



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

January 7, 2022

AL TSA: NH #2022-003
CR-103E FILED TO EXTEND EMERGENCY RULE AMENDING NURSING HOME
REQUIREMENTS RELATED TO PHYSICIAN SERVICES

Dear Nursing Facility/Home Administrator:

Residential Care Services (RCS) filed an emergency rule ([WSR 20-10-034](#)) effective April 29, 2020, related to WAC 388-97-1260 and physician services. The rule was amended in response to the significant threat of COVID-19. The rule was consecutively extended four times, with the latest extension (WSR 21-17-043) expiring on December 8, 2021.

RCS filed a CR-103E ([WSR 21-24-038](#)), effective December 8, 2021, to extend the amended rule for a fifth time. The rule expires on March 23, 2022.

WAC 388-97-1260 was amended to permit the physician to delegate tasks to a registered nurse practitioner or a physician assistant, even if it is required to be performed by the physician in regulation and regardless of the frequency of the delegation. The amendment does not change the required frequency of physician/delegate visits, or the requirement for the physician to supervise the delegate. The delegate must only perform tasks within the scope of practice of their credential.

The adoption of the emergency rule helps to align the state rule with rules the Centers for Medicare and Medicaid Services (CMS) has waived or amended in response to the COVID-19 pandemic.

Additionally, RCS filed a CR-101 ([WSR 20-17-133](#)) on August 18, 2020 to begin permanent rule making on WAC 388-97-1260 and other related rules. The CR-101 document is available on Aging and Long Term Support Administration's (AL TSA) [Information for Nursing Home Professionals](#) web page, under "NH Rule Filings".

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,

For Mike Anbesse, Director
Residential Care Services

DSHS: "Transforming Lives"