



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

May 19, 2021

AL TSA: NH #2021-039
CR-103E CANCELED AND CR-103E FILED RELATED TO SOME NURSING HOME REQUIREMENTS

Dear Nursing Facility/Home Administrator:

Residential Care Services (RCS) filed emergency rules on April 13, 2020, for some nursing home requirements. The rules were amended, suspended, or revoked in response to the significant threat of COVID-19. RCS extended the emergency rules three times. The last filing under WSR 21-08-055 was due to expire on August 2, 2021. The rules in these filings related to individual transfer and discharge rights and procedures, resident assessment, comprehensive plan of care, pre-admission screening and resident review (PASRR), and participation in resident and family groups.

RCS entirely canceled WSR 21-08-055 in response to the Centers for Medicare and Medicaid Services (CMS) May 10, 2021 re-instatement of waived rules related to resident assessment, comprehensive plan of care, and individual transfer and discharge rights and procedures. For more information on the CMS rule changes, see nursing home administrator letter [21-031](#).

RCS filed a new CR-103E ([WSR 21-11-018](#)) on May 10, 2021 that maintains the amendments for the PASRR rules and the rule related to participation in resident and family groups. This emergency rule expires September 7, 2021. The cancellation of the emergency rules in WSR 21-08-055 and the filing of emergency rules in WSR 21-11-018 modified the following WACs:

- WAC 388-97-0120: Cancellation of WSR 21-08-055 reinstated the requirement to provide a bed-hold notice to a resident who leaves the facility.
- WAC 388-97-1000: Cancellation of WSR 21-08-055 reinstated the timeline requirements in the required resident assessment.
- WAC 388-97-1020: Cancellation of WSR 21-08-055 reinstated the requirement to develop a care plan within seven days of completion of the resident assessment.
- WAC 388-97-1915 and 388-97-1975: With the filing of WSR 21-11-018, the amendments permitting the level I PASRR screening, and if needed, the level II evaluation to occur up to 30 days after admission remain in place.
- WAC 388-97-0920: With the filing of WSR 21-11-018, this WAC, which is related to resident and family groups, remains repealed.

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,

Mike Anbesse, Director
Residential Care Services

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