JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-59
Department of Health – Temporary Practice Permits

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 through 20-53, and 20-55 through 20-58, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25 as amended, *Safe Start – Stay Healthy*; 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, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system;

WHEREAS, healthcare workers are essential to meeting Washington State healthcare needs and critical in responding to the COVID-19 epidemic; and

WHEREAS, the COVID-19 epidemic has hindered the ability of recent graduates to obtain licenses and enter the health care workforce, which threatens Washingtonians' ability to promptly access care; 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, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to the issuance of Temporary Practice Permits (TPP) for healthcare workers who have recently graduated from professional health care programs in dentistry, pharmacy, and dental hygiene; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease,

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 by modifying the eligibility for Temporary Practice Permits of recent graduates from professional programs in dentistry, pharmacy, and dental hygiene until 11:59 p.m. on July 19, 2020.

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 portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein with specific language stricken (for example, "~~licensed~~"), until 11:59 p.m. on July 19, 2020:

1. RCW 18.130.075 (Temporary practice permits—Penalties), the following stricken language only:

   (1) If an individual ~~licensed in another state that has licensing standards substantially equivalent to Washington~~ applies for a license, the disciplining authority shall issue a temporary practice permit authorizing the applicant to practice the profession pending completion of documentation that the applicant meets the requirements for a license and is also not subject to denial of a license or issuance of a conditional license under this chapter. The temporary permit may reflect ~~statutory~~ limitations on the scope of practice. ~~The permit shall be issued only upon the disciplining authority receiving verification from the states in which the applicant is licensed that the applicant is currently licensed and is not subject to charges or disciplinary action for unprofessional conduct or impairment. Notwithstanding RCW 34.05.422(3), the disciplining authority shall establish, by rule, the duration of the temporary practice permits.~~
   (2) Failure to surrender the temporary practice permit is a misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct under this chapter.
   (3) The issuance of temporary permits is subject to the provisions of this chapter, including summary suspensions.

2. WAC 246-12-050
3. WAC 246-817-185
4. WAC 246-817-186
5. WAC 246-863-035

FURTHERMORE, 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 prohibit the waivers and suspensions listed above from applying except as follows:

1. Eligibility. The waivers set forth above shall be only for persons applying for Temporary Practice Permits to practice as dentists, pharmacists, and dental hygienists who meet all of the following eligibility criteria:
    a. Graduated from an approved educational program, as required for the relevant profession, after January 1, 2020,
    b. Has not previously taken the state-level examination(s) required for licensure,
    c. Attests to the inability to take the required examination(s) within the normal timeframe due to a lack of exam space,
    d. Is included on a list, submitted by the relevant educational program to the Department of Health, of eligible graduates who, in the opinion of the relevant educational program, are prepared and competent to enter practice,
    e. Files an application on a form provided by or as otherwise directed by the Department of Health,
    f. Pays the required license application fee to the Department of Health,
    g. Completes any required background check, provided that a Temporary Practice Permit can be issued while the background check is completed, and
    h. Meets all other requirements to qualify and apply for licensure other than the examination requirement.

2. Expiration. The waivers set forth above shall expire at the earliest of any of the following:
    a. The declared end of the COVID-19 Emergency (Proclamation 20-05),
    b. The Temporary Practice Permit holder fails to take the first examination available, unless unable to do so due to illness or other extenuating circumstances beyond their control,
    c. A license is issued,
    d. The Temporary Practice Permit holder receives a failing result on a required professional licensing examination,
    e. The disciplining authority suspends or revokes the Temporary Practice Permit, or
    f. 180 days after the Temporary Practice Permit is issued, provided, that this automatic expiration date can be extended for up to two 60-day increments during the declared COVID-19 pandemic emergency if the Temporary Practice Permit holder demonstrates an effort to schedule an exam that was unsuccessful due to extenuating circumstances such as continued limitations on testing capacity.

3. Limitations on Scope of Practice.
    a. Individuals issued Temporary Practice Permits under this proclamation are prohibited from prescribing or dispensing controlled substances (e.g. opioids) without a fully licensed co-prescriber, and

b. The disciplining authority may impose other limitations on the scope of practice when issuing a Temporary Practice Permit when the disciplining authority determines that such limitations are warranted for the protection of patient safety.

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 19th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State