



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

May 6, 2020

AL TSA: NH #2020-031
COVID-19: ADDITIONAL BLANKET WAIVERS, CMS COMMISSION, GOVERNOR
PROCLAMATION EXTENSIONS

Dear Nursing Facility/Home Administrator:

The purpose of this letter is to provide information regarding:

- Blanket waivers issued recently by the Centers for Medicare and Medicaid Services (CMS);
- Announcement by CMS of a national commission to review nursing home response to COVID-19.
- The extension of Governor Proclamations 20-37 and 20-38.

1135 Blanket Waivers

On April 29, 2020, CMS released information about new waivers granted through section 1135 of the Social Security Act, as well as, where applicable, authority granted under section 1812(f) of the Social Security Act. The following blanket waivers are in effect, with a retroactive effective date of March 1, 2020 through the end of the emergency declaration. For more information on the waivers, please use this link: [Blanket Waivers](#).

- **Telehealth.** CMS authorized additional telehealth services through the waiver. The waiver expands the types of health care professionals that can provide distant site telehealth to include all health care professionals eligible to bill Medicare for their services. This includes physical therapists, occupational therapists, speech language pathologists, and others.
- **Quality Assurance and Performance Improvement (QAPI).** CMS has narrowed the scope of the QAPI program to include only adverse events and infection control. This will help ensure facilities focus on aspects of care delivery most closely associated with COVID-19 during the COVID-19 emergency.
- **In-Service Training for Nurse Aides.** CMS modified the nurse aide training requirements at 42 CFR §483.95(g)(1), which requires the nursing assistant to receive at least 12 hours of in-service training annually. The deadline for completing this requirement throughout the COVID-19 emergency was extended until the end of the first full quarter after the declaration of the emergency concludes.
- **Detailed Information Sharing for Discharge Planning for Long-Term Care (LTC) Facilities.** CMS waived the discharge planning requirement in 42 CFR §483.21(c)(1)(viii), which requires LTC facilities to assist residents and their representatives in selecting a post-acute care provider using data, such as standardized patient assessment data, quality measures, and resource use. All other discharge planning requirements were maintained.
- **Clinical Records.** CMS modified the requirement at 42 CFR §483.10(g)(2)(ii), which requires LTC facilities to provide a resident a copy of their records within two working days (when requested by the resident). Specifically, CMS is modifying the timeframe requirements to allow LTC facilities ten working days to provide a resident's record.

Residential Care Services is reviewing state rules around clinical records and quality assurance programs to determine where state rules might require emergency rule making in order to align with the federal waivers. Until the emergency rule making is completed, the state rules remain in effect.

Independent Commission to Address Safety and Quality in Nursing Homes

CMS announced formation of a commission to conduct a comprehensive assessment of the nursing home response to the COVID-19 pandemic. The commission will help inform immediate and future responses to COVID-19 in nursing homes. The commission is expected to convene in May and will develop recommendations to help protect nursing home residents from COVID-19. Other areas the commission will focus on are strengthening regulations to help ensure rapid and effective identification and mitigation of COVID-19, and enhancing strategies to improve compliance with infection control policies.

Commission Information: [Fact Sheet](#)
[Press Release](#)

Governor Proclamation extensions

- Proclamation [20-37](#), which lifts the requirement for nursing assistants to complete training, testing, and certification within a 120-day timeline, was extended through May 9, 2020.
- Proclamation [20-38](#), which suspended some requirements related to Certificate of Need, was extended through May 9, 2020.

Thank you for your continued commitment to resident health and safety. If you have any questions, please contact Lisa Herke, Nursing Home Policy Program Manager at (509) 203-3088 or lisa.herke@dshs.wa.gov.

Sincerely,



Candace Goehring, Director
Residential Care Services

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