



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

May 18, 2020

ALISA: NH #2020-033  
**COVID-19: ADDITIONAL BLANKET WAIVERS, GOVERNOR PROCLAMATION  
EXTENSIONS, AND A NEW TOOLKIT FROM CMS**

Dear Nursing Facility/Home Administrator:

The purpose of this letter is to provide information regarding additional blanket waivers recently announced by the Centers for Medicare and Medicaid Services (CMS) under section 1135 of the Social Security Act. Additionally, Governor Jay Inslee issued a proclamation, 20-52.1, which extended the length of a number of other proclamations. CMS and the Office of the Governor took these actions in response to the COVID-19 public health emergency.

CMS also recently released a resource toolkit of best practices to help facilities manage and respond to the COVID-19 emergency.

**1135 Blanket Waivers**

On May 11, 2020, CMS announced the release of information about new waivers granted through section 1135 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 federal emergency declaration.

**Paid Feeding Assistants.** CMS modified the requirements at 42 CFR 483.60(h)(1)(i) and 483.160(a) regarding required training of paid feeding assistants. The minimum required training is reduced from eight hours to one hour. Other aspects of paid feed assistant are not waived, including the training content and the requirement for a paid feeding assistant to work under the supervision of a licensed practical nurse or a registered nurse.

**Physical Environment.**

- **Inspection, Testing and Maintenance (ITM).** CMS modified 42 CFR 483.90 to allow facilities to adjust scheduled inspections, testing and maintenance frequencies for facility and medical equipment. The modified rules require compliance with the Life Safety Code (LSC) and the Health Care Facilities Code (HCFC). The following LSC and HCFC ITM are considered critical and are **not** included in this waiver:
  - Sprinkler system monthly electric motor-driven and weekly diesel engine-driven fire pump testing.
  - Portable fire extinguisher monthly inspection.
  - Elevators with firefighters' emergency operations monthly testing.
  - Emergency generator 30 continuous minute monthly testing and associated transfer switch monthly testing.
  - Means of egress daily inspection in areas that have undergone construction, repair, alterations, or additions to ensure its ability to be used instantly in case of emergency.
- **Windows in Resident Rooms.** CMS modified the requirement to have a window in every sleeping room, and will permit a waiver of the window requirement for those providers to utilize facility and non-facility space that is not normally utilized as a resident room.

### Life Safety Code.

- **Alcohol Based Hand Rub (ABHR).** CMS modified the requirement at 42 CFR §483.90(a)(4), which contained prescriptive requirements for the placement of ABHR dispensers. However, facilities are still required to restrict access to ABHR by residents who might accidentally ingest the ABHR, and to continue to follow storage requirements as a flammable liquid. Five-gallon containers of ABHR still must be stored in a protected hazardous materials area. Refer to 2012 LSC, sections 18/19.3.2.6.
- **Fire Drills.** Due to the inadvisability of monthly or quarterly fire drills that move and mass staff together, CMS will instead permit a documented orientation training program related to the current fire plan, which considers current facility conditions. The training will instruct existing, new or temporary employees, on their current duties, life safety procedures and the fire protection devices in their assigned area. Refer to 2012 LSC, sections 18/19.7.1.6.
- **Temporary Construction.** CMS is waiving requirements that would otherwise not permit temporary walls and barriers between patients. Refer to 2012 LSC, sections 18/19.3.3.2.

Residential Care Services is reviewing state rules that correspond with the CMS waivers 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.

### Governor Proclamation extensions

With Proclamation [20-52.1](#), Governor Inslee recognized the extension of statutory waivers and suspensions by the leadership of the Washington State Senate and House of Representatives. As a result, the following proclamations are in effect until May 31, 2020:

- 20-05: Declaration of the COVID-19 emergency
- 20-06: Restriction of visitors and screening of anyone entering a nursing facility
- 20-10: Amends 20-05, 20-06, 20-07, 20-08 and 20-09.
- 20-16: Increased restriction on visitation in nursing facilities
- 20-17: Visitor prohibition to Evaluation and Treatment Facilities and Residential Treatment Facilities
- 20-18: Suspended surveys, waived minimum direct care staffing requirements and Registered Nurse minimum hour staffing requirements

### CMS Releases Nursing Home Toolkit with Best Practices and Additional Resources

CMS released a new [Toolkit](#) on May 15, 2020. The toolkit was developed to aid nursing homes and agencies who provide oversight and assistance to these facilities. The toolkit is comprised of best practices and is intended to serve as a catalogue of resources dedicated to addressing the specific challenges facing nursing homes as they combat COVID-19.

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) 209-3088 or [lisa.herke@dshs.wa.gov](mailto:lisa.herke@dshs.wa.gov).

Sincerely,



Candace Goehring, Director  
Residential Care Services

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