



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, Washington 98504-5600

June 10, 2022

ALISA: NH #2022-036

EMERGENCY RULES (CR-103E) RESCINDED TO REINSTATE WAC 388-97-1740 RELATED TO FIRE DRILLS AND 388-97-2400 RELATED TO WINDOWS IN RESIDENT ROOMS

Dear Nursing Facility/Home Administrator:

On June 23, 2020, the Department of Social and Health Services (the department) filed an emergency rule (WSR 20-14-026) related to fire drills, windows in resident rooms and quality assurance requirements in response to the significant threat of COVID-19. Since then, the department filed consecutive extensions to maintain the emergency rules, with the most recent extension (WSR 22-11-088), effective May 7, 2022.

Centers for Medicare and Medicaid Services (CMS) released [QSO-22-15-NH & NLTC & LSC](#), announcing the lapse of the CMS 1135 blanket waivers related to emergency preparedness / fire drills and windows in resident rooms on June 7, 2022. The department filed [WSR 22-12-059](#), effective June 7, 2022, which rescinds WSR 22-11-088, reimplementing the requirements related to fire drills and windows in resident rooms to align Washington state nursing home rules with federal rules.

The following WACs have been reinstated effective **June 7, 2022**:

- **WAC 388-97-1740** to remove the requirement for periodic fire drills. Documentation on training and responding to a fire is still required.
- **WAC 388-97-2400** to waive the requirement for a transparent glass window. This will increase the ability for facilities to temporarily increase capacity by utilizing windowless space for resident rooms.

Additionally, DSHS filed a CR-101 ([WSR 20-21-034](#)) on October 12, 2020 to begin permanent rule making on the above rules and other related rules.

For the complete list of waivers that have ended, please refer to:

- [CMS COVID-19 Emergency Declaration Blanket Waivers](#) (pg. 16)
- [Dear Provider Letter NH #022-028](#)

Thank you for your continued commitment to resident health and safety. If you have questions, please contact Molly McClintock, Nursing Home Policy Program Manager, at (360) 742-6966 or molly.mcclintock@dshs.wa.gov.

Sincerely,

Mike Anbesse, Director
Residential Care Services

DSHS: "Transforming Lives"