



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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DATE: July 01, 2021

TIME: 11:42 AM

WSR 21-14-051

**Agency:** Department of Social and Health Services (department or DSHS)

**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.

**Identify 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 (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) 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:**

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(If necessary)

Name:  
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Additional comments:

<b>Date:</b> July 1, 2021	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	