JAY INSLEE
Governor

STATE OF WASHINGTON
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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-36

Department of Health – Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, and 20-35, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, health care facilities are critical to meeting Washington State's health care needs in responding to the COVID-19 epidemic, which is expected to overwhelm the health care system; and

WHEREAS, it is anticipated there will be an insufficient number of available health care beds and licensed health care facilities in Washington State to meet the need as the number of people infected with COVID-19 requiring medical care increases; and

WHEREAS, the Department of Health is responsible for administering the licensing statutes and rules relating to health care facilities in the State of Washington; and

WHEREAS, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to health care facilities to remove barriers to adding health care facilities and beds to meet the demands of the COVID-19 response; and

WHEREAS, the use of hand sanitizer is critical to maintaining a healthy work environment for essential workers who continue to provide essential services, and it is anticipated there will be insufficient amounts of hand sanitizer available to meet the needs of essential workers and the public; and

WHEREAS, it is necessary to immediately waive and suspend portions of the statutes relating to the manufacture and distribution of hand sanitizer to meet the demands of the COVID-19 response; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action to prevent a shortage of licensed health care facilities and health care beds and to maintain a healthy work environment for essential workers.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220 (2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent the health care system in Washington State from meeting the demand for health care facilities to meet the demands of the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its <u>entirety</u>, except as otherwise provided herein, until midnight on April 29, 2020:

<u>Certificate of Need</u>

1. RCW 70.38.105(4)(a)
2. RCW 70.38.105(4)(b)
3. RCW 70.38.105(4)(e)
4. RCW 70.38.105(4)(g)

5. RCW 70.38.105(4)(h)
6. WAC 246-310-020(1)(a)
7. WAC 246-310-020(1)(b)
8. WAC 246-310-020(1)(c)
9. WAC 246-310-020(1)(e)
10. WAC 246-310-020(1)(g)

Pursuant to RCW 43.06.220(1)(h) these waivers and suspensions do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, for which certificates of need must be obtained after the expiration of this waiver in compliance with the waived statutory and regulatory provisions.

Application deadlines for hospice service licensing

WAC 246-310-290(3) - Table A as to Cycle 2 Applicant Response Only

Application deadlines for kidney dialysis facility certificate of need applications

WAC 246-310-806(1) - Special Circumstances 1 Concurrent Review Cycle only

Facility Licensing Requirements and Regulations

1. RCW 70.41.450
2. RCW 70.41.080
3. RCW 70.41.090(3), (4), (5)
4. RCW 70.41.110 - the following language only: ": PROVIDED, That no license issued pursuant to this chapter shall exceed thirty-six months in duration", "premises and" and "Licenses shall be posted in a conspicuous place on the licensed premises."
5. RCW 70.41.170
6. RCW 70.41.430
7. RCW 70.56.020(2)(a) - the following language only: ", within forty-eight hours"
8. RCW 70.56.020(2)(b) - the following language only: "within forty-five days"
9. WAC 246-320-101(1)
10. WAC 246-320-111(1)(b), (c)
11. WAC 246-320-116(2), (3)
12. WAC 246-320-266(4)
13. WAC 246-320-271(4)
14. WAC 246-320-296(10)
15. WAC 246-320-500, 505, and 600
16. RCW 18.64A.040(1), (2) - the following language only: "only after authorization by the commission and"
17. RCW 18.64A.060
18. WAC 246-901-020(3) - the following language only: "according to WAC 246-901-035"
19. WAC 246-901-035 - the following language only: "A pharmacy technician who meets established criteria for employment, experience, training and demonstrated proficiency may perform specialized functions. The criteria shall be specified in the utilization plan of the pharmacy for pharmacy technicians performing specialized functions required in WAC 246-901-100(2)(b). Records of pharmacy technician training and of demonstration of proficiency shall be retrievable within seventy-two hours upon request of the board."
20. WAC 246-901-100
21. RCW 18.64.043(1) - the following language only: "of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,"

22. RCW 18.64.043(2)(a) - the following language only: “of location” in the first sentence.
23. RCW 18.64.043(3) - the following language only: “and to keep the license of location or the renewal thereof properly exhibited in said pharmacy”
24. WAC 246-869-020(10)

Pursuant to RCW 43.06.220(1)(h) these waivers and suspensions do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220 and (2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations on the manufacture and distribution of hand sanitizer will prevent essential workers in Washington State from meeting the demand for essential services required during the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 29, 2020:

1. RCW 18.64.020
2. RCW 18.64.044
3. RCW 18.64.045
4. RCW 18.64.250(1), (2)

Pursuant to RCW 43.06.220(1)(h) these waivers and suspensions do not apply except to the manufacturing, distributing, selling, and donating of hand sanitizer.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State