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 PROCLAMATION 20-05

20-37
Department of Social & Health Services – NAR Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State 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, 20-35, and 20-36, 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, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations is significant, especially for those receiving long-term care services in congregate settings such as nursing homes; and

WHEREAS, the COVID-19 pandemic has resulted in unprecedented demands on our health care system, and is expected to significantly reduce the availability of registered nursing assistants (NAR) who are necessary to provide essential care services to some of Washington State's most vulnerable adults in nursing home facilities; and

WHEREAS, nursing homes in Washington State are currently permitted by statute to utilize NARs for four months prior to the NAR being required to complete mandated training and testing to become a certified nursing assistant; and

WHEREAS, because of the current COVID-19 crisis, NAR training programs have been significantly reduced and testing operations suspended, making it impossible at this time for NARs to complete mandatory training and testing to become certified nursing assistants in the four-month period during which nursing home facilities are allowed to utilize their services, resulting in nursing homes being required to terminate the employment of NARs after four months and lose valuable staff; and

WHEREAS, to prevent nursing home facilities from being required to terminate NARs after four months, it is necessary to temporarily waive and suspend statutes and regulations requiring completion of nursing assistant training and testing to become certified nursing assistants within four months of nursing home employment; 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.

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 20-05 is amended to waive and suspend specified statutes and regulations that prevent, hinder or delay action that is necessary to cope with the COVID-19 crisis by temporarily maintaining availability of registered nursing assistants to provide essential care services for vulnerable adults in nursing home facilities.

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, hinder, or delay the provision of necessary essential care services for vulnerable adults in nursing home facilities by requiring registered nursing assistants to complete training and testing to become certified nursing assistants within four months of

employment with a nursing home, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended, in its entirety, until midnight on April 29, 2020:

1. RCW 18.88A.030(2)(a)
2. WAC 388-97-1660(3)(a)(i)

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