



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Home and Community Living Administration
PO Box 45600, Olympia, Washington 98504-5600

June 30, 2025

NH #2025-029

WA STATE 24/7 REGISTERED NURSE (RN) STAFFING EXCEPTION PROCESS - UPDATED

Dear Nursing Facility/Home Administrator:

This Dear Provider Letter (DPL) supersedes ALTSA NH #2023-032.

The Washington (WA) State 24/7 RN staffing exception process is being updated to better align with federal guidance and incorporates findings from lessons learned throughout the last decade.

Federal and state Rules require that nursing homes (NH) consistently ensure sufficient staff, with appropriate competencies and skill sets, are on-site and available to provide direct care for residents, to ensure residents are safe and can attain or maintain the highest practicable level of physical, mental, and psychosocial well-being.

[WAC 388-97-1080](#) permits [eligible large non-essential facilities](#), experiencing temporary, verifiable hardship that prohibits them from achieving or maintaining compliance with the WA State 24/7 RN staffing standard may request a time-limited hardship exception.

[RCW 74.42.360](#) and [WAC 388-97-1080](#) provide regulatory guidance to inform the WA State 24/7 RN staffing requirement and exception process.

comply with [42 CFR 483.71](#) & [\(F838\)](#), all federally enrolled/certified NHs must complete and update an enhanced facility-wide assessment to identify the resources necessary to care for residents competently during both day-to-day operations (including nights and weekends) and emergencies.

24/7 RN Staffing Exception – Policy:

- The Residential Care Services (RCS) exception panel meets monthly to review complete exception request packets.
- The department cannot grant exceptions for coverage that is less than sixteen hours per day.
- 24/7 RN staffing exceptions are not backdated. The exception start date will correspond to the date RCS received the facility's complete exception request packet.
- Only complete exception packets containing all required materials will be accepted and scheduled for panel review. Incomplete exception packets will be returned to submitter with a request for required documentation.
- To ensure the exception packet contains all required materials, please review: [“24/7 RN Staffing Exception Request Packet – Required Contents”](#).
- Facilities may request exception to the 24/7 RN staffing requirement for subsequent years by submitting a new request with all required documentation to RCS.
- All approved exceptions will be valid for one year from the date of approval and will not automatically be renewed.

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- Facilities are not eligible for exception if:
 - The facility is identified as a Special Focus Facility (SFF); or
 - After being cited for issues related to insufficient nursing staff, the facility has not yet returned to substantial compliance; or
 - During the previous six months, the facility was identified as having widespread (or a pattern of) insufficient staffing that resulted in actual harm to a resident; or an incident of insufficient staffing that caused or is likely to cause serious harm or death to a resident.

CFR, RCW, WAC, and the CMS Standard Operating Manual (SOM) Ch. 7 provide the following criteria for review by states when determining NH eligibility for exception to nurse staffing requirements:

- Will an exception to the 24/7 RN staffing requirement endanger the health or safety of residents?
- During the two most recent quarters for which CASPER PBJ data is available, did the facility submit complete, accurate, and timely PBJ data to CMS on a consistent basis?
- Are the wages offered by the facility competitive as compared to facilities in comparable geographic or metropolitan areas?
- Is the facility located in an area where the supply of registered nurses is insufficient to meet area needs as evidenced by an RN to population ratio that is a minimum of 20% below the WA State average?
- Are the benefits, bonuses, and incentives offered by the facility competitive as compared to facilities in comparable geographic or metropolitan areas?
- Has the facility demonstrated to the satisfaction of the department that despite the facility's diligent, good faith efforts, they have been unable to recruit and/or retain RN staff to work the final 8 of 24 hours?

To request a 24/7 RN staffing exception, large non-essential facilities must submit a complete exception request packet to nh247rnexceptionrequest@dshs.wa.gov.

Facilities requesting exception extension or exception for subsequent years must:

- Submit a new exception request packet with all the items identified above; and
- Update the detailed plan to hire and retain RN staff (located in the facility-wide assessment) to include:
 - The hiring and retention strategies implemented by the facility during the prior exception period to include timeframes, costs, and outcomes, with an explanation for why additional exception is required; and
 - Updated goals and strategies for the new exception period complete with timelines, task assignments/responsibilities identified, and budget.

If an exception is approved, the facility must continue to ensure resident care and acuity needs are consistently met in a timely manner. Facilities must consider limiting new admissions when the number and/or qualifications of staff are insufficient to meet resident needs.

To avoid delays caused by staff turnover, facilities are encouraged to identify a single, dedicated email address for exception-related communications. The email address should:

- Be accessed by authorized personnel via systemic permissions set by the facility; and
- Not be assigned to a specific staff member.

Related References:

- [RCW 74.42.360](#).

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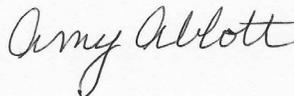
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- [WAC 388-97-1080](#),
- [42 CFR 483.70\(p\)](#),
- [42 CFR 483.71](#),
- [42 CFR 483.35](#),
- [\(SOM\) Ch. 7](#),
- [List of Essential and Small Nonessential Community NH Providers.docx](#),
- [2024-2025 RN/Population Ratios & Wages by Location](#),

Please submit questions to Jodi Lamoreaux, NH Policy Program Manager at rcspolicy@dshs.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Amy Abbott". The signature is written in a cursive style and is placed on a light gray rectangular background.

Amy Abbott, Director
Residential Care Services

DSHS: *"Partnering with People"*