



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

October 8, 2020

ALSA: NH #2020-072
QSO-21-02-NH COMPLIANCE WITH RESIDENTS' RIGHTS REQUIREMENT RELATED TO NURSING HOME RESIDENTS' RIGHT TO VOTE

Dear Nursing Facility/Home Administrator:

Due to the COVID-19 Public Health Emergency, the Centers for Medicare and Medicaid Services (CMS) and the governor restricted visitation to nursing homes. On October 5, 2020, CMS issued [QSO-21-02-NH](#), regarding nursing home residents' right to vote.

Under federal resident rights regulations at 42 CFR §483.10 and state rules at WAC 388-97-1080, nursing home residents have the right to exercise their rights as a citizen, and the nursing facility has the responsibility to support or promote those rights.

CMS strongly encourages nursing homes to have a plan to ensure residents can exercise their right to vote, whether in-person, absentee or mail-in, or other authorized process.

If a home is considering using people outside the facility to come into the facility to assist with the polling process, the facility should follow the [Safe Start for Long Term Care](#) guidelines. Whether or not external assistance is used, nursing homes are required to support a resident in the exercise of their right (§483.10(b)(2)) to vote, such as assisting with absentee or mail-in voting, or transporting residents to polling locations or ballot drop-boxes in a safe manner.

Nursing home residents or their representatives who believe their rights under these regulations have been violated can file a complaint with the Residential Care Services Complaint Resolution Unit at 800-562-6078 or <https://www.dshs.wa.gov/alsa/residential-care-services/residential-care-services-online-incident-reporting>.

Allegations of voter coercion or intimidation may be referred to the Department of Justice for filing voting complaints with the Civil Rights Division by calling 800-253-3931, emailing voting.section@usdoj.gov or by submitting an [online form](#).

Please address questions about the QSO memo to DNH_Enforcement@cms.hhs.gov.

If you have any other 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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