



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

August 3, 2020

AL TSA: NH #2020-051
OFF-HOUR SURVEYS

Dear Nursing Facility/Home Administrator:

The purpose of this letter is to inform you about a change in the state standard for off-hour surveys. An off-hour survey is one that takes place in part, outside of usual business hours.

To help ensure surveys are unpredictable, both state licensing statutes and federal nursing home regulations require some surveys be conducted in off-hour timeframes. Prior to June 11, 2020, the state nursing home statute ([RCW 18.51.230](#)) and federal regulations ([42 CFR §488.307](#)) differed on what constituted an off-hour survey. Because of that, off-hour surveys for nursing homes were conducted in accordance with state rules, federal rules, or both, depending on if the home was licensed by the state, certified with the Centers for Medicare and Medicaid Services (CMS), or both licensed and certified.

Effective June 11, 2020, Engrossed Second Substitute Senate Bill [6515](#) amended RCW 18.51.230 and changed the state standard for off-hour surveys. The state standard now aligns with the federal off-hour standard.

CMS describes the off-hour standard in the [Chapter 7](#) (7207.2.2) of the State Operation Manual: "The time of day that surveyors begin should extend beyond the business hours of 8:00 a.m. to 6:00 p.m. In addition, the day of the week should vary to include weekend days, Saturday, and Sunday. At least 10 percent of standard health surveys must begin either on the weekend or in the evening/early morning hours before 8:00 a.m. or after 6:00 p.m. ... In addition, standard health surveys that are conducted to satisfy the 10 percent requirement must be conducted on consecutive days. Consecutive days mean calendar days and are to include Saturdays, Sundays, and Holidays."

In November 2018, with memorandum [QSO-19-02-NH](#), CMS directed state survey agencies to conduct at least half of the required off-hour surveys at facilities identified by CMS to have weekend staffing concerns.

Entering a facility in off-hour timeframes is not limited to the requirements above. Surveyors and complaint investigators continue to have the authority to enter a facility any time there is a reasonable basis to do so.

If you have any questions, please contact Lisa Herke, Nursing Home Policy Program Manager at lisa.herke@dshs.wa.gov or (509) 209-3088.

Sincerely,

A handwritten signature in black ink that reads "Candace Goehring".

Candace Goehring, Director
Residential Care Services

DSHS: "Transforming Lives"