



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

May 26, 2022

AL TSA: NH #2022-032
CR-103E FILED TO EXTEND EMERGENCY RULES AMENDING OR SUSPENDING NURSING HOME REQUIREMENTS RELATED TO PASRR

Dear Nursing Facility/Home Administrator:

The Department of Social and Health Services (the department) filed emergency rules on April 13, 2020, to suspend and waive certain nursing home requirements. The rules were amended and temporarily repealed in response to the significant threat of COVID-19 and to continue to align state nursing home rules with federal rules. The rules were consecutively extended to maintain the waivers with the last filing (WSR 22-09-014) effective April 15, 2021.

The Centers of Medicare and Medicaid Services (CMS) announced the lapse of CMS 1135 waiver related to resident groups on May 7, 2022. The department filed [WSR 22-11-078](#) effective May 7, 2022, to rescind the previous emergency rule filing (WSR 22-09-014), removing the language related to resident groups, and continuing to waive the rules related to PASRR in order to align the federal and state regulations.

WACs 388-97-1915 and -1975 continue to be amended under emergency rules to permit the level I PASRR screening, and if needed, the level II evaluation to occur up to 30 days after admission.

The department filed a CR-101 on August 5, 2020 to begin permanent rulemaking on WACs 388-97-1915, -1975, and -0920. The CR-101 is available on Aging and Long Term Support Administration's (AL TSA) Information for [Nursing Home Professionals](#) web page, under "NH Rule Filings". The department remains in discussion about adding language to the rules to explain the circumstances and times under which suspension of the rules was necessary due to COVID-19.

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

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