January 7, 2022

ALTSA: NH #2022-004
CR-103E FILED TO EXTEND EMERGENCY RULE AMENDING NURSING HOME
REQUIREMENTS RELATED TO CLINICAL RECORDS

Dear Nursing Facility/Home Administrator:

The Department of Social and Health Services (department) filed an emergency rule (WSR 20-11-043) effective May 15, 2020, related to WAC 388-97-0300 and clinical records. The rule was amended in response to the significant threat of COVID-19. The rule was consecutively extended five times, with the last extension (WSR 21-17-130) expiring on December 15, 2021.

On December 8, 2021, the department filed a CR-103E (WSR 22-01-057), to extend the amended rule for a fifth time. The rule expires on April 7, 2022.

The amendment of WAC 388-97-0300 lengthens the time nursing homes have to provide the resident access to, or copies of, the requested clinical record from two to ten days. The amendment does not permit the nursing facility to deny the resident access to records.

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, the department filed a CR-101 (WSR 20-19-009) on September 3, 2020 to begin permanent rule making on WAC 388-97-0300 and other related rules. The CR-101 document is available on Aging and Long Term Support Administration's (ALTSA) 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, including how to participate in the rule-making process, please contact Molly McClintock, Nursing Home Policy Program Manager, at (360) 742-6966 or molly.mcclintock@dshs.wa.gov.

Sincerely,

Loida Baniqued

For Mike Anbesse, Director
Residential Care Services

DSHS: *"Transforming Lives"*