JAY INSLEE
Governor

STATE OF WASHINGTON
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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-66, et seq.

20-66.3
Long-Term Care – Operations and Visitation

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 several amendatory proclamations, 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 and remains a significant health risk to all of our people, especially members of our most vulnerable populations; 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 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 live and work in congregate settings, and many residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into the facility and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, and 20-18 waiving and suspending specified statutes and rules and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, the waivers, suspensions and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65 and 20-66 dividing some of the waivers, suspensions and prohibitions into their topical areas and cross reference applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, have been extended by the leadership of the Washington State Senate and House of Representatives and which I have acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein in subsequent proclamations; and

WHEREAS, the Department of Social and Health Services, and the Aging and Long-Term Support Administration have recommended that certain statutory and rule waivers and suspensions contained in Proclamation 20-66, et seq., are no longer necessary; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-66, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; 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 health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

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 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-66, et seq., is amended to (1) recognize the statutory waivers and suspensions extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

FURTHERMORE, the following statutes and rules are no longer waived and suspended by this Proclamation:

1. RCW 70.129.140(3)(e)
2. RCW 70.129.140(5)(a)
3. WAC 388-76-10401, except the following provisions remain waived and suspended:
    a. WAC 388-76-10401(1)(b)
    b. WAC 388-76-10401(1)(f)

ADDITIONALLY, to aid in understanding and implementation I am fully restating the prohibitions, waivers and suspensions in Proclamation, 20-66, et seq., as modified by this amendment and extension:

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 order that operations of the facilities listed below (with statutory references) must comply with the guidance documents referenced here, and that operations within such facilities that are not consistent with the guidance documents are prohibited:

- Intermediate Care Facilities - 42 CFR 483 subpart I and WAC 388-835, WAC 388-837
- State Operated Living Alternatives – RCW 71A.12
- Nursing Facilities – RCW 18.51 and RCW 74.42
- Assisted Living Facilities – RCW 18.20
- Adult Family Homes – RCW 70.128
- Enhanced Service Facilities – RCW 70.97

Based on the above situation, and to support implementation of the prohibitions stated above, I also continue to 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 continues to be waived and suspended, in its entirety unless otherwise indicated:

1. RCW 70.129.090(1)(f)
2. RCW 70.129.090(2)
3. RCW 70.129.140(2)(b)
4. RCW 70.129.140(3)(a)-(d), (f)
5. RCW 70.129.140(4)
6. RCW 70.129.140(5)(b)
7. WAC 388-97-0520(1)(g)
8. WAC 388-97-0520(1)(h)
9. WAC 388-76-10595(6)
10. WAC 388-76-10401(1)(b)
11. WAC 388-76-10401(1)(f)

ADDITIONALLY, in furtherance of the prohibitions, waivers, and suspensions contained herein, and for general awareness:

1. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as WAC 296-800-14035, and Department of Labor & Industries-administered statutes.
2. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
3. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03*, may be found at the Governor's Office website, *COVID-19 Resources and Information*, and at *COVID-19 Reopening Guidance for Businesses and 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.

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.

Violators 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 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State