

WSR 21-14-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 1, 2021, 10:06 a.m.]

Subject of Possible Rule Making: The department is considering adding a new section in chapter 388-97 WAC, Nursing homes, and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620 Department rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement ESHB 1120 (chapter 203, Laws of 2021). The additions or amendments to chapter 388-97 WAC will reestablish inspection (survey) timelines and identify the period of time that inspections were held in suspension during the COVID-19 pandemic, in accordance with Governor's Proclamation 20-18.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In response to the COVID-19 public health emergency, federal rules regarding nursing home inspections were amended by the Centers for Medicare and Medicaid Services (CMS) under the authority of the Social Security Act (Section 1135 (b) (5)). The amended federal rules suspended recertification surveys and were effective March 4, 2020. On August 17, 2020, CMS modified the rules to permit more types of inspections, including recertification surveys, contingent on states having sufficient resources to complete the surveys. The state suspension of inspection rules (Governor's Proclamation 20-18) remains in effect. The department will monitor federal nursing home communication to ensure this rule making reflects both state and federal rules regarding inspections.

Process for Developing New Rule: 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 Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 509-209-3088, fax 360-725-3224, email lisa.herke@dshs.wa.gov.

July 1, 2021
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