



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: April 04, 2022

TIME: 12:06 PM

WSR 22-08-060

**Agency:** Department of Social and Health Services (department)

**Subject of possible rule making:** The department is considering amending WAC 388-97-0120, Individual transfer and discharge rights and procedures; WAC 388-97-0140, Transfer and discharge appeals for residents in Medicare or Medicaid certified facilities; and other related rules as may be necessary to assure nursing homes are able to rapidly transfer and discharge residents for grouping of COVID-19 positive residents in one facility or grouping asymptomatic residents together. This helps expedite infection control processes and maximize the availability of nursing home beds.

**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:** The department is amending WAC 388-97-0120 and 388-97-0140 to waive and suspend the requirement for nursing homes to suspend certain transfers and discharges pending the outcome of a resident appeal of the nursing home transfer or discharge decision. The COVID-19 pandemic continues to require more rapid transfers and discharges than the rule permits. The rule in place by emergency waives the requirement for nursing homes to suspend certain transfer and discharges pending the outcome of a resident appeal hearing and improves resident safety by allowing faster grouping of COVID-19 positive residents in one facility or grouping of asymptomatic residents together.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** N/A

**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 rulemaking process to develop and receive comments

on draft rules. Draft material and information about how to participate in the rulemaking 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:**

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(If necessary)

Name:

Address:

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Other:

Additional comments:

**Date:** April 4, 2022

**Name:** Katherine I. Vasquez

**Title:** Rules Coordinator

**Signature:**