

WSR 22-08-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 4, 2022, 12:06 p.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-0120 Individual transfer and discharge rights and procedures, 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 [ensure] 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.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on 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 Molly McClintock, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 360-742-6966, fax 360-725-3224, email molly.mcclintock@dshs.wa.gov.

April 4, 2022
Katherine I. Vasquez
Rules Coordinator