



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

April 23, 2021

**AL TSA: NH #2021-031**

**QSO-21-17-NH UPDATES TO LONG-TERM CARE EMERGENCY REGULATORY WAIVERS  
ISSUED IN RESPONSE TO COVID-19**

Dear Nursing Facility/Home Administrator:

In response to the COVID-19 Public Health Emergency and under its authority at section 1135 of the Social Security Act, the Centers for Medicare and Medicaid Services (CMS) enacted several temporary [emergency blanket waivers](#). The waivers were intended to provide nursing homes with flexibility to respond to COVID-19. Washington State acted to align state nursing home licensing rules with the federal blanket waivers.

With [QSO-21-17-NH](#), CMS announced updates or changes to some of their emergency blanket waivers.

- Emergency Blanket Waivers for Notifying Residents before Transfer or Discharge (42 CFR §483.15(c)(4)(ii)), or Room or Roommate Change (42 CFR §483.10(e)(6)).
  - Effective May 10, 2021, CMS will remove the waivers that permitted facilities to move residents without providing notice, and facilities will be required to give the resident and/or resident representative notice before a transfer or discharge, or a roommate change.
  - The related CMS waivers that permit facilities to transfer or discharge for the sole purpose of cohorting remain in effect.
  - RCS adopted an emergency rule (WAC 388-97-0120) to align the state discharge and transfer rules with the federal waivers. This emergency rule will be ended on May 10, 2021 to coincide with the end of the CMS waiver.
  - RCS did not waive any part of WAC 388-97-0580 in response to COVID-19 related federal waivers. WAC 388-97-0580 addresses notice before roommate changes.
- Emergency Blanket Waiver for Care Planning Requirements (§483.21(a)(1)(i), (a)(2)(i), and (b)(2)(i)).
  - Effective May 10, 2021, CMS will resume enforcing the timelines for completion of important care planning tasks.
  - RCS adopted emergency rules that aligned state WACs with the federal care planning waivers, and is in the process of ending emergency rules that suspended state care planning timelines. Those emergency rules will end on May 10, 2021 to coincide with the end of the CMS waiver.
- Emergency Blanket Waiver of Minimum Data Set (MDS) Timeframe Requirements (42 CFR §483.20)
  - Effective May 10, 2021, CMS will end the MDS assessment waiver and require all facilities to complete and transmit MDS assessments according to established timelines.
  - RCS adopted emergency rules to suspend the timeframes for completing and transmitting resident assessments. Those rule suspensions will end on May 10, 2021 to coincide with the end of the CMS waiver.
- Preadmission Screening and Resident Review (PASRR) waivers
  - CMS is **not** ending the waiver at 42 CFR §483.20(k) related to the Pre-Admission Screening and Annual Resident Review (PASRR) at this time.
  - RCS adopted emergency rules that aligned the state PASRR rules with the federal waiver. The waiver of state rules will also remain in place.

- Training and Certification of Nurse Aides (42 CFR §483.35(d))
  - CMS is **not** ending the waiver of nurse aide training and certification requirements, or the waiver of the requirement that an individual cannot work in a nursing home as a nurse aide for more than four months without obtaining certification.
  - CMS is advising stakeholders that the four-month regulatory time frame will be reinstated when the blanket waiver ends, and nurse aides will have four months after the end of the blanket waiver to complete their training and certification requirements.
  - The Washington State Department of Health (DOH) encourages all registered nurse aides who need to complete their certification to register for the earliest available test date and to submit their certification application to DOH.

Thank you for your continued commitment to resident health and safety. If you have any questions for CMS, please email the questions to [DNH\\_TriageTeam@cms.hhs.gov](mailto:DNH_TriageTeam@cms.hhs.gov).

If you have any questions related to state nursing home requirements, 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,



Mike Anbesse, Director  
Residential Care Services

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