy protections will be enhanced by requiring health care providers, health plans, and health care clearinghouses to carefully monitor the manner in which they use and disclose and individual's protected health information (PHI). A fundamental goal of the Rule is the protection of an individual's right to have their PHI safeguarded against unwarranted uses and disclosures. The Rule requires the RIVH to provide their patients with a notice of the patient's privacy rights and the privacy practices of the RIVH called a Notice of Privacy Practices (Notice). All necessary forms and notices are provided upon admission.~~

## ~~S O C I A L S E R V I C E S~~

~~Social Work Services are available to every resident in any area, such as, personal problems, referral services, economic matters, benefit applications, etc.~~

~~Counseling services are provided to residents in need of Psychotherapy, group or individual therapy and substance abuse related problems.~~

~~Residents are encouraged to have their relatives, guardian or next of kin, consult with social service in conjunction with their treatment plan.~~

## ~~B U L L E T I N B O A R D S~~

~~Residents are urged to read daily all notices posted on the unit bulletin board.~~

- ~~A) Under no circumstances shall any notice or bulletin be posted anywhere but on established bulletin boards by authorized personnel and only authorized personnel will remove notices.~~
- ~~B) Residents should familiarize themselves with the permanent notices posted on every unit bulletin board which provides detailed information and instructions pertaining to:
  - ~~1. AA Meetings~~
  - ~~2. Barber Shop~~~~



3. *Religious Services*
4. *Fire Regulations*
5. *Laundry and Dry-Cleaning Services*
6. *Library*
7. *Locker Inspections*
8. *Meal Hours*
9. *Occupational Therapy*
10. *P.X. (Gift Shop)*
11. *Recreation Activities*
12. *Smoking Regulations*
13. *Television Regulations*
14. *Monthly Ward Inspections*

## ~~CONDUCT OF RESIDENTS~~

1. *All residents shall be polite and courteous with each other and in all interactions with - staff and visitors.*
2. *Firearms, weapons of any type, narcotics, alcohol, — unauthorized medication and knives with blade length in excess of two (2) inches are not allowed.*
3. *Electrical appliances equipped with heating elements (hot plates, heating pads, - percolators, toasters, grills, etc.) are not allowed.*
4. *Fighting or the threat of violence between residents could result in the immediate disciplinary discharge of each member.*
5. *Residents under a restriction may be discharged for disciplinary reasons should the restriction be broken.*
6. *Profanity, vulgarity, quarreling and violation of Home policies may subject the offender - to disciplinary action or discharge.*
7. *No resident shall interfere with building equipment or Facility Operations.*

8. ~~Residents shall exercise every care in order to preserve the furnishings and equipment of the Home.~~
9. ~~No nuisance shall be committed in or about the building, loud radios or TV's, markings will not be made on the walls, trees or other property.~~
10. ~~Expectorating (spitting) anywhere inside or within the immediate area outside the building is strictly forbidden. Handkerchiefs/tissues are to be used for this purpose and deposited in an appropriate waste container.~~

## DISCIPLINE

### **Offenses which could lead to disciplinary action or discharge**

1. ~~Violation of Smoking Policy~~
2. ~~Stealing~~
3. ~~Fighting and/or the threat of violence~~
4. ~~Bringing liquor or other illegal substances on grounds~~
5. ~~Drinking liquor or using illegal substances on grounds~~
6. ~~Returning Home under the influence of liquor\*\*\*~~
7. ~~Failure to comply with alcohol policy~~
8. ~~Refusing to keep clean (person and clothing)~~
9. ~~Throwing refuse about the premises~~
10. ~~Expectorating (spitting) on floors and other forbidden areas~~
11. ~~Committing nuisances about premises~~
12. ~~Returning late from leave without proper authority/authorization~~
13. ~~A.W.O.L.~~
14. ~~Acts of insubordination~~

15. *Tampering with building equipment*
16. *Defacing property (marking walls or furnishings)*
17. *Profanity, vulgarity or quarreling*
18. *Refusing to obey Home physicians orders when a resident's condition is life-threatening*
19. *Violation of automobile policy*
20. *Failure to comply with monetary regulations*
21. *Violation of any federal, state or local ordinance*
22. *Violation of other RIVH Rules & Regulations Policies*

### **Common Disciplinary Action**

1. ~~Any resident in violation of disciplinary offenses will be subject to disciplinary action as follows:\*\*~~
  - A) ~~A first offense will result in a 14-day restriction\*~~
  - B) ~~A second offense will result in a 30-day restriction\*~~
  - C) ~~A third offense will result in a 60-day restriction\*~~
  - D) ~~A fourth offense will result in a warning of possible discharge\*~~
  - E) ~~A fifth offense, a disciplinary discharge or indefinite restriction will be carried out with notification to the next of kin.~~
  - F) ~~Disciplinary Discharge may supersede all of the above disciplinary actions, depending upon offenses, following all State regulations referencing such actions.~~
2. ~~Refusal to accept or comply with a disciplinary action may result in a disciplinary discharge.~~

~~\*——Contingent upon the circumstances at the time of the offense, the Home Physician, Director of Nurses or Administrator may place the resident temporarily in pajamas for his protection and/or extend the given restriction period.~~

~~\*\*——Any resident incident free for one year shall begin with Section (A) etc.~~

~~\*\*\* A resident may be required to attend AA meetings or other programs held at the Home during their restriction. Failure to comply will result in further disciplinary action or discharge.~~

## ~~VISITORS~~

- ~~1. Children are excluded from visiting residents unless they are accompanied by an adult.~~
- ~~2. Questions should be directed to the unit Charge Nurse.~~
- ~~3. Residents residing in the Domiciliary area will be permitted to visit other members in Nursing Unit but must sign in visitors log.~~
- ~~4. Animals must be on a leash and fully vaccinated. Prior to bringing an animal into the facility, family or visitor must provide proof of vaccination with the Activity Director.~~

## ~~LEAVE OF ABSENCES~~

- ~~1. A resident may be eligible for a day leave, overnight or extended leave; failure of resident to return punctually from an authorized leave is subject to disciplinary action.~~
- ~~2. A newly admitted resident is not eligible for a leave, nor shall he or she leave the immediate area of the Home until the expiration of seven (7) days from the date of admission. The Administrator and Treatment Team shall determine any deviation from this policy.~~
- ~~3. A resident shall be entitled an extended leave of absence of no more than 72 continuous hours per week, or no more than two (2) day leave passes per week. Any deviation from this policy shall be determined by the Administrator and Treatment Team.~~
  - ~~A) The Main Office will not issue leaves.~~
  - ~~B) Leave of absences are issued by all nursing units. Day two (2) leaves of absences are issued by VTSP staff.~~

~~All residents shall present themselves at their respective nursing unit station from 8:00 a.m. – 9:00 a.m. and 1:00 p.m. – 3:00 p.m. or less than three full days or 72 hours prior to the beginning time/day of the leave of absence.~~

~~These time restrictions also apply to relatives and friends who arrange for a resident's leave of absence by telephone.~~

- ~~C) Residents requiring medication while on leave will be provided medications at their respective nursing station only upon issuance of a leave.~~
  - ~~D) Resident, next of kin, or guardian will be required to sign a medication release form when receiving medication before leaving on leave of absence.~~
  - ~~E) Resident, upon return to the Home from leave, must report immediately to his or her respective nursing station and turn in all unused medication and again sign the medication release form.~~
  - ~~F) Resident who returns to the Home, prior to the expiration of his leave, will report to the charge nurse, turn all unused medication as any remaining time due on the leave will be cancelled.~~
4. ~~Requests from resident on authorized leave for extension of the leave or to return late, leave must be made directly to the Administrator and Treatment Team. In the absence of both officials, the supervising nurse may render a decision.~~
5. ~~Residents returning to the Home shall insure they enter the Home via the Main Entrance of the building.~~

## DISCHARGES

~~A resident requesting to leave the Home is required to inform Social Service. Upon departure, the resident shall take all personal belongings with them.~~

### ~~A) — Voluntary Discharge~~

~~Residents who have been formally discharged at their request may not reapply until the expiration of three (3) months from the date of discharge.~~

### ~~B) — Against Medical Advice Discharge~~

~~Residents who are discharged at their own request, but against the advice of the Home physicians, may not reapply to the Home until the expiration of six (6) months from the date of discharge.~~

~~C) Program Discharge~~

~~A resident in need of and accepting a planned discharge to another treatment facility may be readmitted without time limitations, provided the treatment facility progress reports indicate improvement of the veteran's problem to the extent acceptable to the Home and Treatment Team.~~

~~Residents whose hospitalization results in complex nursing care requirements not readily available at the Rhode Island Veterans Home and are Program Discharged may be readmitted at such time as their nursing care requirements can be managed at the Rhode Island Veterans Home.~~

~~D) Disciplinary Discharge~~

~~A resident discharged for disciplinary reasons may not apply for re-admission to the Home until the expiration of six (6) months from the date of discharge.~~

~~A resident leaving the Home without formally requesting a discharge will be considered as being discharged for disciplinary (A.W.O.L.) reasons.~~

~~Any deviation from this policy shall be determined by the Administrator or Assistant Administrator.~~

## ~~DOMICILIARY WARD RESIDENTS~~

1. ~~The Dormitory Leader shall be responsible for the cleanliness of his respective unit. He shall assign unit residents (except those excused by the Home physician for medical reasons) to detail duty.~~
  - A) ~~The Dormitory Leader shall have charge and authority (subject to approval - of the Administrator and Treatment Team) of his respective unit.~~

- B) ~~Domiciliary residents who are insubordinate and/or fail to comply with rules and regulations shall be reported by the Dormitory Leader to the Administrator and Treatment Team.~~
  - C) ~~Weather permitting, the Dormitory Leader shall see to it that the Unit is properly ventilated at all times.~~
2. ~~Any Domiciliary resident who receives medication shall be required to be present at such time and place as has been prescribed for the dispensing of medication.~~
- A) ~~Domiciliary residents shall receive their medications at the N-4 nurses' station according to the medication schedule as established by the charge nurse and Physician.~~
  - B) ~~Residents shall not attempt to obtain their medications from the nurses' station at any other time without prior authorization from the Home physicians.~~
  - C) ~~Residents shall not loiter or congregate in or around the nurses' station.~~
3. ~~Residents shall not throw refuse, hand towels or soap dishes in their bathrooms. Such articles shall be deposited only in the receptacles furnished for that purpose.~~
4. ~~Each resident shall make his own bed and maintain his bedside area clean and neat at all times.~~
- A) ~~Domiciliary residents shall not be permitted to have more than one Home issued bath towel, hand towel and face cloth. Residents shall be issued towels on an exchange basis only.~~
  - B) ~~The Dormitory Leader shall dispense clean linen weekly. Residents shall be required to change their bed linen on the day of distribution.~~
5. ~~When deemed necessary by the Home physicians, domiciliary residents may be transferred to a nursing unit.~~
6. ~~All belongings retained in the possession of the member are the responsibility of the member.~~

~~The Home shall assume no responsibility for loss or damage.~~

## NURSING UNIT RESIDENTS

1. ~~Residents assigned to Nursing Units are under the direct supervision of the charge nurse.~~

- A) ~~Nursing residents who are insubordinate and/or fail to comply with rules and regulations shall be reported by the charge nurse to the Director of Nurses or Administrator.~~
2. ~~Nursing residents shall rise at 6:00 a.m. and be in their beds by 10:00 p.m. (lights out), unless otherwise authorized, unless medically contradicted.~~
3. ~~Whenever possible and physically able, each resident in a nursing unit is expected to attend to his bedside area taking care to maintain their bed and the surrounding area as clean and neat as possible.~~
4. ~~Residents who receive medication are expected to conform with the medication schedule as established by the charge nurse.~~
  - A) ~~Residents shall not attempt to obtain their medications from the nurse's station at any other time without prior authorization from the Home physician.~~
  - B) ~~Residents shall not loiter or congregate in or around the nurse's station.~~
5. ~~All residents assigned to nursing units shall respect the privileges, rights and privacy of others.~~
6. ~~Residents assigned to nursing units shall exercise every care in abstaining from defacing the walls of their rooms and corridors by careless use of wheelchairs, walkers, crutches, etc.~~
7. ~~Residents will use room bulletin boards for posting of personal pictures, etc. There will be no postings on walls.~~
8. ~~When deemed necessary by the Home physicians and Treatment Team, nursing unit residents may be transferred to a Domiciliary Ward or to another nursing unit. (After care conference with resident and/or responsible parties, Administration reserves the right to determine the appropriate unit).~~
9. ~~Nursing unit residents shall exercise particular care so as not to cause any undue disturbance in their respective areas.~~
10. ~~Nursing unit resident shall have their own personal electric shaver when recommended by the Home physician.~~
  - A) ~~Safety razors will not be allowed without the specific approval of the Home physician.~~
  - B) ~~Straight razors will not be allowed.~~



- C) ~~Those residents who cannot shave themselves shall make their electric shaver available to the employee directed to perform this service.~~
- 11. ~~Nursing unit residents can have a personal security box installed in the drawer of their bedside cabinet.~~
  - A) ~~Only security boxes of authorized size will be allowed.~~
  - B) ~~Installation shall be performed only by the Home's Maintenance Department.~~
- 12. ~~All belongings retained in the possession of the resident are the responsibility of the resident.~~

~~The Home shall assume no responsibility for loss or damage.~~

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**TITLE 218 - DEPARTMENT OF HUMAN SERVICES**

**CHAPTER XXX - OLD REGULATIONS WHICH WERE NOT ASSIGNED**

**CHAPTER-SUBCHAP-PART**

**SUBCHAPTER XX - OLD REGULATIONS WHICH WERE NOT ASSIGNED**

**CHAPTER-SUBCHAP-PART**

**PART 1605 - RHODE ISLAND VETERANS HOME GENERAL RULES AND REGULATIONS**

Type of Filing: Repeal

**Agency Signature**

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Agency Head Signature

Agency Signing Date

**Department of State**

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Regulation Effective Date

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Department of State Initials

Department of State Date