JAY INSLEE
Governor

STATE OF WASHINGTON
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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-16, and 20-52 et seq.

20-74
Behavioral Health Association, Children's Long-Term Inpatient Program and Residential Treatment Facilities – 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 amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-71, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; 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, patients and staff are at increased risk for severe COVID-19, including individuals in facilities administered by the Department of Social and Health Services Behavioral Health Administration (BHA), those facilities operated for the Children's Long-Term Inpatient Program (CLIP) as contracted by the Health Care Authority (HCA), and Residential Treatment Facilities (RTF) as licensed by the Department of Health (DOH); and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into a BHA, CLIP, or RTF 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 and 20-16, 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 statutory waivers and suspensions in Proclamations 20-06 and 20-16 and other proclamations related to congregate care, such as long term health care facilities, were consolidated into Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in the proclamations consolidated into Proclamation 20-52, et seq., have been, with certain modifications by the leadership of the Washington State Senate and House of Representatives, extended until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modification in Proclamation 20-52, et seq.; and

WHEREAS, the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., addressed a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-63, 20-65, and 20-66 that divided some of the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., into their topical areas and cross referenced applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, separating the waivers, suspensions and prohibitions specifically applicable to BHA, CLIP and RTF from the consolidated provisions of Proclamation 20-52, et seq., and issuing them as part of a standalone proclamation will assist in the understanding, administration and implementation of those waivers, suspensions, and prohibitions; 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 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 Proclamations 20-06, 20-16, and 20-52, et seq., are amended to (1) recognize the prior extensions of statutory waivers and suspensions listed below 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 November 9, 2020, whichever occurs first, and (2) similarly extend the prior prohibitions and waiver and suspension of rules listed below until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

FURTHERMORE, the *Safe Start Washington Phased Reopening County-by-County Plan* found here, the *Order of the Secretary of Health* 20-03, et seq., initially issued on June 24, 2020, found here, and all provisions of Proclamations 20-25 et seq., shall remain in full force and effect.

FURTHERMORE, the recognition and extension of waivers, suspensions, and prohibitions related to BHA, CLIP and RTF contained herein supersede the recognition and extension of waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-16, and 20-52, et seq. The recognition and extension of current waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-16, and 20-52, et seq., remain in effect as stated in Proclamations 20-06, 20-16, and 20-52, et seq., or as otherwise extended.

ADDITIONALLY, 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 as follows:

BHA Facilities. Operations of the BHA facilities listed below (with statutory references) must comply with the BHA-issued guidance documents found here, and operations within such facilities that are not consistent with the guidance documents are prohibited.

- State-operated adult psychiatric facilities including Western State Hospital, Eastern State Hospital, and the Child and Study Treatment Center – RCW 72.23.020, RCW 72.23.010(9).
- The Special Commitment Center on McNeil Island – RCW 71.09.020(19)
- The King County Secure Community Transition Facility - RCW 71.09.020(15)
- The Pierce County Secure Community Transition Facility on McNeil Island – RCW 71.09.020(15)
- The Fort Steilacoom Competency Restoration Program, Residential Treatment Facility – RCW 10.77
- Maple Lane Competency Restoration Program, Residential Treatment Facility – RCW 10.77

- Yakima Competency Restoration Program, Residential Treatment Facility – RCW 10.77

CLIP Facilities. Operations of the CLIP facilities listed below (with statutory references) must comply with the HCA-issued guidance documents found here, and operations within such facilities that are not consistent with the guidance documents are prohibited:

- All facilities operated for CLIP pursuant to RCW 71.34.760(1).

Residential Treatment Facilities (RTF). Operations of the RTF listed below (with statutory references) must comply with the DOH-issued guidance documents found here, and operations within such facilities that are not consistent with the guidance documents are prohibited:

- All residential evaluation and treatment facilities and group care facilities licensed by DOH as an RTF pursuant to RCW 71.12.455(7); or WAC Chapter 246-337.

ADDITIONALLY, 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:

BHA and CLIP Facilities

1. RCW 71.05.217(4), in its entirety as shown: "(4) ~~To have visitors at reasonable times~~;"
2. RCW 71.34.355(4), in its entirety as shown: "(4) ~~To have visitors at reasonable times~~;"

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 8th day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State