



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

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**ALTSA: NH #2017-019**  
**S&C 17-35-ALL REASONABLE ASSURANCE WILL APPLY TO PROVIDERS AND SUPPLIERS WHO VOLUNTARILY TERMINATE AND SEEK NEW CERTIFICATION IF A TERMINATION ACTION BY THE STATE AGENCY HAD BEEN INITIATED**

Dear Nursing Facility/Home Administrator:

Please take the time to review the Survey and Certification (S&C) letter 17-35-ALL. This letter outlines clarifications by the Center for Medicare and Medicaid Services related to providers who voluntarily terminate a certification and later seek a new certification if a termination action by the State Agency had been initiated.

As explained in Section 2016 of the SOM, a Medicare provider who was terminated by the Centers for Medicare & Medicaid Services (CMS) under 42 CFR §489.53 may reapply for certification at any time, including via deemed status accreditation under a CMS-approved Medicare accreditation program. However, such a provider is first required to operate for a certain period of time without recurrence of the deficiencies which were the basis for the termination. This "reasonable assurance" requirement is set forth at 42 CFR §489.57. Under 42 CFR §489.57, a new agreement with a CMS-terminated provider will not be accepted unless CMS finds: (a) That the reason for termination of the previous agreement has been removed and there is reasonable assurance that it will not recur; and (b) That the provider has fulfilled, or has made satisfactory arrangements to fulfill, all of the statutory and regulatory responsibilities of its previous agreement.

**Reasonable assurance will be applied to providers and suppliers once a termination action has been initiated by a State Survey Agency and the entity was allowed to terminate Medicare participation voluntarily before the termination action was made effective.** See Section 2016 and 2017 of the State Operations Manual (SOM).

Additional information and the S&C memo can be found at: [S&C 17-35-ALL](#).

Thank you for your continued commitment to the health and safety of nursing home residents. If you have any questions, please contact your local RCS Field Manager.

Sincerely,

Candace Goehring, Director  
Residential Care Services

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