JAY INSLEE
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

PROCLAMATION BY THE GOVERNOR
AMENDING 20-05

20-06

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, since the initial confirmed case of COVID-19 in the United States, in Snohomish County, Washington, on January 21, 2020, it has spread to eight counties of Washington State resulting in 23 deaths; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as long-term care facilities, and most residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus into the population and start an outbreak; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property, and 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 Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Washington State Department of Health in assessing the magnitude 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

Proclamation 20-05 remains in effect and is amended as provided herein, and that a State of Emergency continues to exist in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

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 Washington State 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(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in all counties of Washington State related to the operation of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20, which restrictions shall remain in effect until midnight on April 9, 2020:

1. Owners, administrators, operators, staff, contractors, and volunteers of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from allowing a person to enter the facility and visit a resident unless that person is an adult, the resident has not already had a visitor that day, and the visit takes place in the resident's room. This prohibition does not apply in end of life situations.

2. No person is allowed to visit a resident of a nursing home licensed under RCW 18.51 or an assisted living facility licensed under RCW 18.20 unless they have been screened prior to entry for signs or symptoms of COVID-19, including fever of 100.4 or higher, cough, or difficulty breathing, or contact with a person with a confirmed diagnosis of COVID-19 in the last 14 days, or are under investigation for COVID-19. Precautionary measures may include, but are not limited to, wearing personal protective equipment, social distancing, or visiting in designated locations.

3. No person is allowed to visit a resident of a nursing home licensed under RCW 18.51 or an assisted living facility licensed under RCW 18.20 unless they show identification, sign into a visitor's log that includes date, time in and time out, and provide their name and contact information, including phone number and email address if available.

4. Operators and staff of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from destroying each day's visitor log for 30 days.

5. Owners, administrators, and operators of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from allowing a person to work or volunteer in the facility unless the person has been screened at the start of every shift and does not show any symptoms associated with COVID-19, including fever of 100.4 or higher, cough, or difficulty breathing.

6. Residents of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 that have one or more residents, staff, contractors or volunteers subject to a Washington State Department of Health or local health department recommendation or order of isolation or quarantine for COVID-19 need to be isolated in their rooms away from other people. A resident can choose to discharge from a facility at any time.

7. Owners, administrators, operators, staff, and volunteers of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from disclosing protected and confidential health information except as otherwise provided by law or with consent from the resident.

Nursing homes and assisted living facilities subject to these prohibitions are strongly encouraged to explore, adopt and implement reasonable alternative methods to provide access for residents to mitigate the impacts of these prohibitions.

ADDITIONALLY, based on the above situation, and to support implementation of the activities prohibited above, I also hereby find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with 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 until midnight on April 9, 2020:

1. RCW 70.129.090(1)(f), in its entirety:
   "(f) Subject to reasonable restrictions to protect the rights of others and to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident and others who are visiting with the consent of the resident;"

2. RCW 70.129.090(2), in its entirety:
   "(2) The facility must provide reasonable access to a resident by his or her representative or an entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time."

3. RCW 70.129.140(2)(b), in its entirety:
   "(b) Interact with members of the community both inside and outside the facility;"

4. RCW 70.129.140(3), in its entirety:
   "(3)(a) A resident has the right to organize and participate in resident groups in the facility.
   (b) A resident's family has the right to meet in the facility with the families of other residents in the facility.
   (c) The facility must provide a resident or family group, if one exists, with meeting space.
   (d) Staff or visitors may attend meetings at the group's invitation.
   (e) When a resident or family group exists, the facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.
   (f) The resident has the right to refuse to perform services for the facility except as voluntarily agreed by the resident and the facility in the resident's service plan."

5. RCW 70.129.140(4), in its entirety:
   "(4) A resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility."

6. RCW 70.129.140(5), in its entirety:
"(5) A resident has the right to:
(a) Reside and receive services in the facility with reasonable accommodation of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered; and
(b) Receive notice before the resident's room or roommate in the facility is changed."

7. WAC 388-97-0520(1)(g), in its entirety:
"(g) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident;".

8. WAC 388-97-0520(1)(h), in its entirety:
"(h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident."

All persons are advised of potential criminal penalties for violation of this order pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State