



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

April 14, 2023

AL TSA: NH #2023-017
**CR-103E EMERGENCY RULES FILED TO CONTINUE TO WAIVE CERTAIN TRANSFER
AND DISCHARGE REQUIREMENTS**

Dear Nursing Facility/Home Administrator:

On March 20, 2023, the Department of Social and Health Services (department) filed emergency rules under [WSR 23-07-108](#), **effective March 22, 2023**. These emergency rules continue the suspension of certain transfer and discharge requirements previously suspended under Governor Proclamation 21-15 and align with the Centers for Medicare and Medicaid Services (CMS) COVID-19 blanket waiver.

These emergency rules amend WAC 388-97-0140 to allow nursing homes to immediately transfer or discharge COVID-19 positive nursing home residents to facilities that are equipped to treat the disease when the nursing home is unable to treat COVID-19 positive patients. The emergency rules also amend WAC 388-97-0120 to waive the requirement for nursing homes to suspend certain transfers and discharges pending the outcome of a resident appeal hearing, improving resident safety by allowing faster grouping of COVID-19 positive residents in one facility, or grouping asymptomatic residents together. These emergency rules help expedite infection control processes and maximizes the availability of nursing home beds.

These emergency rules expire on July 18, 2023, or until CMS discontinues the waiver, which is anticipated on May 11, 2023. The department also filed a CR-101 [WSR 22-08-060](#) on April 4, 2022, to begin rulemaking to identify the time period these requirements are suspended under emergency rules.

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,

Amy Abbott, Director
Residential Care Services

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