



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

February 17, 2023

AL TSA: AFH #2023-004
AL TSA: ALF #2023-003
AL TSA: ESF #2023-004

**THIRD CR-103E EXTENSION FILED FOR EMERGENCY RULES REGULATING TIMELINES
FOR COMPLETING CERTAIN RESIDENT ASSESSMENTS**

Dear Provider/Administrator:

The department filed a CR-103E for a third extension of emergency rules regulating the timelines for completing CARE assessments for current residents in adult family homes, assisted living facilities, and enhanced services facilities. ([WSR 23-05-037](#)), effective February 11, 2023. The emergency rules amend WAC sections 388-76-10350, 388-78A-2100, and 388-107-0080 to allow facilities to continue using a CARE assessment for a current resident whose care is state-funded for an additional twelve months. Emergency rules are effective for 120 days unless repealed, or the department may file an extension as needed. At this time, these rules are scheduled to expire on June 8, 2023.

On January 18, the department sent [a letter](#) to notify providers that Home and Community Services (HCS) extended some Medicaid clients' annual residential CARE reassessments for up to one year. On February 24, 2022, the department filed a CR-103E ([WSR 22-06-042](#)) to amend the rules to match the HCS process and allow facilities to continue using the CARE assessments for an additional twelve months. The emergency rules were extended for the first time on June 23, 2022, and the department also filed a CR-101 to begin permanent rulemaking. ([WSR 22-13-185](#), [WSR 22-13-121](#)) HCS has resumed the annual assessments as of January, 2023, and RCS is proceeding with permanent rulemaking to codify the timelines of the emergency rules.

Assessments are still required when there is a significant change to a resident's condition, and HCS continues to conduct those assessments. Negotiated care plans or negotiated service agreements must continue to be updated as needed according to the schedules in:

- Adult family homes: WAC 388-76-10380;
- Assisted living facilities: WAC 388-78A-2150;
- Enhanced services facilities: WAC 388-107-0130.

Thank you for your continued commitment to resident/client health and safety. If you have any questions, please contact the Policy Unit at RCSPolicy@dshs.wa.gov.

Sincerely,

Amy Abbott, Director
Residential Care Services

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