



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: March 22, 2021

TIME: 4:01 PM

WSR 21-07-106

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The continuing disproportionate impact of COVID-19 on Nursing Facilities has put a strain on the staffing availability at these facilities. Because staff time is required to complete and file a Nursing Facility Medicaid Cost Report, the department is extending the period of time during which a facility may request a 2020 cost report deadline extension. Specifically, as currently written the WAC requires a request be received 10 days before the due date of a cost report. The department will, due to the COVID-19 pandemic, allow extension requests to be filed through close of business on the due date of the cost report. The department is amending WAC 388-96-107 - Requests for extensions in response to this need.

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-96-107
 Suspended: None

Statutory authority for adoption: RCW 74.46.800(1)

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The increased staffing needs due to the pandemic, combined with the increased likelihood of staff contracting COVID-19, means that duties like direct care and billing are prioritized. The department wishes to recognize the potential need for facilities to have more time to complete their Medicaid cost report without penalization. The penalties outlined in WAC would not be conducive to the ability of these facilities to respond properly to the pandemic and not in line with current recognized priorities. A facility may not recognize the need for more time, or experience an emergent situation that prevents timely completion, later than usual due to the unique pandemic circumstances.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

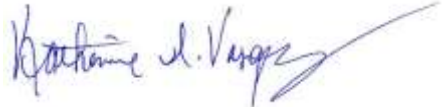
New ____ Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	1	Repealed	____

Date Adopted: March 17, 2021	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

WAC 388-96-107 Requests for extensions. (1) A contractor may request in writing an extension for submitting cost reports. Contractor requests must:

(a) Be addressed to the manager, nursing facility rates program;
and

(b) State the circumstances prohibiting compliance with the report due date (~~and~~

~~(c) Be received by the department at least ten days prior to the due date of the report).~~

(2) The department may grant two extensions of up to thirty days each, only if the circumstances, stated clearly, indicate the due date cannot be met and the following conditions are present:

(a) The circumstances were not foreseeable by the provider; and

(b) The circumstances were not avoidable by advance planning.