

**WSR 21-14-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 1, 2021, 11:42 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-1660 Staff and equipment, and 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 amendments to WAC 388-97-1660 Staff and equipment, will reflect the additional time given to nursing assistants to obtain certification during the COVID-19 public health emergency.

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, the Centers for Medicare and Medicaid Services (CMS) under the authority of the Social Security Act (Section 1135), waived federal rules regarding how long nursing assistants can work before obtaining certification as a nursing assistant. The amended rules were effective March 1, 2020.

Additionally, the office of the governor, in Proclamation 20-37, waived the state rules and laws that require nursing assistants to obtain certification within four months of registration. The state rules were suspended effective March 30, 2020.

Nursing assistants are registered and certified through the Washington state department of health (DOH). The department will monitor federal nursing home communication and collaborate with DOH to ensure this rule making reflects DSHS and DOH rules, as well as CMS rules regarding nursing assistant training times.

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](mailto:lisa.herke@dshs.wa.gov).

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