

WSR 21-07-106  
EMERGENCY RULES  
DEPARTMENT OF

**SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed March 22, 2021, 4:01 p.m., effective March 22, 2021, 4:01 p.m.]

Effective Date of Rule: Immediately upon filing.

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 ten 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: Amending WAC 388-96-107.

Statutory Authority for Adoption: RCW 74.46.800(1).

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.

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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 17, 2021.

Katherine I. Vasquez  
Rules Coordinator

## SHS-4856.1

AMENDATORY SECTION (Amending WSR 17-22-037, filed 10/24/17, effective 11/24/17)

**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.

[Statutory Authority: RCW 74.46.800, 74.46.561(1). WSR 17-22-037, § 388-96-107, filed 10/24/17, effective 11/24/17. Statutory Authority: RCW 74.09.180 and 74.46.800. WSR 89-01-095 (Order 2742), § 388-96-107, filed 12/21/88. Statutory Authority: RCW 74.09.120. WSR 83-19-047 (Order 2025), § 388-96-107, filed 9/16/83; Order 1262, § 388-96-107, filed 12/30/77.]