

**WSR 22-06-095**  
**EMERGENCY RULES**  
**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed March 2, 2022, 9:45 a.m., effective March 2, 2022, 9:45 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To amend existing rules affecting specific programs as a result of the health crisis created by the coronavirus.

Citation of Rules Affected by this Order: Amending WAC 388-96-107.

Statutory Authority for Adoption: RCW 74.46.800(1).

Other Authority: Governor's Proclamation 20-05.

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 pandemic continues to affect the ability of nursing facilities to prioritize administrative work. This change will give facilities a little more time to identify the need for a due date extension request.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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 2, 2022.

Katherine I. Vasquez  
Rules Coordinator

**SHS-4915.1**

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(~~7~~) and

(b) State the circumstances prohibiting compliance with the report due date(~~7~~~~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))~~ 30 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.]