



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 03, 2020

TIME: 2:33 PM

WSR 20-19-009

**Agency:** Department of Social and Health Services, Aging and Long-Term Support Administration

**Subject of possible rule making:** The department is considering amending WAC 388-97-0300, Notice of rights and services, and other related rules as may be required to identify the period of time that portions of the rule we held in suspension during the declared emergency of COVID-19 per Proclamation by the Governor 20-05.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 74.42.620

**Reasons why rules on this subject may be needed and what they might accomplish:** This rule making is necessary to establish a timeframe when portions of the rule were suspended during the COVID-19 pandemic, and nursing homes were not required to comply with the suspended portions of the rule.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Federal rules regarding nursing home clinical records were amended by the Centers for Medicare and Medicaid Services (CMS) through an 1135 blanket waiver in response to the COVID-19 public health emergency. The amended federal rules are effective March 1, 2020 through the end of the national emergency declaration. The department will monitor federal nursing home communication to ensure this rule making reflects the same span of time as the suspended federal rule regarding clinical records. This will help ensure federal and state rules remain similar and provide for consistent application of clinical record rules during the investigation process.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The department will use a collaborative rule-making process to develop and receive comments on the draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

Name: Lisa Herke, Policy Program Manager  
 Address: PO Box 45600, Olympia, WA 98504  
 Phone: 509-209-3088  
 Fax: 360-725-3224  
 TTY:  
 Email: lisa.herke@dshs.wa.gov  
 Web site:  
 Other:

(If necessary)

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Web site:  
 Other:

Additional comments:

**Date:** September 3, 2020

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**