



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

May 26, 2020

AL TSA: NH #2020-036
EMERGENCY RULES (CR-103E) AMENDING WAC 388-97-0300 NOTICE OF RIGHT AND SERVICES IN NURSING HOMES

Dear Nursing Facility/Home Administrator:

The Department of Social and Health Services filed an emergency rule ([WSR 20-11-043](#)) effective May 15, 2020 related to access to clinical records. This rule making is necessary to respond to the significant threat of COVID-19 to our most vulnerable populations, especially for those receiving care in nursing homes.

Current nursing home rules ensure residents have the right to review their clinical record. Currently, facilities must provide access to the record within 24 hours, and if the resident or resident representative requests a copy of the record, it must be provided within two working days. WAC 388-97-0300 was amended to lengthen the time nursing homes have to provide the resident access to, or copies of, the requested clinical record from two to ten days.

The adoption of the rule helps to align the state rule with rules the Centers for Medicare and Medicaid Services (CMS) have waived or amended in response to the COVID-19 pandemic.

The state emergency rule expires September 12, 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) 209-3088 or lisa.herke@dshs.wa.gov.

Sincerely,

Candace Goehring, Director
Residential Care Services

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