



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

September 10, 2021

ALTSA: NH #2021-071
COVID-19 DELTA VARIANT PROCLAMATION RELATED TO TRANSFER AND DISCHARGE
FOR NURSING HOME RESIDENTS

Dear Nursing Facility/Home Administrator:

On February 29, 2020, Governor Inslee declared a state of emergency for Washington State related to the COVID-19 outbreak. With the emergence of the highly contagious “Delta” variant and significant number of unvaccinated people, COVID-19 cases and hospitalizations have recently become the highest since the beginning of the pandemic.

On September 3, 2021, Governor Inslee issued [proclamation 21-15](#). The proclamation waives specific statutory and rule requirements to allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes, and to relieve stress on the overburdened health care system related to the Delta variant. This order is effective immediately.

Each statutory and regulatory provision or portion thereof as specified below is hereby waived and suspended until 11:59 p.m. on October 2, 2021:

- [RCW 74.42.450\(6\)](#) in its entirety, related to when a resident appeals a department decision and the time frame of 30 days after a final order is entered
- [WAC 388-97-0140\(1\)\(c\)\(ii\)](#) in its entirety, related to a skilled nursing facility/nursing facility-initiated transfer or discharge, notification and appeal request
- [WAC 388-97-0140\(2\)](#) in its entirety, related to when a facility must suspend a transfer or discharge pending the outcome of a hearing with the office of administrative hearings

To see the details of all Governor proclamations, use this link:
<https://www.governor.wa.gov/office-governor/official-actions/proclamations>.

Thank you for your continued commitment to resident health and safety. If you have any questions, please contact Molly McClintock, Nursing Home Policy Program Manager at (360) 742-6966 or molly.mcclintock@dshs.wa.gov.

Sincerely,

Mike Anbesse, Director
Residential Care Services

DSHS: “Transforming Lives”