



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

April 27, 2022

**ALTSA: NH #2022-025**  
**ADDITIONAL 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 under [WSR 20-11-043](#) effective May 15, 2020, related to clinical records under WAC 388-97-0300. The rule was amended in response to the significant threat of COVID-19. The rule has been consecutively extended four times, and the last extension (WSR 21-17-130) occurred on August 31, 2021.

On April 4, 2022, the department filed a CR-103E under [WSR 22-08-068](#) to extend the amended rule for a sixth time. The rule expires on August 2, 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 days 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 rulemaking on WAC 388-97-0300 to identify the time period the requirements were suspended. 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 rulemaking process, please contact Molly McClintock, Nursing Home Policy Program Manager, at (360) 742-6966 or [molly.mcclintock@dshs.wa.gov](mailto:molly.mcclintock@dshs.wa.gov).

Sincerely,

Mike Anbesse, Director  
Residential Care Services

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