JAY INSLEE
Governor

STATE OF WASHINGTON
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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 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
Department of Social and Health Services

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, and 20-17, 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, continues to broadly spread throughout Washington State; and

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

WHEREAS, an adequate number of long-term care workers is necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers, who provide essential care to our most vulnerable populations, are required to complete national fingerprint checks by certain deadlines, yet the operations of the third party vendors who collect the fingerprint impressions may be disrupted, and the FBI response to inquiries may be delayed because of the COVID-19 pandemic, exacerbating a long-term care worker shortage throughout Washington State; and

WHEREAS, the COVID-19 pandemic may result in staffing shortages of state case managers, nursing staff, and caregivers in residential long-term care facilities; and

WHEREAS, the COVID-19 pandemic may disrupt a nursing facility's ability to request Medicaid assessments for residents prior to their admission which is required to receive reimbursement beginning on a resident's date of admission under RCW 74.42.056; and

WHEREAS, the Department of Social and Health Services is required to complete periodic inspections and surveys of residential long-term care facilities including nursing homes; and

WHEREAS, the COVID-19 pandemic may require quarantine of residential long-term care facilities, including nursing homes, which may preclude safe inspection and survey activities and the pandemic may also negatively affect the availability of department staff to conduct timely inspections and surveys; and

WHEREAS, the COVID-19 pandemic may cause economic hardship on individuals and families without children who usually would not be eligible for benefits under the Family Emergency Assistance Program in RCW 70.04.660; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) 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 DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH 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 Proclamations 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, and 20-17 remain 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 long-term care worker shortage and other disruptions to the long-term care system.

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.

ACCORDINGLY, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), I authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children.

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 risk destabilizing the state's long term care system and prevent, hinder, or delay the response by the Department of Social and Health Services to the COVID-19 pandemic 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 9, 2020:

1. RCW 18.51.091
2. RCW 18.51.230
3. RCW 18.20.110 (first two sentences only)
    a. The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all assisted living facilities. However, the department may delay an inspection to twenty-four months if the assisted living facility has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period.
4. RCW 70.128.070(2)(b)
5. RCW 70.129.090(2)
6. RCW 70.97.160(1) (partial waiver and suspension only of the following language: "…and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.")
7. RCW 74.42.056
8. RCW 74.42.360(2),(3), and (4)
9. RCW 74.39A.056(1)(b)(i)
10. RCW 43.20A.710(2)
11. RCW 43.43.837(1) (partial waiver and suspension only, starting with "…but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application" and continuing through subsection (1)(d).
12. RCW 70.128.130(13)
13. WAC 388-71-0514
14. WAC 388-76-10161(2)(b)
15. WAC 388-76-10176
16. WAC 388-78A-2462(2)(b)
17. WAC 388-78A-24681
18. WAC 388-97-1080(3), (4), (5), (6), (7), and (8)
19. WAC 388-97-1090WAC 388-107-1210(2)(b)

20. WAC 388-107-1270
21. WAC 388-101D-0080
22. WAC 388-06-0500 through 0540
23. WAC 388-106-0360

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 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State