



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

May 25, 2021

AL TSA: NH #2021-042

CR-103E FILED TO EXTEND EMERGENCY RULES AMENDING NURSING HOME REQUIREMENTS AND TWO CR-101S FILED TO CONSIDER PERMANENTLY AMENDING SOME NURSING HOME RULES

Dear Nursing Facility/Home Administrator:

The Department of Social and Health Services filed one emergency rule making order (CR-103E) and two preproposal statements of inquiry (CR-101) related to nursing home rules. The rule filings were in response to the significant threat of COVID-19. The specifics of the rule filings:

- The CR-103E was filed to extend emergency rules filed in January 2021. These emergency rules amended WAC 388-97-1380 and WAC 388-97-1580 to permit tuberculosis (TB) testing to be deferred in some circumstances if, after weighing the risks and benefits, administration of the COVID-19 vaccine prior to TB testing is determined to be the best course of action. If TB testing is deferred, the amended rules outline documentation requirements.
 - The adoption of the rules allows facilities to adhere to the Centers for Disease Control and Prevention (CDC) [vaccine recommendations](#).
 - The rule filing ([WSR 21-11-069](#)) is effective May 25, 2021 and expires September 14, 2021.
- RCS filed a CR-101 ([WSR 21-11-061](#)) on May 14, 2021 to consider permanently amending WAC 388-97-1380, Tuberculosis – testing required; WAC 388-97-1580, Tuberculosis – Reporting – Required; and other related rules as may be necessary to assure nursing homes are not obstructed from offering the COVID-19 vaccine to residents and staff because of clinical interference from required TB testing.
- RCS also filed a CR-101 ([WSR 21-11-062](#)) on May 14, 2021 to consider permanently amending WAC 388-97-0920, Participation in resident and family groups; WAC 388-97-1915, Preadmission screening and resident review (PASRR) requirements prior to admission of new residents; WAC 388-97-1975, PASRR requirements after admission of a resident; and other related rules. These amendments may be necessary to identify the period of time portions of these rules were suspended or waived during the COVID-19 declared emergency.

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,

Mike Anbesse, Director
Residential Care Services

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