JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-65

20-65.2
Long Term Care – Workers, Facilities, and Resources

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, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents and workers at long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, to mitigate the increased risk of rapid spread of COVID-19 among residents and workers, congregate living facilities have increased physical distancing protocols, heightened screening upon entrance and exit, instituted more intensive cleaning protocols, and taken a variety of other measures; and

WHEREAS, the measures taken in congregate settings to respond to the COVID-19 pandemic have resulted in unprecedented demands on the resources and caregivers necessary to provide essential services in Washington State's congregate living facilities; and

WHEREAS, as an added challenge to meeting the resource and workforce needs of our congregate living facilities, the outbreak of COVID-19 has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers are required to complete specific training, testing and certification requirements by dates certain, yet necessary class offerings, testing opportunities, and certification processing have been disrupted and cancelled because of the COVID-19 pandemic, exacerbating the long-term care worker shortage throughout Washington State; and

WHEREAS, due to physical distancing and group size requirements, training class sizes held during early phases of reopening must be smaller, and it will take significant time for workers to receive training and testing to fully meet licensing and certification requirements and resume their positions with long-term care facilities or as individual providers to clients in the community; and

WHEREAS, if the existing waivers for fingerprint background check requirements for Adult Family Homes, Assisted Living Facilities, Enhanced Services Facilities, and in-home providers are not extended, staff who have been or are unable to obtain fingerprint background checks as a result of the COVID-19 pandemic cannot provide services while they wait for fingerprint test sites to become fully operational and address the backlog of customers; and

WHEREAS, long-term care facilities are required to meet specific construction reviews, at times, certificate of need requirements, and inspections by dates certain or at specified intervals, yet necessary personnel and resources to process those requirements are unavailable or cannot be utilized due to restrictions implemented in response to the COVID-19 pandemic; and

WHEREAS, restrictions and staff shortages related to the COVID-19 pandemic, to include possible quarantine of residential long-term care facilities such as nursing homes, may hinder safe reviews, certificate issuance, and inspection and survey activities; and

WHEREAS, to maintain availability of facilities, staffing, and resources in our congregate living system at levels necessary to safely provide essential services during the current COVID-19 pandemic, agencies and other entities operating congregate living facilities have utilized a variety of interim licenses, waiver of certain certification, inspection, administrative requirements, and other programs that are temporary in nature; and

WHEREAS, to prevent expiration of these temporary programs and the resulting loss of necessary facilities, staffing, and resources, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-37, et. seq., 20-38, et seq., and 20-52, et seq., waiving and suspending specified statutes and rules relating to facilities, staffing, and resources at congregate living and care facilities and other related subjects; and

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamations 20-10, 20-18, 20-37, et seq., 20-38, et seq., 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 contained in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., had been periodically extended with certain modifications, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modifications in subsequent proclamations; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, except numbered paragraph 30 (at my request), were extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein in subsequent proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, 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 November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-65, 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 20-65, et seq., is amended to (1) recognize the extensions of statutory waivers and suspensions 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 November 9, 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 November 9, 2020, whichever occurs first.

FURTHERMORE, by way of clarification, numbered paragraph 30 of Proclamation 20-65 waives and suspends only that specific language of RCW 43.43.837(1) indicated by strikethrough; numbered paragraph 31 of Proclamation 20-65 contains a separate waiver and suspension of RCW 43.43.837(1) subsections (a), (b), (c), and (d), rendering the extension of paragraph 30 duplicative and unnecessary.

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 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State