JAY INSLEE
Governor

STATE OF WASHINGTON
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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-32
Department of Health – Healthcare Worker Licensing

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of 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, and 20-31, 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, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, healthcare workers, who are essential to meeting Washington State healthcare needs are critical in responding to the COVID-19 epidemic, which is expected to overwhelm the healthcare system; and

WHEREAS, it is anticipated there will be an insufficient number of available licensed healthcare providers in Washington State to meet the need as the number of people infected with COVID-19 requiring medical care increases; and

WHEREAS, the Department of Health is responsible for administering the licensing statutes and rules relating to healthcare providers in the State of Washington; and

WHEREAS, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to healthcare workers to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response; 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, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action to prevent a shortage of licensed health care providers.

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 DOH, 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 the Washington State healthcare system from meeting the demand for healthcare staffing to meet the demands of 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 in its entirety, except as otherwise provided herein, until midnight on April 25, 2020:

A. Barriers to continued and uninterrupted healthcare practice, including continuing education and other training requirements and license renewal deadlines

1. RCW 43.70.280(2) - the following language only: "Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of health adopted in accordance with the provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period."
2. RCW 70.41.230
3. Licensed health profession rules requiring continuing education and training

Mental health counselors, marriage and family therapists, and social workers
WAC 246-809-080
WAC 246-809-600
WAC 246-809-615
WAC 246-809-630
WAC 246-809-632

Health care assistants
WAC 246-826-230

Medical assistants
WAC 246-827-0220(1)(e)
WAC 246-827-0300(4)
WAC 246-827-0410(4)
WAC 246-827-0510(4)

Nursing professionals
WAC 246-840-025(2)
WAC 246-840-030(2)
WAC 246-840-045(1)(d)
WAC 246-840-090(6)
WAC 246-840-111(2)(c)
WAC 246-840-220
WAC 246-840-230
WAC 246-840-250
WAC 246-840-260
WAC 246-840-302(2)
WAC 246-840-360(1)(b), (c), (2)(b), (c)(i)
WAC 246-840-365(2)(e)
WAC 246-840-367(4)(b), (c)
WAC 246-840-450(1)(b), (c)
WAC 246-840-539(6)(j)
WAC 246-840-541(1)(m)
WAC 246-840-860(3)
WAC 246-840-905(2)(b)

Nursing assistants
WAC 246-841-470(6)(g)
WAC 246-841-490(2)(a), (5)
WAC 246-841-578(4)
WAC 246-841-585(1)(e), (2)(e)
WAC 246-841-588(4)(b)
WAC 246-841-610

Nursing assistants – nursing homes
WAC 246-842-190(2)(a) - the following language only: "no less than seven hours must be in AIDS education and training,"

Osteopathic physicians and surgeons
WAC 246-853-065
WAC 246-853-080
WAC 246-853-230

Osteopathic physicians' assistants
WAC 246-854-080(2)(d)
WAC 246-854-110
WAC 246-854-115
WAC 246-854-116

Pharmacists
WAC 246-861-020
WAC 246-861-090
WAC 246-861-105
WAC 246-863-120

Pharmacy ancillary personnel
WAC 246-901-061
WAC 246-901-120

Physician assistants
WAC 246-918-080(2)(d)
WAC 246-918-081(1) - the following language only: "and meeting the continuing medical education requirements under WAC 246-918-180"
WAC 246-918-180
WAC 246-918-185

Physicians
WAC 246-919-380
WAC 246-919-430
WAC 246-919-435

Respiratory care practitioners
WAC 246-928-440
WAC 246-928-442
WAC 246-928-443

Home care aides
WAC 246-980-110
WAC 246-980-115(1)(c), (2)(a) - the following language only: “submit proof of twelve continuing education hours as required by RCW 74.39A.341 and WAC 246-980-110 for each year it has been expired, and”

4. Licensed health profession rules restricting the practice of retired active licensees

Mental health counselors, marriage and family therapists, and social workers
WAC 246-809-730(3) - the following language only: ", and must report eighteen hours of continuing education including six hours in professional ethics and law as required under WAC 246-809-630 every two years"

Nursing professionals
WAC 246-840-125(4)(b), (c)

Osteopathic physicians and surgeons
WAC 246-853-235(2), (3)(a) - the following language only: “calling for immediate action”
WAC 246-853-235(5)

Osteopathic physicians’ assistants
WAC 246-854-112(2), (3), (4)(a) - the following language only: “calling for immediate action”
WAC 246-854-112(6)

Pharmacists
WAC 246-863-080(2) - the following language only: “shall not be authorized to practice pharmacy and”

Physician assistants
WAC 246-918-175(2), (3), (4)(a) - the following language only: “calling for immediate action”
WAC 246-918-175(6)

Physicians
WAC 246-919-480(2), (4) - the following language only: “and must report one hundred hours of continuing medical education at every renewal”

5. RCW 18.360.010(11) - the following language only: “physically present and is” and “in the facility. The health care practitioner does not need to be present during procedures to withdraw blood, but must be immediately available.”
6. RCW 18.360.040(1)(b) - the following language only: “or after one year, whichever occurs first, and may not be renewed”,
7. RCW 18.360.040(5)(d) - the following language only: “for up to sixty days” and “on the sixtieth day of employment”
8. WAC 246-827-0220(2)(c) - the following language only: “or one year after issuance of the interim certification, whichever occurs first”

9. WAC 246-827-0220(2)(d)
10. WAC 246-901-010(11)
11. WAC 246-901-020(1) - the following language only: “immediate”
12. WAC 246-901-040 - the following language only: “immediate”
13. WAC 246-976-171(4)(a), (b)
14. RCW 70.24.260
15. RCW 70.24.270
16. RCW 70.24.280
17. RCW 70.24.310
18. RCW 43.70.442
19. WAC 246-12-040(3)(a)(v), (b)(viii), (c)(vi), (ix), (xi)
20. WAC 246-12-170 through 200
21. WAC 246-12-250 through 280

B. Barriers to the practice of health care provider volunteers

1. WAC 246-12-130(2)(c)
2. WAC 246-12-130(2)(d)
3. WAC 246-12-430(1)(a)
4. WAC 246-12-440
5. WAC 246-12-530(4)
6. WAC 246-12-560(6)
7. WAC 246-840-930(8)(b)
8. WAC 246-840-940

C. Barriers to physician assistant movement related to delegation agreements

1. RCW 18.71A.030(1) - the following language only:
   “A physician assistant may practice medicine in this state only with the approval of the delegation agreement by the commission and only to the extent permitted by the commission. A physician assistant who has received a license but who has not received commission approval of the delegation agreement under RCW 18.71A.040 may not practice.”
2. RCW 18.71A.030(2) - the following language only:
   “and that are consistent with their commission-approved delegation agreement”
3. RCW 18.71A.035(1), (2)
4. RCW 18.71A.040
5. WAC 246-918-035(1) - the following language only:
   “consistent with the scope of practice in an approved delegation agreement”
6. WAC 246-918-055
7. WAC 246-918-075(2) - the following language only:
   “provided that the temporary practice permit holder has a delegation agreement approved by the commission”
8. WAC 246-918-080(4)
9. WAC 246-918-082(2)
10. WAC 246-918-095 - the following language only:
    “delegation agreement and”
11. WAC 246-918-120

12. RCW 18.57A.030(1) - the following language only:
"An osteopathic physician assistant as defined in this chapter may practice osteopathic medicine in this state only with the approval of the delegation agreement by the board and only to the extent permitted by the board. An osteopathic physician assistant who has received a license but who has not received board approval of the delegation agreement under RCW 18.57A.040 may not practice."
13. RCW 18.57A.030(2) - the following language only:
"and that are consistent with their board-approved delegation agreement"
14. RCW 18.57A.035(1), (2)
15. RCW 18.57A.040
16. WAC 246-854-015(2), (3), (4), (8)
17. WAC 246-854-021
18. WAC 246-854-030(1) - the following language only:
"consistent with the scope of practice in an approved delegation agreement"
19. WAC 246-854-035(2)
20. WAC 246-854-075(2) - the following language only:
"provided that the temporary practice permit holder has a delegation agreement approved by the board"
21. WAC 246-854-080(4)
22. WAC 246-854-082(2)
23. WAC 246-854-095 - the following language only:
"delegation agreement and"
24. WAC 246-854-230(4) - the following language only:
"only after the board approves a delegation agreement permitting the osteopathic physician assistant to perform such procedures"
25. WAC 246-854-330(1) - the following language only:
"have a delegation agreement with a physician pain management specialist and"
26. WAC 246-854-025

D. <u>Barriers to broader practice by allopathic and osteopathic physicians currently limited to practice in post-graduate, fellowship, instructional, or other limited settings</u>

1. RCW 18.71.095(1) - the following language only:
"Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections"

2. RCW 18.71.095(2) - the following language only:
"Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department."
3. RCW 18.71.095(3) - the following language only:
"Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice."

4. RCW 18.71.095(4)(a) - the following language only;
"shall permit the recipient to practice medicine only within the confines of the instructional program specified in the application and"
5. RCW 18.71.095(4)(b) - the following language only:
"Such license shall permit the holder only to practice medicine within the confines of the fellowship program to which he or she has been appointed and,"
6. RCW 18.57.035 - the following language only:
"that permits the physician in postgraduate training to practice osteopathic medicine and surgery only in connection with his or her duties as a physician in postgraduate training and does not authorize the physician to engage in any other form of practice"

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 26th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State