



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, Washington 98504-5600

September 9, 2022
AMENDED October 7, 2022

ALTSA: AFH #2022-037
ALTSA: ALF #2022-032
ALTSA: CCRSS #2022-021
ALTSA: ESF #2022-028
ALTSA: NH #2022-049

GOVERNOR'S PROCLAMATIONS RELATED TO COVID-19 ENDING OCTOBER 27

Dear Administrator or Provider:

AMENDED: This letter has been updated to include the rulemaking project addressing minimum staffing standards in nursing homes and the statewide 1135 waiver extending the timeline for nursing assistants to complete certification in nursing homes.

On July 29, [Governor Inslee announced](#) that several proclamations issued in response to the COVID-19 pandemic state of emergency will be rescinded, effective October 27, 2022. This includes proclamations [20-36](#), [20-52](#), [20-65](#), and [20-66](#), which waived and suspended rules and laws in long-term care settings.

The Department of Social and Health Services (DSHS), in collaboration with the Department of Health (DOH), the Centers for Medicare and Medicaid Services (CMS), and other stakeholders, have been planning for the end of these proclamations, including completing several rulemaking projects. This table gives more information about the requirements waived by these proclamations and the actions being taken in preparation for the end of the proclamations.

Facility type	Category	Status of Requirements
AFH, ALF, ESF, NH, Group homes	Resident rights, including visitation, group activities, meetings in the home, and roommate assignments	The LTC COVID Response Plan has allowed facilities to reinstate these rights. In the case of a suspected or confirmed outbreak, facilities should continue to follow guidance from their local health jurisdiction regarding quarantine or isolation under chapters 246-100 and 246-101 WAC.
AFH, ALF, ESF, Group homes	Long-term care worker training, including home care aide certification, specialty training, and continuing education	Permanent rules have been adopted into chapter 388-112A WAC , establishing timelines for completing these training requirements based on the date of hire. (See Provider letter here.)

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Facility type	Category	Status of Requirements
AFH, ALF, ESF, Group homes	CPR and first aid training	No emergency rules in place. Facilities must be in compliance with WAC 388-112A-0720 by October 27.
AFH	Food handler permit	No emergency rules in place. Facilities must be in compliance with RCW 70.128.250 by October 27.
ESF	Requirement to complete home care aide training within 200 days of date of hire	Permanent rulemaking has started to remove this section and defer to the timelines in chapter 388-112A WAC. This will not be completed by October 27, but emergency rules will be adopted to cover the gap between the end of the proclamation and the effective date of the permanent rule.
NH	Minimum Staffing Standards of 3.4 Direct Care Hours and 24/7 RN Requirements	Permanent rulemaking has started to amend timelines and requirements in WAC 388-97-1080 and WAC 388-97-1090. DSHS will file an emergency rule effective October 27, 2022, while the permanent rules are being adopted. DSHS will start accepting requests for 24/7 RN exceptions on October 27, 2022.
NH	Nursing assistant – certified training	The CMS waiver allowing nursing assistants to work in nursing homes without certification was set to expire on October 5, 2022. CMS has approved the statewide waiver to extend that timeline. See NH #2022-057
AFH, ALF, ESF	Nursing assistant – certified training	DOH is creating emergency rules to extend timelines for people in an approved training program for certified nursing assistants to complete certification based on their date of hire. This will follow the same timelines for home care aides established in chapter 388-112A WAC .
AFH, ALF, ESF, NH	Inspection timelines	DSHS has resumed licensing inspections and is working return to the timelines required by law. Permanent rules have been adopted that list the criteria used to reestablish timelines for completing licensing inspections. These rules will be effective September 11, 2022.

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Facility type	Category	Status of Requirements
CCRSS	Certification evaluation timelines	Permanent rulemaking is underway to define the criteria the department will use to reestablish certification evaluation timelines. These rules are estimated to be in place prior to October 27.
AFH, ALF, CCRSS, ESF	Fingerprint-based background checks	Emergency rules have been adopted requiring those who need a fingerprint-based background check per chapters 388-06 and 388-113 WAC and who did not complete one prior to April 30, 2022, to complete this check and obtain their results no later than August 28, 2022. Long-term care workers hired after this date resume the 120-day timeline to obtain results.
ALF, NH	Certificate of need and construction review	No emergency rules in place. Facilities who need to complete the certificate of need or construction review processes must work with DOH prior to October 27 to complete those processes.

The LTC Covid Response Plans will also no longer be effective beginning October 27. Long-term care facilities, homes, and providers must resume regular visitation, group activities, and communal dining on that date. Facilities must continue to meet infection prevention guidelines from the [Centers for Disease Control and Prevention](#) and the [Department of Health](#). Supported Living providers will continue to educate and encourage clients to follow CDC guidance found in the [communal setting guidance](#) or the [multi-family home guidance](#), dependent on which is more appropriate to the specific client's situation and home.

More detailed information can be found on the [Waiver Tracker](#), including citations for the rules and laws that were waived and the effective dates of the emergency rulemaking projects. For information about other rulemaking projects, including emergency rules not directly related to the governor's proclamation, see the [ALTSA Filings and Rules page](#).

Thank you for your continued commitment to resident health and safety. If you have any questions, please send an email to RCSPolicy@dshs.wa.gov.

Sincerely,



Mike Anbesse, Director
Residential Care Services

DSHS: "Transforming Lives"