



# Overview of Emergency Powers

(Relating to the COVID - 19 Response.)

*This resource was prepared by non-partisan legislative staff to provide an overview of laws concerning emergency powers by highlighting key roles, laws and referencing some court decisions. This analysis may not be comprehensive and should not be taken as an authoritative interpretation or legal advice.*

## Summary of Emergency Powers

There are a variety of emergency powers that could be invoked during a state of emergency. In general, emergency powers are broad and may overlap between different levels of government. Summarized below are powers that each level of government may have and some examples of where those powers have been exercised relating to the COVID - 19 response.

### **Federal Government**

Federal government powers are limited to enumerated powers in the U.S. Constitution (e.g., defense, immigration, interstate commerce, spending and tax powers, etc.) - all other powers are enumerated to the states. The federal government police powers are limited to these cases unless on federal land like military bases and national parks. In practice this generally means that most public health issues lie within the authority of the state government. However, in the face of a global pandemic which has spread across the country and international boundaries impacting interstate commerce, trade and national security, the federal governments potential emergency powers could be quite broad.

- Federal Laws - concerning public health:

- Public Health Services Act, 42 U.S.C. § 201 et seq.

*Pertaining to COVID-19* - January 31, 2020, the Secretary of Human Health Services (HHS) declared a state of emergency under section 319 of the Public Health Services Act, triggering emergency powers to allow DHHS to assist state and local governments in various ways. This also sparks allowance to detain and medically examine people coming into the US and also grants quarantine powers to prevent the spread of diseases between the states. According to the Center for Disease Control (CDC), the last time this was enforced was during the Spanish flu pandemic in 1918.

- Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq.
- National Emergencies Act, 50 U.S.C. § 1601 et seq.

*Pertaining to COVID-19* - President Trump declared a state of emergency on March 13, 2020. This invokes the Stafford Act, which provides FEMA assistance across the country, allowing states to request a 75% cost share for expenses related to mitigation efforts. The declaration also invokes the National Emergencies Act, a general statute for any type of emergency that provides authority that such as seizing public property & commodities, restricting trade, restricting travel, regulating private enterprise, and instituting martial law.

- Defense Production Act of 1950, 50 U.S.C § 4501 et seq.

*Pertaining to COVID-19* - President Trump invoked emergency authorities via executive order on March 18, 2020. This allows the HHS Secretary to require private industry to prioritize government contracts over any other contracts for the purpose of national security, in this case for medical supply production as specified by the Secretary.

- Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et. Seq.

*Pertaining to COVID-19* - Allows the use of unapproved medical products. The FDA has issued guidance to provide a policy to help accelerate the availability of COVID-19 diagnostic tests developed by laboratories and commercial manufacturers during the public health emergency.

According to a March 18, 2020 [Time article](#): Everlywell, a home testing company that offers dozens of lab tests to consumers, is adding a COVID-19 test beginning on March 23. To get the test an individual would need to be screened by a telemedicine doctor from PWNHealth. If testing is authorized, the test involves sending a swab sample from the nose and throat area and sending it back to the company. The company then provides results via text or e-mail and if the test is positive, the company also provides telemedicine consultation.

## **Tribal Government**

Tribes are sovereign nations that maintain a government-to-government relationship with the United States; however, the U.S. Supreme Court has held that Congress holds the authority to legislate on issues related to Tribes. Additionally, the U.S. maintains federal Indian trust responsibility, including a fiduciary obligation to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal Indian law.

While the federal government has the authority to legislate on tribal issues, states do not have authority over tribal members on tribal lands unless specifically authorized by federal law. Therefore, a state declaration of emergency would not apply on tribal lands. Only Tribes have authority to declare an

emergency to protect the public health and welfare of their citizens on tribal lands in the manner most appropriate for their communities.

While states have limited jurisdiction with respect to tribal lands, tribes are free to participate in state emergency planning and responses efforts and may enter into intergovernmental agreements with state, local, or even other tribal governments on cross-jurisdictional issues.

- Tribal Emergency Declarations -

Tribal constitutions can specifically reference a tribe's authority to protect the health and welfare of its communities. Tribal codes may outline the depth and breadth of tribal emergency management authorities. Emergency management plans detail a tribe's strategy for responding to and mitigating emergencies.

- Federal Assistance for Tribal Emergency Declarations -

Under the Sandy Recovery Improvement Act of 2013, the chief executive of a Tribal government follows the same procedures as a state Governor to request a Stafford Act declaration from the President. Before 2013, only the Governor of an affected state could request a Stafford Act declaration from the President. Tribes were only able to receive Stafford Act assistance if the Governor of the state in which the Tribe was located first requested a declaration.

When granting tribal governments the right to request a Stafford Act declaration for tribal land, Congress included a savings provision to ensure that tribes could still receive aid pursuant to a state-requested declaration. The law states that "[n]othing in this subsection shall prohibit an Indian tribal government from receiving assistance under this subchapter through a declaration made by the President at the request of a State . . . if the President does not make a declaration under this subsection for the same incident." (See 42 U.S.C. §§ 5170(b)(3), 5191(c)(3) (2012)).

## State Government

Washington State enjoys broad police power to protect public health and safety. See *Medtronic, Inc. v. Lohr*, 518 U.S. 470, 475 (1996); *Shea v. Olson*, 185 Wash. 143, 153 (1936).

- Washington State constitution

- Governmental Continuity - Article II, § 42.
- Budget Stabilization Account - Article VII, § 12.
- State Board of Health - Article XX, §1.
- "The supreme executive power of the state shall be vested in a Governor..." - Article III, § 2.

- Governor Authority - [Chapter 43.06 RCW](#)

- The Governor may proclaim a state of emergency "after finding that a public disorder, disaster, energy emergency, or riot exists within the state or any part thereof which affects life, health, property, or the public peace..." ([RCW 43.06.010 \(12\)](#)) As part of a state of emergency the Governor can use the Comprehensive Emergency Management

Plan, developed under [Chapter 38.52 RCW](#) to provide a coordinated statewide response and resources for the incident, which generally includes:

- Supervision and control over emergency management; may assume direct operational control (Generally done through the Emergency Management Division of the Military Department).
  - Entering into mutual aid agreements with other states, cooperate with federal officials, or coordinate interlocal agreements.
  - Allowing the use of existing services, equipment, supplies, and facilities and may commandeer service and equipment of citizens.
  - Deploying state militia or state patrol. See [RCW 43.06.270](#) and [Chapter 38.08 RCW](#)
- The Governor may issue an emergency order prohibiting certain activities (see [RCW 43.06.220 \(1\)](#))
  - The Governor may waive or suspend certain types of statutory and regulatory obligations and limitations for 30 days (see [RCW 43.06.220 \(2\)](#)). NOTE: The legislature may extend these actions through concurrent resolution. If the legislature is not in session, the waiver or suspension of statutory obligations or limitations may be extended in writing by the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives until the legislature can extend the waiver or suspension by concurrent resolution. . (see [RCW 43.06.220 \(4\)](#))
  - Penalties for violations under a state of emergency -
    - Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor. [RCW 43.06.220 \(5\)](#)
    - Any person who maliciously destroys or damages any real or personal property or maliciously injures another is guilty of a class B felony and upon conviction thereof shall be imprisoned in a state correctional facility for not less than two years nor more than ten years. [RCW 43.06.230](#)
    - Any person who:
      - (1) Willfully causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:
        - (a) engaging in fighting or in violent, tumultuous, or threatening behavior; or
        - (b) making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or
        - (c) dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority; or
        - (d) creating a hazardous or physically offensive condition which serves no legitimate purpose; or
      - (2) Engages with at least one other person in a course of conduct as defined in subsection (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer shall be guilty of

disorderly conduct and be punished by imprisonment in the county jail for up to three hundred sixty-four days or fined not more than one thousand dollars or by both fine and imprisonment. [RCW 43.06.240](#)

- Any person upon any public way or any public property, within the area described in the state of emergency, who is directed by a public official to leave the public way or public property and refuses to do so shall be guilty of a misdemeanor. [RCW 43.06.250](#)
- Any person sixteen years of age or over who violates any provision of RCW 43.06.010, and 43.06.200 through 43.06.270 shall be prosecuted as an adult. [RCW 43.06.260](#)

*Pertaining to COVID-19 - Below is a timeline of the proclamations issued by the Governor, see [Appendix A](#) for additional details regarding each proclamation including links to each proclamation and the statutes (if applicable).*

- **February 29, 2020** - State of Emergency issued by the Governor on under [Proclamation 20-05](#) for COVID-19 in all counties. Triggered activation of the [Washington State Comprehensive Emergency Management Plan](#) under the Emergency Management Act ([Chapter 38.52 RCW](#)) to provide a coordinated statewide response and resources for the incident.
- **March 10, 2020** - [Proclamation 20-06](#) COVID-19 (amends 20-05), relating to the operation of nursing homes and assisted living facilities in all counties of Washington State. Effective until midnight on April 9, 2020.
- **March 11, 2020** - [Proclamation 20-07](#) COVID-19 (amends 20-05 and 20-06), to prohibit gatherings of 250 people in King, Pierce and Snohomish counties. Effective until midnight on March 31, 2020, unless extended beyond that date.
- **March 12, 2020** - [Proclamation 20-08](#) COVID-19: School Closures (amends 20-05, 20-06 and 20-07), to prohibit in-person educational, recreational, and other K-12 school programs using their school facilities at public school districts, charter schools, and private schools in King, Pierce and Snohomish counties, or joint school districts in Bainbridge Island, Stanwood-Camano, and Darrington. Effective from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date.
- **March 13, 2020** - [Proclamation 20-09](#) COVID-19: Statewide K-12 School Closures (amends 20-05, 20-06, 20-07 and 20-08), extends school closures to all counties of the state of Washington. Effective from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date.
- **March 13, 2020** - [Proclamation 20-10](#) COVID-19: Long-Term Care Workers (amends 20-05, 20-06, 20-07, 20-08 and 20-09), waives or suspends certain statutory and regulatory obligations related to long-term care facilities. Effective until midnight on April 9, 2020.
- **March 13, 2020** - [Proclamation 20-11](#) COVID-19: Gatherings Amendment (amends 20-05, 20-06, 20-07, 20-08, 20-09, and 20-10), adding the following: expands the prohibition on social gatherings of 250 people to all counties of the state of

Washington. Effective until midnight on March 31, 2020, unless extended beyond that date.

- **March 13, 2020** - [Proclamation 20-12](#) COVID-19: College Closures (amends 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11), prohibits all public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs from conducting in-person classes in all counties of Washington State. Effective from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date.
- **March 16, 2020** - [Proclamation 20-13](#) COVID-19: Statewide Limits-food and Beverage Services, Areas of Congregation (amends 20-05), prohibits: the onsite consumption of food and/or beverages in certain public venues; the operation of public venues in which people congregate; and the operation of all retail stores. Effective until midnight on March 31, 2020, unless extended beyond that date.
- **March 16, 2020** - [Proclamation 20-14](#) COVID-19:Reduction of Statewide Limits on Gatherings (amends 20-05), amends the restriction for social gatherings of 250 people or more to reduce the size of gatherings to 50 people or less and activities of less than 50 people unless organizers of those activities comply with social distancing and sanitation measures. Effective until midnight on March 31, 2020, unless extended beyond that date.
- **March 16, 2020** - [Proclamation 20-15](#) COVID-19: Department of Licensing (amends 20-05), waives specific statutes pertaining to DOL eye examinations and renewals of driver licenses and identification cards. Effective until midnight on April 15, 2020.
- **March 16, 2020** - [Proclamation 20-16](#) COVID-19: Statewide Limits on LTC - No Visitors (amends 20-05 and 20-06), amends Proclamation 20-06 to include the a comprehensive list of facilities subject to the prohibitions and prohibits any person from entering the facility to visit a resident (with certain exceptions). Effective until midnight on April 9, 2020.
- **March 17, 2020** - [Proclamation 20-17](#) COVID-19: Prohibiting Visitors at LTCs (amends 20-05, 20-06 and 20-16), adds facilities to the comprehensive list and waives and suspends statutory and regulatory obligations or limitations pertaining to visitors at these facilities. Effective until midnight on April 16, 2020.
- **March 18, 2020** - [Proclamation 20-18](#) COVID-19: Department of Social and Health Services (DSHS) Waivers (amends 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), directs the Secretary of the DSHS to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children and waives and suspends 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. Effective until midnight on April 9, 2020.
- **March 18, 2020** - [Proclamation 20-19](#) COVID-19: Moratorium on Evictions (amends 20-05), temporarily prohibits the activities related to residential evictions by all residential landlords operating residential rental property in Washington State. Effective immediately and until April 17, 2020.

- **March 18, 2020** - [Proclamation 20-20](#) COVID-19: Department of Revenue - Interest, Fees, Penalties, Due Dates (amends 20-05), waives and suspends statutory obligation and limitation to prohibit certain activities impacting taxpayers until midnight on April 17, 2020, and prohibits enforcement of the statutory provisions waived from February 29, 2020, until midnight on April 17, 2020.
- **March 18, 2020** - [Proclamation 20-21](#) COVID-19: Unemployment Insurance Waiver (amends 20-05), for claims filed on or after March 8, 2020, waives and suspends the statutory requirement that a person must be unemployed for one week before they can receive unemployment benefits. Effective until midnight on April 17, 2020.
- **March 18, 2020** - [Proclamation 20-22](#) COVID-19: Truck Driver Hours (amends 20-05), adding exemptions from driver hours of service rules for motor carriers and drivers of commercial motor vehicles collecting or delivering essential food and emergency supplies in Washington State for specified purposes. Effective until midnight on April 17, 2020.
- **March 18, 2020** - [Proclamation 20-23](#) COVID-19: Washington State Utilities and Transportation Commission (UTC) - Ratepayer Assistance (amends 20-05), waives and suspends the statutory obligations and limitations to prohibit certain utility low income accounts from being used during this crisis for any purpose other than to support community action agencies in providing services to address the consequences of the COVID-19 pandemic and encourages all utilities in Washington state to do the same. Effective until midnight on April 17, 2020.
- **March 24, 2020** - [Proclamation 20-23.1](#) COVID-19: UTC - Ratepayer Assistance (amends 20-05 and 20-23) makes the following changes to 20-23.
- **March 19, 2020** - [Proclamation 20-24](#) COVID-19: Restrictions on Non-Urgent Medical Procedures (amends 20-05), prohibits all hospitals, ambulatory surgical facilities, dental, orthodontic and endodontic offices in Washington State from providing health care services, procedures, and surgeries that, if delayed, are not anticipated to cause harm to the patient within the next three months, with certain exceptions. Effective until May 18, 2020.
- **March 23, 2020** - [Proclamation 20-25](#) COVID-19: Stay Home Stay Healthy (amends 20-05, 20-07, 20-11, 20-13, and 20-14), immediately prohibits: all people in Washington state from leaving their home or place of residence unless they are conducting essential activities, have employment in providing essential business services, are in a home or residence that is unsafe, or are experiencing homelessness; and participation in public and private gatherings of any number. Effective until midnight on April 6, 2020, unless extended beyond that date.
- **March 24, 2020** - [Proclamation 20-26](#) COVID-19: Washington State Liquor and Cannabis Board (WSLCB) - Penalties (amends 20-05), waives and suspends certain statutory obligations and limitations to prohibit certain activities by the WSLCB regarding imposition of penalties against certain licensees. Effective until midnight on April 22, 2020.
- **March 24, 2020** - [Proclamation 20-27](#) COVID-19: Electronic Notary Effective Date (amends 20-05), waives and suspends the effective date provisions in Section 10 of



[SB 5641](#) to allow for the new electronic notary services provisions to take effect. Effective March 27, 2020 until midnight on April 26, 2020.

- **March 24, 2020** - [Proclamation 20-28](#) COVID-19: Open Public Meetings Act (OPMA) and Public Records Act (PRA) (amends 20-05), waives and suspends the portions of OPMA and PRA that require in-person meetings or contact. Effective until midnight on April 23, 2020.
- **March 25, 2020** - [Proclamation 20-29](#) COVID-19: Telemedicine (amends 20-05), waives and suspends the statutory obligations and limitations concerning certain activities related to the use of telemedicine services by medical providers. Effective until midnight on April 24, 2020.
- **March 25, 2020** - [Proclamation 20-30](#) COVID-19: Unemployment Benefits Job Search Requirements (amends 20-05), waives and suspends statutory obligations and limitations providing unemployment compensation for claims filed on or after March 8, 2020, until midnight on April 24, 2020.
- **March 26, 2020** - [Proclamation 20-31](#) COVID-19: Childcare, background checks (amends 20-05), waives and suspends statutory obligations and limitations concerning the state's subsidized childcare programs. Effective until midnight on April 25, 2020.
- **March 26, 2020** - [Proclamation 20-32](#) COVID-19: Healthcare Worker Licensing (amends 20-05), waives and suspends statutory obligations and limitations to prevent a shortage of licensed health care providers. Effective until midnight on April 25, 2020.
- **March 26, 2020** - [Proclamation 20-33](#) COVID-19: Child Visitation and Remedial Services (amends 20-05), waives and suspends certain statutory obligations and limitations of the foster care system. Effective until midnight on April 25, 2020.
- **March 26, 2020** - [Proclamation 20-34](#) COVID-19: Financial Reports Filing Date (amends 20-05), waives and suspends the second paragraph of [RCW 43.09.230](#). Effective until midnight on April 25, 2020.
- **March 30, 2020** - [Proclamation 20-35](#) COVID-19: Department of Corrections Community Custody Violations (amends 20-05), waives and suspends [RCW 9.94A.737](#)(2)(b). Effective until midnight on April 29, 2020.
- **March 30, 2020** - [Proclamation 20-36](#) COVID-19: Department of Health Facilities and Hand Sanitizer (amends 20-05), adding the following to prevent a shortage of licensed health care facilities and health care beds and to maintain a healthy work environment for essential workers. Effective until midnight on April 29, 2020.
- **March 30, 2020** - [Proclamation 20-37](#) COVID-19: Department of Social and Health Services NAR Waiver (amends 20-05), to waive or suspend certain statutory and regulatory obligations or limitations for registered nursing assistants (NAR) to complete training and testing to become certified within four months of employment with a nursing home. Effective until midnight on April 29, 2020.
- **March 30, 2020** - [Proclamation 20-38](#) COVID-19: Department of Social and Health Services Facilities (amends 20-05), to waive or suspend certain statutory and regulatory obligations or limitations for long-term care facilities and increase nursing home bed capacity that is necessary to assist in meeting the unprecedented



demand being placed on the health care system. Effective until midnight on April 29, 2020.

○ State Public Health Entities

- Washington State Board of Health - [Chapter 43.20 RCW](#)

Responsible for statewide public health policy and rules on quarantine and isolation which are established under authority of [RCW 43.20.050](#) (2)(e) and implemented by Local Health Officers (see [WAC 246-100-036](#)(3), enforced by police officers and other officers and employees of counties, cities, and towns (see [WAC 246-100-070](#)). People who are subject to mandatory confinement have a right to expedited review by superior courts and have a right to counsel (see [WAC 246-100-045](#), [055](#), and [060](#)). The WAC addresses conditions of confinement where it is mandatory and requires that people's needs must be addressed including food, clothing and shelter "to the greatest extent possible in a systematic and competent fashion"

- Washington State Department of Health - [Chapter 43.70 RCW](#)

Enforces the Board's rules and has the power to investigate outbreaks and epidemics, institute legal proceedings, etc. NOTE: The Secretary does have authority to regulate local matters during a state of emergency.

○ State Insurance Commissioner

Under [RCW 48.02.060](#) (4), when the Governor proclaims a state of emergency, the Commissioner may *issue an order that addresses any or all of the following matters related to insurance policies in Washington:*

- Reporting requirements for claims;
- Grace periods for payment of premiums;
- Temporary postponement of cancellations and nonrenewals; and
- Medical coverage to ensure access to care.

Emergency orders by the Commissioner may last for up to 60 days and may be extended for an additional 30 days by the Commissioner. The Commissioner may adopt rules to establish criteria for the orders and may adopt emergency rules in relation to a proclamation of a state of emergency.

*Pertaining to COVID 19 -*

While under a state of emergency the Commissioner may issue an order that addresses medical coverage to ensure access to care. Unlike the Governor's authority to waive laws, this would not waive a specific law, but may place an additional requirement on carriers. Below is a timeline of Emergency Orders issued by the Commissioner under in response to the state of emergency issued by the Governor on February 29, 2020. Please see [Appendix B](#) for additional detail and links to the language and applicable statutes.

- **March 5, 2020** - [Emergency Order 20-01](#) RE: Response to coronavirus disease 2019 (COVID-19) outbreak in Washington State.
- **March 24, 2020** - [Emergency Order 20-02](#) RE: Ordering increased flexibility regarding the use of telemedicine and providing a minimum 60 day grace period for payment premiums (Clarifying and expanding on the requirements of EO 20-01).
- **March 25, 2020** - [Emergency Order 20-03](#) RE: Advisory notice regarding COVID-19 claims.

## Local Government

Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws." Wash. Constitution Article XI, § 11.

Therefore, limitations are generally allowed if the subject matter is local, restriction is reasonable and consistent with state law.

- Emergency powers include:
  - Enter into contracts and incur obligations. [RCW 38.52.070](#) (2)
  - Exercise certain emergency powers without regard to time-consuming procedures prescribed by law, except mandatory constitutional requirements. [RCW 38.52.070](#) (2)
  - Accept gifts, grants, and loans from federal government or private entities. [RCW 38.52.100](#) (2)
  - Additional emergency powers may be scattered throughout the statute or municipal codes.

### *Pertaining to COVID 19 -*

The Seattle [Mayoral Proclamation of Civil Emergency](#) authorizes use of city resources, contracts and obligations of the city and provides certain delegations of authority as of March 3, 2020.

The Seattle Mayor also cited the authority to "take such other measures deemed necessary for public health" as reason for placing a moratorium on residential evictions (see [Civil Emergency Order Moratorium on Evictions](#))

The Municipal Research and Service Center (MRSC) also provides a list of local emergency declarations on their Web site - <http://mrsc.org/Home/Explore-Topics/Public-Safety/Emergency-Services/Public-Health-Emergencies/Coronavirus-Emergency-Declarations.aspx>

- Local Public Health Entities
  - Local Health Departments, Boards and Officers - Chapters [70.05](#) and [70.08](#) RCW
  - Special Purpose Districts:
    - Health Districts - [Chapter 70.46 RCW](#)
    - Public Hospital Districts - [Chapter 70.44 RCW](#)

- Emergency Medical Service Districts - [RCW 36.32.480](#)

These entities have broad authority to protect the health and life of people within their jurisdictions which are generally organized among county lines. Powers generally include rulemaking and enforcement powers to control infectious diseases. The organization of these entities may depend on the locality. There is some overlap and differences between jurisdictions.

Local Health Officers generally act under the direction of the local health board.

Duties include:

- Enforce state and local public health laws and rules.
- Take action necessary to maintain health and sanitation.
- Control and prevent the spread of contagious diseases.
- Conduct investigations and institute disease control measures including inspection and closure of facilities, medical examinations, isolation, and quarantine.
- Inform the public as to the causes, nature, and prevention of disease.
- Take such other measures deemed necessary to promote public health.

See [RCW 70.05.070](#); [WAC 246-100-036](#)

The catch all which allows the officer to "take such other measures deemed necessary to promote public health" provides broad authority and has generally been construed by the courts liberally particularly when dealing with control of contagious diseases. The statute is silent on whether or not Local Health officials have the ability to waive local laws.

Orders issues by Local Health Officials can be mandatory and a violation of an order is a misdemeanor.

## **Constitutional Limits**

When implementing or drafting emergency orders or other laws and regulations, there are still constitutional limitations that must be taken into consideration such as:

- Gifts of public funds, Washington Constitution Article VII, § 7
- First Amendment.
- Due Process.
- Equal Protection.

*Pertaining to COVID 19 -*

One example of a current case is *City of Kent v. King County*, King County Superior court, No. 20-2-05857-2 KNT. In this case, King county bought a motel for the purposes of quarantine. Not all of the city code requirements for that property were followed. The commissioner ruled that the

county acted within its authority and denied a request to block the county, but it is under review by the superior court.

The state Attorney General's office weighed in on the issue of gifts of public funds with a [memorandum](#) (2020) concluding that generally speaking, governments have broad authority to make expenditures combating COVID-19 if such efforts further fundamental public purposes such as protecting public health and welfare.

## **Additional Resources**

### **National Resources**

- Center for Disease Control - <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
  - Current Cases in the United States - <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>
- President's COVID-19 Emergency Declaration
  - Declaration Language - <https://www.cnn.com/2020/03/13/politics/trump-national-emergency-proclamation-text/index.html>
  - FEMA COVID-19 Emergency Declaration Fact Sheet - <https://www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration>
  - Selected Federal Legal Authorities Pertinent to Public Health Emergencies - <https://www.cdc.gov/phlp/docs/ph-emergencies.pdf>
- Public Health Emergency Declaration -
  - Overview - <https://www.phe.gov/Preparedness/legal/Pages/phdeclaration.aspx>
  - Q&A - <https://www.phe.gov/Preparedness/legal/Pages/phe-qa.aspx>
  - January 31, 2020 Declaration - <https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx>
- Federal Food and Drug Administration -
  - FDA News Releases - <https://www.fda.gov/news-events/fda-newsroom/press-announcements>
  - Full FDA Regulations - <https://www.regulations.gov/docket?D=FDA-2020-D-0987>
- Association of State and Territorial Health Officials - <https://www.astho.org/>
  - COVID-19 Resources - <https://www.astho.org/COVID-19/>
  - Risk Communication Field Guide Message Map - <https://www.astho.org/COVID-19/Q-and-A/>
- National Governor's Association - <https://www.nga.org/coronavirus/#states>
- Council of State governments - <https://web.csg.org/covid19/>
- National Conference of State Legislatures - <https://www.ncsl.org/research/health/ncsl-coronavirus-covid-19-resources.aspx>
- Federal Legislation - [https://mcusercontent.com/16c4868c51f1ec364e11316a2/files/13eaafa2-62c8-4cfc-bc15-525ddb0572be/BB20\\_12.pdf](https://mcusercontent.com/16c4868c51f1ec364e11316a2/files/13eaafa2-62c8-4cfc-bc15-525ddb0572be/BB20_12.pdf)
  - H.R. 6074 Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 - <https://www.congress.gov/bill/116th-congress/house-bill/6074>

- NCSL Summary - <https://www.ncsl.org/blog/2020/03/06/congress-appropriates-at-least-105-billion-to-states-territories-tribes-to-combat-covid-19.aspx>
- H.R. 6201 Families First Coronavirus Response Act - <https://www.congress.gov/bill/116th-congress/house-bill/6201?q=%7B%22search%22%3A%5B%22H.R.+6201%22%5D%7D&s=1&r=1>
  - NCSL Summary - <https://www.ncsl.org/blog/2020/03/19/labor-economy-provisions-of-second-covid-19-relief-bill.aspx>
- H.R. 748 Coronavirus Aid, Relief, and Economic Security Act (CARES Act) - <https://www.congress.gov/bill/116th-congress/house-bill/748?q=%7B%22search%22%3A%5B%22Coronavirus+Aid%2C+Relief%2C+and+Economic+Security+Act%22%5D%7D&s=2&r=3> and <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.xml>
  - NCSL Summary: What it means for states - <https://www.ncsl.org/ncsl-in-dc/publications-and-resources/coronavirus-stimulus-bill-states.aspx>
  - Federal Funds Information for States - [https://mcusercontent.com/16c4868c51f1ec364e11316a2/files/be206e16-e8a5-4773-85fd-8c0e229170cf/BB20\\_13.pdf](https://mcusercontent.com/16c4868c51f1ec364e11316a2/files/be206e16-e8a5-4773-85fd-8c0e229170cf/BB20_13.pdf)

## State Resources

- Governor Inslee Proclamations - <https://www.governor.wa.gov/office-governor/official-actions/proclamations>
- Washington State Coronavirus Response Page - <https://coronavirus.wa.gov/>
- Department of Health <https://www.doh.wa.gov/Emergencies/Coronavirus>
- Office of Superintendent of Public Instruction - <https://www.k12.wa.us/about-ospi/press-releases/novel-coronavirus-covid-19-guidance-resources>
- Department of Children Youth and Families - <https://www.dcyf.wa.gov/coronavirus-covid-19>
- Military Department - Emergency Management Division - <https://mil.wa.gov/>
  - Washington State Comprehensive Emergency Management Plan - <https://mil.wa.gov/plans>
  - National Guard - <https://mil.wa.gov/national-guard>
  - Washington State County/City/Tribal Emergency Coordinators & Websites - <https://mil.wa.gov/asset/5d4b1e1b82859>
  - State Training Program - <https://mil.wa.gov/asset/5ba41f5b633ac>
- Office of the Insurance Commissioner - <https://www.insurance.wa.gov/>
  - Coronavirus Resources - <https://www.insurance.wa.gov/coronavirus>
  - Newsroom (includes Emergency Order Releases) - <https://www.insurance.wa.gov/newsroom>
- Washington State Employee Assistance Program - <https://des.wa.gov/services/hr-finance/washington-state-employee-assistance-program-eap>
- Employment Security Department - <https://esd.wa.gov/newsroom/covid-19>
- TVW COVID-19 Coverage & Information - <https://www.tvw.org/covid-19/>
- UW Institute for Health Metrics & Evaluations COVID-19 Hospital Resource Projections - <https://covid19.healthdata.org/projections>

- Attorney General Office Legal Authority Memo - <https://www.doh.wa.gov/Portals/1/Documents/1400/EmergencyMemo.pdf>
- State Legislation -
  - [EHB 2965](#) Authorizes an appropriation of \$175 million from the state's budget stabilization account to the state's disaster response account.
  - [HB 2739](#) Adjusts certain requirements of the shared leave program.
  - [ESSB 6189](#) Clarifies eligibility for School Employees' Benefits Board coverage of substitute teachers; and of school employees during quarantine or school closures due to COVID-19.
  - [EHB 1552](#) Relating to health care provider credentialing by health carriers.
  - [ESHB 2099](#) Relating to the use of video technology under the involuntary treatment act.
  - [ESSB 5385](#) Concerning telemedicine payment parity.

## Tribal Resources

- Governor's letter to Tribal Leaders March 27, 2020 - [https://www.governor.wa.gov/sites/default/files/Tribal%20Lands%20Guidance%20Letter.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://www.governor.wa.gov/sites/default/files/Tribal%20Lands%20Guidance%20Letter.pdf?utm_medium=email&utm_source=govdelivery)
- GOIA Tribal Directory - Federally Recognized Indian Tribes - <https://goia.wa.gov/tribal-directory/federally-recognized-indian-tribes>
- CDC Tribal Emergency Preparedness, Response and Recovery - <https://www.cdc.gov/tribal/data-resources/information/emergency-preparedness.html>
- National Tribal Emergency Management Council - <http://www.nwtemc.org/>
- Analysis of the Sandy Recovery Improvement Act of 2013 - <https://fas.org/sgp/crs/misc/R42991.pdf>
- U.S. Department of the Interior, Indian Affairs - <https://www.bia.gov/covid-19>
  - Tribal Declaration & Disaster Assistance Resources - <https://www.fema.gov/tribal-declaration-and-disaster-assistance-resources>
  - FAQs - <https://www.bia.gov/frequently-asked-questions>
- Tribal Community Disaster Recovery - <http://www.theredguidetorecovery.com/recovery-tools/tribal-community-resources/>
- Tribal COVID-19 Resource Pages -
  - Confederated Tribes and Bands of the Yakima Nation - <http://www.yakamanation-nsn.gov/covid-19.php>
  - Confederated Tribes of the Chehalis Reservation - <https://www.chehalis-tribe.org/chehalis-tribal-news-and-updates/>
  - Confederated Tribes of the Colville Reservation - <https://www.colvilletribes.com/novel-coronavirus?p>
  - Confederated Tribes of the Umatilla Indian Reservation - <https://ctuir.org/coronavirus>
  - Cowlitz Indian Tribe - <https://www.cowlitz.org/newsroom/announcements/931-tuesday,-march-24th-tribal-member-covid-19-statement.html>
  - Hoh Indian Tribe - <http://hohtribe-nsn.org/>
  - Jamestown S'Klallam Tribe - <https://jamestowntribe.org/announcements/corona-virus-situation-summary/>

- Kalispel Tribe of Indians - <https://kalispeltribe.com/covid-19-information-updates/>
- Lower Elwaha Klallam Tribe - <https://www.elwha.org/announcements/>
- Lummi Nation - <https://www.lummi-nsn.gov/Website.php?PageID=854>
- Makah Tribe - <https://makah.com/>
- Muckleshoot Tribe - <http://www.muckleshoot.nsn.us/> and <https://www.auburn-reporter.com/news/muckleshoot-tribal-council-declares-state-of-emergency-closes-tribes-casino-and-bingo-operations/>
- Nisqually Indian Tribe - <http://www.nisqually-nsn.gov/index.php/announcements/>
- Nooksack Indian Tribe - <https://nooksacktribe.org/blog/>
- Port Gamble S'Klallam Tribe - <https://www.pgst.nsn.us/covid>
- Puyallup Tribe - <http://puyallup-tribe.com/COVID19/covid.php>
- Quileute Tribe - <https://quileutenation.org/wp-content/uploads/2020/03/resource-guide.pdf>
- Quinault Indian Nation - <http://quinaultindiannation.com/qincovid19.htm>
- Samish Indian Nation - <https://www.samishtribe.nsn.us/home/samish-indian-nation-response-to-covid-19>
- Sauk-Suiattle Indian Tribe - <http://www.sauk-suiattle.com/home.html>
- Shoalwater Bay Indian Tribe - <https://www.shoalwaterbay-nsn.gov/>
- Skokomish Indian Tribe - <http://www.skokomish.org/covid-19-coronavirus/>
- Snoqualmie Indian Tribe - <http://www.snoqualmietribe.us/news>
- Spokane Tribe of Indians - <https://www.spokanetribe.com/>
- Squaxin Indian Tribe - <https://squaxinland.org/covid-19/>
- Stillaguamish Tribe of Indians - <https://www.stillaguamish.com/home/blog/>
- Suquamish Tribe - <https://suquamish.nsn.us/covidupdates/>
- Swinomish Indian Tribal Community - <http://www.swinomish.org/community/coronavirus-information-updates.aspx>
- Tulalip Tribes - <https://www.tulaliptribes-nsn.gov/> and <https://www.tulaliptribes-nsn.gov/Dept/EmergencyManagement>
- Upper Skagit Indian Tribe - <https://www.theskagit.com/>

## Local Government Resources

- Resources for Local Government - <http://mrsc.org/Home/Explore-Topics/Public-Safety/Emergency-Services/Public-Health-Emergencies.aspx>
- FAQs for Local Government - <http://mrsc.org/Home/Explore-Topics/Public-Safety/Emergency-Services/Public-Health-Emergencies/Coronavirus-COVID-19-FAQs.aspx>
- Local Emergency Declarations & Authority - <http://mrsc.org/Home/Explore-Topics/Public-Safety/Emergency-Services/Public-Health-Emergencies/Coronavirus-Emergency-Declarations.aspx>
- County COVID-19 Resource Pages -



- Adams County - <https://www.tchd.org/818/Coronavirus-COVID-19>
- Asotin County - <http://www.asotincountypublichealth.org/>
- Benton County - <https://www.bfhd.wa.gov/cms/One.aspx?portalId=10766056&pageId=16507813>
- Chelan County - <https://cdhd.wa.gov/covid-19/>
- Clallam County - <http://www.clallam.net/coronavirus/>
- Clark County - <https://www.clark.wa.gov/public-health/novel-coronavirus>
- Columbia County - <https://www.columbiaco.com/index.aspx?nid=18>
- Cowlitz County - <http://www.co.cowlitz.wa.us/2660/Novel-Coronavirus-COVID-19>
- Douglas County - <https://www.tchd.org/818/Coronavirus-COVID-19>
- Ferry County - <https://www.ferry-county.com/>
- Franklin County - <https://www.bfhd.wa.gov/cms/One.aspx?portalId=10766056&pageId=16507813>
- Garfield County - <https://www.garfield-county.com/public-health/novel-coronavirus/>
- Grant County - <http://granthealth.org/updates-for-covid-19-in-grant-county/>
- Grays Harbor County - <http://www.healthygh.org/covid19>
- Island County - <https://www.islandcountywa.gov/Health/Pages/COVID-19.aspx>
- Jefferson County - <https://jeffersoncountypublichealth.org/1429/COVID-19>
- King County - <https://www.kingcounty.gov/depts/health/communicable-diseases/disease-control/novel-coronavirus.aspx>
- Kitsap County - <https://kitsappublichealth.org/CommunityHealth/CoronaVirus.php>
- Kittitas County - <https://www.co.kittitas.wa.us/response/202003-covid19/default.aspx>
- Klickitat County - <https://www.klickitatcounty.org/249/Emergency-Management>
- Lewis County - <https://lewiscountywa.gov/covid19/>
- Lincoln County - <https://www.co.lincoln.wa.us/public-health/coronavirus-covid-19-updates/>
- Mason County - <https://www.co.mason.wa.us/COVID-19/index.php>
- Okanogan County - <https://okanogancounty.org/ocph/>
- Pacific County - <http://pacificcountyhealthdepartment.com/covid-19/>
- Pend Oreille County - <https://pendoreilleco.org/>
- Pierce County - <https://www.co.pierce.wa.us/6759/Coronavirus-Impacts>
- San Juan County - <https://www.sanjuanco.com/1668/2019-Novel-Coronavirus>
- Skagit County - <https://www.skagitcounty.net/Departments/HealthDiseases/coronavirus.htm>
- Skamania County - <https://www.skamaniacounty.org/departments-offices/advanced-components/covid-19-microsite>
- Snohomish County - <https://www.snohd.org/495/COVID-19-General-Information>
- Spokane County - <https://www.spokanecounty.org/4572/COVID-19> and <https://srhd.org/covid19>

- Stevens County - <http://www.co.stevens.wa.us/>
- Thurston County - <https://www.thurstoncountywa.gov/phss/Pages/coronavirus.aspx>
- Wahkiakum County - <https://www.co.wahkiakum.wa.us/478/COVID-19-Information>
- Walla Walla County - [https://www.co.walla-walla.wa.us/government/health\\_department/index.php](https://www.co.walla-walla.wa.us/government/health_department/index.php)
- Whatcom County - <https://www.whatcomcounty.us/3329/Novel-Coronavirus-COVID-19>
- Whitman County - <https://www.whitmancountypublichealth.org/covid-19.html>
- Yakima County - <https://www.yakimacounty.us/2323/COVID-19>

## **Court Resources**

- Public Health Communicable Disease Bench Book - <http://www.courts.wa.gov/content/manuals/publicHealth/pdf/publicHealthBenchBook.pdf>
- National Center for State Courts - <https://www.ncsc.org/>
- Washington Courts - <http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.COVID19>

## APPENDIX A:

### Summary of Governor Proclamations

(Relating to the COVID - 19 Response.)

- **State of Emergency** issued by the Governor on **February 29, 2020** under [Proclamation 20-05](#) for COVID-19 in all counties. Triggered activation of the [Washington State Comprehensive Emergency Management Plan](#) under the Emergency Management Act ([Chapter 38.52 RCW](#)) to provide a coordinated statewide response and resources for the incident.
- **March 10, 2020** - [Proclamation 20-06](#) COVID-19 (amends 20-05), adding the following restrictions:
  - Prohibits the following activities in all counties of Washington State related to the operation of nursing homes licensed under [RCW 18.51](#) and assisted living facilities licensed under [RCW 18.20](#), which restrictions shall remain in effect until midnight on April 9, 2020:
    1. Prohibits allowing a person to enter the facility and visit a resident unless that person is an adult, the resident has not already had a visitor that day, and the visit takes place in the resident's room. This prohibition does not apply in end of life situations.
    2. Requires visitors be screened prior to entry for signs or symptoms of COVID-19.
    3. Requires visitors show identification, sign into a visitor's log that includes date, time in and time out, and provide their name and contact information, including phone number and email address if available.
    4. Requires retention of each day's visitor log for 30 days.
    5. Requires workers and volunteers be screened at the start of every shift for symptoms associated with COVID-19
    6. Requires isolation or quarantine of anyone in a facility with COVID-19 in their rooms away from other people. A resident can choose to discharge from a facility at any time.
    7. Prohibits disclosure of protected and confidential health information except as otherwise provided by law or with consent from the resident.
  - Waives or suspends statutory and regulatory provisions specified below until midnight on April 9, 2020 relating to nursing homes and assisted living facilities:
    1. [RCW 70.129.090](#) (1)(f), in its entirety
    2. [RCW 70.129.090](#) (2), in its entirety
    3. [RCW 70.129.140](#) (2)(b), in its entirety
    4. [RCW 70.129.140](#) (3), in its entirety
    5. [RCW 70.129.140](#) (4), in its entirety
    6. [RCW 70.129.140](#) (5), in its entirety
    7. [WAC 388-97-0520](#) (1)(g), in its entirety
    8. [WAC 388-97-0520](#) (1)(h), in its entirety
  - All persons are advised of potential criminal penalties for violation of this order is guilty of a gross misdemeanor pursuant to [RCW 43.06.220](#) (5).
- **March 11, 2020** - [Proclamation 20-07](#) COVID-19 (amends 20-05 and 20-06), adding the following:
  - Prohibits gatherings of 250 people or more for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting

events; parades; concerts; festivals; conventions; fundraisers; and similar activities in King, Pierce and Snohomish counties related to social, spiritual, and recreational gatherings, which restrictions shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.

- **March 12, 2020** - [Proclamation 20-08](#) COVID-19: School Closures (amends 20-05, 20-06 and 20-07), adding the following:
  - Prohibits (from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date) public school districts, charter schools, and private schools in King, Pierce and Snohomish counties, from conducting in-person educational, recreational, and other K-12 school programs using their school facilities. In addition to school districts lying wholly within King, Pierce, or Snohomish counties, the following joint school districts are subject to this order: Bainbridge Island, Stanwood-Camano, and Darrington.
  - Prohibits the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind from conducting student educational and outreach services in King, Pierce and Snohomish counties.
  - Public school district, charter school, or private school located in King, Pierce, or Snohomish counties may use their school facilities to provide childcare, nutrition programs, and other social services necessary to preserve and maintain life, health, property or the public peace
  - Public school district, charter school, or private school located in King, Pierce, or Snohomish counties may provide supports to students necessary to meet course and credit requirements for high school graduation.
- **March 13, 2020** - [Proclamation 20-09](#) COVID-19: Statewide K-12 School Closures (amends 20-05, 20-06, 20-07 and 20-08), adding the following:
  - Amends activities by public school districts, charter schools, and private schools to expand its application to all counties of the state of Washington, from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date.
- **March 13, 2020** - [Proclamation 20-10](#) COVID-19: Long-Term Care Workers (amends 20-05, 20-06, 20-07, 20-08 and 20-09), adding the following:
  - Waives or suspends in its entirety until midnight on April 9, 2020 the following statutory and regulatory obligations related to long-term care facilities:
    1. [RCW 74.39A.074](#)(1)(a)
    2. [RCW 74.39A.076](#)(1) and (2)
    3. [RCW 74.39A.341](#)
    4. [RCW 70.128.120](#)(6)
    5. [RCW 70.128.230](#)(2), (5), and (6)
    6. [RCW 70.128.250](#) (last paragraph)
    7. [RCW 18.20.270](#)(2), (5), and (6)
    8. [RCW 18.88B.021](#)(1) (waiving and suspending only “within two hundred calendar days”)
    9. [Chapter 388-112A WAC](#)
    10. [WAC 388-107-0630](#)
    11. [WAC 388-78A-2474](#)(1), (2), (4) and (5)
    12. [WAC 388-76-10146](#)
    13. [WAC 388-76-10135](#)(4)

14. [WAC 388-71-0540](#)(13)
  15. [WAC 388-71-0523](#)
  16. [WAC 388-71-0520](#)
  17. [WAC 246-980-040](#)(1)(a) and (c)
  18. [WAC 246-980-030](#)(1) and (2)
  19. [WAC 246-980-010](#)(2)
- Waives or suspends statutory and regulator provisions specified below until midnight on April 9, 2020 relating to nursing homes and assisted living facilities:
    1. [WAC 388-76-10595](#)(6)
    2. [WAC 388-76-10401](#)
  - **March 13, 2020** - [Proclamation 20-11](#) COVID-19:Gatherings Amendment (amends 20-05, 20-06, 20-07, 20-08, 20-09, and 20-10), adding the following:
    - Amends the restriction for social gatherings of 250 people or more, to expand its application to all counties of the state of Washington and shall continue to remain in effect midnight on March 31, 2020, unless extended beyond that date.
  - **March 13, 2020** - [Proclamation 20-12](#) COVID-19:College Closures (amends 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11), adding the following:
    - Prohibit all public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs from conducting in-person classes in all counties of Washington State.
  - **March 16, 2020** - [Proclamation 20-13](#) COVID-19: Statewide Limits-food and Beverage Services, Areas of Congregation (amends 20-05), adding the following:
    - Prohibit the onsite consumption of food and/or beverages in a public venue, including but not limited to, the following venues, and which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date:
      1. Restaurants;
      2. Food courts;
      3. Bars;
      4. Taverns;
      5. Coffee shops;
      6. Catered events;
      7. Clubs;
      8. Bowling alleys;
      9. All other similar venues in which people congregate for the consumption of food or beverages.

For purposes of this Proclamation, “public venue” has its ordinary meaning and also includes, but is not limited to, social clubs, private clubs, tennis clubs, golf clubs, faith-based organizations/facilities, and other similar venues.

This Proclamation does not apply to a broad range of businesses and services, including but not limited to grocery stores, pharmacies, convenience stores, gas stations, pet stores, and libraries; however, any sit-down food or beverage services within these facilities are prohibited.

- Prohibit the operation of public venues in which people congregate for entertainment, social or recreational purposes, including but not limited to theaters, bowling alleys, gyms,

fitness centers, non-tribal card rooms, barbershops and hair/nail salons, tattoo parlors, pool halls, and other similar venues, which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.

- Prohibits the operation of all retail stores unless they designate an employee or officer who must establish and implement social distancing and sanitation measures established by the United States Centers for Disease Control and Prevention or the Washington State Department of Health guidelines, which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.
- **March 16, 2020 - [Proclamation 20-14](#)** COVID-19: Reduction of Statewide Limits on Gatherings (amends 20-05), adding the following:
  - Amends the restriction for social gatherings of 250 people or more to reduce the size of gatherings to 50 people or less
  - Prohibits activities of less than 50 people unless organizers of those activities comply with social distancing and sanitation measures established by the United States Centers for Disease Control and Prevention or the Washington State Department of Health guidelines. The provisions of this order shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.
- **March 16, 2020 - [Proclamation 20-15](#)** COVID-19: Department of Licensing (amends 20-05), adding the following:
  - Waives specific statutes pertaining to DOL eye examinations and renewals of driver licenses and identification cards, until midnight on April 15, 2020:
    1. [RCW 46.20.130](#)(1)(a) in its entirety, effective immediately.
    2. [RCW 46.20.120](#)(3)(b), effective beginning March 23, 2020.
    3. [RCW 46.20.117](#)(3)(b), effective beginning March 23, 2020.
- **March 16, 2020 - [Proclamation 20-16](#)** COVID-19: Statewide Limits on LTC - No Visitors (amends 20-05 and 20-06), adding the following:
  - Amends Proclamation 20-06 to include the following comprehensive list of facilities subject to the prohibitions of Proclamation 20-06:
    1. State operated Adult psychiatric facilities including Western State Hospital, Eastern State Hospital - [RCW 72.23.020](#)
    2. The Special Commitment Center on McNeil Island - [RCW 71.09.020](#)(19)
    3. The King County Secure Community Transition Facility - [RCW 71.09.020](#) (15)
    4. The Pierce County Secure Community Transition Facility on McNeil Island - [RCW 71.09.020](#) (15)
    5. The Fort Steilacoom Competency Restoration Program, Residential Treatment Facility – [RCW 10.77](#)
    6. Maple Lane Competency Restoration Program, Residential Treatment Facility – [RCW 10.77](#)
    7. Yakima Competency Restoration Program, Residential Treatment Facility – [RCW 10.77](#)
    8. Intermediate Care Facilities - 42 CFR 483 subpart I and [WAC 388-835](#), [WAC 388-837](#)
    9. State Operated Living Alternatives - [RCW 71A.12](#)
    10. Nursing Facilities – [RCW 18.51](#) and [RCW 74.42](#)
    11. Assisted Living Facilities - [RCW 18.20](#)
    12. Adult Family Homes - [RCW 70.128](#)

13. Enhanced Service Facilities - [RCW 70.97](#)

- Prohibit owners, administrators, operators, staff, contractors, and volunteers of a facility from allowing any person, including friends or family, to enter the facility to visit a resident. This prohibition does not apply to end of life situations or to visits by attorneys, administrative law judges, advocates or similar persons who represent a resident. Further, it does not apply to vendors or volunteers who supply or work in a facility. However, all persons who enter a facility must meet all other prohibitions and requirements set out in Proclamation 20-06.
- **March 17, 2020 - Proclamation 20-17** COVID-19: Prohibiting Visitors at LTCs (amends 20-05, 20-06 and 20-16), adding the following:
  - Add the following facilities to the comprehensive list of facilities that are prohibited from the acts listed in Proclamation 20-06 and 20-16:
    1. Evaluation and Treatment Facilities - RCW 71.05 and RCW 71.34
    2. Residential Treatment Facilities - RCW 71.12
  - Waives and suspends until midnight on April 16, 2020, as it applies to the facilities listed above:
    1. [RCW 71.05.217](#)(4), in its entirety: “(4) To have visitors at reasonable times;”
    2. [RCW 71.05.360](#)(10)(d), in its entirety: “(d) To have visitors at reasonable times;”
    3. [RCW 71.34.355](#)(4), in its entirety: “(4) To have visitors at reasonable times;”
- **March 18, 2020 - Proclamation 20-18** COVID-19: DSHS Waivers (amends 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), adding the following:
  - Directs the Secretary of the Department of Social and Health Services, pursuant to [RCW 74.04.660](#)(6), to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children.
  - Waives and suspends 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)
    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 388-97-1090](#) [WAC 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](#)
- **March 18, 2020** - [Proclamation 20-19](#) COVID-19: Moratorium on Evictions (amends 20-05), adding the following:
    - Temporarily prohibit residential evictions statewide until April 17, 2020, as provide herein.
    - Effective immediately and until April 17, 2020, prohibits the following activities related to residential evictions by all residential landlords operating residential rental property in Washington State:
      1. Residential landlords are prohibited from serving a notice of unlawful detainer for default payment of rent related to such property under [RCW 59.12.030\(3\)](#).
      2. Residential landlords are prohibited from issuing a 20-day notice for unlawful detainer related to such property under [RCW 59.12.030\(2\)](#), unless the landlord attaches an affidavit attesting that the action is believed necessary to ensure the health and safety of the tenant or other individuals.
      3. Residential landlords are prohibited from initiating judicial action seeking a writ of restitution involving a dwelling unit if the alleged basis for the writ is the failure of the tenant or tenants to timely pay rent. This prohibition includes, but is not limited to, an action under Chapters [59.12 RCW](#) or [59.18 RCW](#).
      4. Local law enforcement is prohibited from serving or otherwise acting on eviction orders that are issued solely for default payment of rent related to such property. Nothing in this Proclamation is intended to prohibit local law enforcement from acting on orders of eviction issued for other reasons, including but not limited to waste, nuisance or commission of a crime on the premises.  
Terminology used in these prohibitions shall have the meaning attributed in [Chapter 59.18 RCW](#).
  - **March 18, 2020** - [Proclamation 20-20](#) COVID-19: Department of Revenue - Interest, Fees, Penalties, Due Dates (amends 20-05), adding the following:
    - Waives and suspends statutory obligation and limitation concerning the application of tax penalties relating to collection of taxes until midnight on April 17, 2020: [RCW 84.36.825](#) (late filing penalty provisions only).
    - Waives and suspends renewal of business licenses and imposition of penalties for late renewals until midnight on April 17, 2020: [RCW 19.02.085](#) (late filing penalty provisions only).
    - Waives and Suspends the following statutory obligations or limitations relating to accrual and imposition of interest until midnight on April 17, 2020:
      1. [RCW 82.04.44525\(6\)](#),

2. [RCW 82.04.448](#)(4),
  3. [RCW 82.24.120](#)(1) and (2),
  4. [RCW 82.24.180](#)(2),
  5. [RCW 82.24.280](#)(1), (2) and (3),
  6. [RCW 82.25.110](#)(4),
  7. [RCW 82.32.050](#)(1),
  8. [RCW 82.32.033](#)(5),
  9. [RCW 82.32.190](#)(1),
  10. [RCW 82.32.200](#)(1),
  11. [RCW 82.32.210](#)(1),
  12. [RCW 82.32.537](#)(2),
  13. [RCW 82.32.580](#)(6),
  14. [RCW 82.45.100](#)(1), (2), (3), and (4),
  15. [RCW 82.62.050](#)(3),
  16. [RCW 82.63.045](#),
  17. [RCW 82.74.050](#),
  18. [RCW 82.75.040](#),
  19. [RCW 82.82.040](#), and
  20. [RCW 54.28.060](#).
- Prohibits enforcement of the statutory provisions waived above from February 29, 2020, until the termination of this Proclamation from being conducted by the Department of Revenue until midnight on April 17, 2020.
  - This Proclamation shall not be construed as granting or authorizing any refunds under the waivers or prohibitions herein; or as allowing refunds for interest or penalties that were paid between February 29, 2020, and the effective date of this Proclamation, March 18, 2020.
- **March 18, 2020 - [Proclamation 20-21](#)** COVID-19: Unemployment Insurance Waiver (amends 20-05), adding the following:
    - Waives and suspends the statutory requirement that a person must be unemployed for one week before they can receive unemployment benefits, as provided herein. For claims filed on or after March 8, 2020, the following language of each statutory provision as specified below is hereby immediately waived and suspended until midnight on April 17, 2020:
      1. [RCW 50.20.010](#)(1)(d)
      2. [RCW 50.20.020](#)
      3. [RCW 50.20.140](#) - (the following language only) “The term ‘claim for waiting period’ shall mean a certification, after the close of a given week, that the requirements stated herein for eligibility for waiting period have been met.”
      4. [WAC 192-110-005](#)(4)
  - **March 18, 2020 - [Proclamation 20-22](#)** COVID-19: Truck Driver Hours (amends 20-05), adding the following exemptions from driver hours of service rules:
    - Exempts application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to [RCW 46.32.020](#) and [WAC 446-65-010](#), until midnight on April 17, 2020 for motor carriers and drivers of commercial motor vehicles collecting or delivering essential food and emergency supplies in Washington State for the following purposes:
      1. Grocery purposes, including but not limited to pet food and supplies;
      2. Medical supplies and equipment;

- 3. Pharmaceuticals; or
- 4. Petroleum fuels, other liquid fuels, natural or synthetic fuel gas, solid carbonaceous fuels, and electricity and natural gas system equipment components, including but not limited to, fissionable nuclear material.
- Provides temporary restrictions on motor carriers and drivers of commercial motor vehicles identified above as being exempt from application of the driver hours of service rules in Washington State by prohibiting application of this exemption as follows:
  - 1. Motor carriers are prohibited from operating under the terms of this exemption if either of the following conditions exist:
    - a. They have an out-of-service order in effect; or
    - b. They do not possess a current safety rating of “Satisfactory” or better assigned by the Federal Motor Carrier Safety Administration or the state in which the motor carrier has its principal place of business.
  - 2. Motor carriers I have not prohibited from operating under the terms of this exemption are prohibited from:
    - a. Requiring or permitting a fatigued or ill driver to operate a commercial motor vehicle; and
    - b. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has informed the carrier (verbally or in writing) that he or she needs immediate rest, unless the driver has first received at least 10 consecutive hours off-duty documented in writing by the motor carrier; and
    - c. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has been on duty for more than 96 hours in any eight consecutive days, unless the driver has first received at least 34 consecutive hours off-duty documented in writing by the motor carrier.
- Motor carriers for the above-listed purposes should use their best judgment in operating under this exemption in a manner that ensures public health and safety. Drivers operating under this exemption should carry a copy of this Proclamation.
- **March 18, 2020** - [Proclamation 20-23](#) COVID-19: UTC - Ratepayer Assistance (amends 20-05), adding the following:
  - Waives and suspends the following statutory obligations and limitations concerning tariff changes until midnight on April 17, 2020:
    - 1. [RCW 80.04.130](#)(1); and
    - 2. [RCW 80.28.060](#)(1)
  - Waives and suspends the following statutory obligations and limitations until midnight on April 17, 2020: 1. RCW [80.04.110](#)(1)(a); and 2. [RCW 80.28.068](#)
  - Prohibits the Washington State Utilities and Transportation Commission from applying the waiver and suspension of [RCW 80.04.110](#)(1)(a) and [RCW 80.28.068](#) for any purpose other than providing relief to members of the public affected directly or indirectly by the COVID-19 pandemic while this Proclamation remains in effect.
  - Prohibit the Washington State Utilities and Transportation Commission or any other person or entity from using or otherwise relying upon the waiver or suspension of any statutory provisions identified herein for any purpose other than assisting utility customers throughout Washington State impacted by the economic consequences of the COVID-19

pandemic and using surplus balances from electric and natural gas utility low income accounts to support community action agencies in providing services intended to address the consequences of the COVID-19 pandemic in Washington State.

- In recognition of the following: (1) that many local governments have issued emergency declarations regarding the COVID-19 pandemic, (2) that municipal utilities, public utility districts, and water and sewer districts impacted by the COVID-19 pandemic are authorized under [Title 35 RCW](#), [Title 54 RCW](#), and [Title 57 RCW](#) to provide essential services, and (3) that preserving and maintaining essential services to vulnerable populations during this crisis supports the fundamental public purpose of protecting public health and welfare; I hereby strongly encourage all utilities in Washington State to take reasonable actions to mitigate the economic impacts of the COVID-19 pandemic on their utility customers caused by this crisis, including but not limited to: acting to prevent disconnection of services due to non-payment during the term of the statewide emergency declaration; waiving late payments and fees; using payment plans to fulfill customer outstanding balances; employing internal processes and procedures to facilitate social distancing and proper hygiene practices; and closing facilities to the public. I also strongly encourage municipal and public utility boards and commissions to delegate authority to senior utility executives to take any and all actions necessary or appropriate to mitigate the economic impacts to their utility customers to address the COVID-19 crisis.
- **March 24, 2020** - [Proclamation 20-23.1](#) COVID-19: UTC - Ratepayer Assistance (amends 20-05 and 20-23) makes the following changes to 20-23:
  - Makes technical correction to clarify that Proclamation 20-05 (rather than 2005) remains in effect); and
  - Waiving or suspending of statutes is to help preserve and maintain life, health, property or the public peace by prohibiting certain utility low income accounts from being used during this crisis for any purpose other than to support community action agencies ~~in providing or~~ otherwise provide services to address the consequences of the COVID-19 pandemic.
- **March 19, 2020** - [Proclamation 20-24](#) COVID-19: Restrictions on Non-Urgent Medical Procedures (amends 20-05), in effect until May 18, 2020, adds the following:
  - Prohibits all hospitals, ambulatory surgical facilities, dental, orthodontic and endodontic offices in Washington State from providing health care services, procedures, and surgeries that, if delayed, are not anticipated to cause harm to the patient within the next three months, with exceptions and as provided below.
  - This does not include outpatient visits delivered in hospital-based clinics. The above prohibition does not apply to the full suite of family planning services and procedures or to treatment for patients with emergency/ urgent needs. Hospitals and ambulatory surgical facilities may perform any surgery that if delayed or canceled would result in the patient's condition worsening (for example, removal of a serious cancerous tumor or dental care related to the relief of pain and management of infection).
- **March 23, 2020** - [Proclamation 20-25](#) COVID-19: Stay Home Stay Healthy (amends 20-05, 20-07, 20-11, 20-13, and 20-14), in effect until midnight on April 6, 2020, unless extended beyond that date:
  - All people in Washington state shall immediately cease leaving their home or place of residence (home or place of residence includes hotels, motels, shared rental units, shelters, and similar facilities) except:

- (1) to conduct or participate in essential activities which are limited to the following:
- Obtaining necessary supplies and services for family or household members and pets.
  - Engaging in activities essential for the health and safety of family, household members and pets.
  - Caring for or transporting a family member, friend, or pet in another household or residence for essential health and safety activities and to obtain necessary supplies and services.
  - Engaging in outdoor exercise activities, but only if appropriate social distancing practices are used.

(2) employment in providing essential business services as identified in the “[Essential Critical Infrastructure Workers](#)” list, or carrying out minimum basic operations (such as operations necessary to maintain the value of the business’ inventory, preserve the condition of the business’ physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions) for a non-essential business.

- Non-essential businesses must cease operations by midnight on March 25, 2020, other than performance of basic minimum operations.
  - Essential businesses must establish and implement social distancing and sanitation measures established by the United States Department of Labor’s Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.
- This prohibition shall not apply to:
    - Individuals whose home or residence is unsafe or become unsafe (such as victims of domestic violence)
    - Individuals experiencing homelessness
  - Prohibits participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. This prohibition shall not apply to activities and gatherings solely including those people who are part of a single household or residential living unit
  - This Proclamation shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.

**March 28, 2020**, the Governor also [announced](#) additional guidance for funeral and embalming requirements, real estate transactions during the COVID-19 emergency:

- More information regarding funeral and embalming requirements during the COVID-19 emergency may be found in the [Department of Licensing letter to licensees](#).
- More information regarding real estate transactions during the COVID-19 emergency may be found in the [Governor's March 27, 2020 Memorandum](#).

- **March 24, 2020 - [Proclamation 20-26](#)** COVID-19: Washington State Liquor and Cannabis Board - Penalties (amends 20-05), adding the following:
  - Waives and suspends the following statutory obligations and limitations until midnight on April 22, 2020:
    1. [RCW 66.24.210](#) (1)(b) (late filing penalty provisions only); and
    2. [RCW 66.24.290](#) (1)(b) (late filing penalty provisions only)
  - Prohibits the Washington State Liquor and Cannabis Board (WSLCB) from enforcing the specific statutory provisions waived above from February 29, 2020, until midnight on April 22, 2020.
  - This Proclamation shall not be construed as relieving any WSLCB licensee from its statutory obligations for remitting taxes to the WSLCB.
- **March 24, 2020 - [Proclamation 20-27](#)** COVID-19: Electronic Notary Effective Date (amends 20-05), adding the following:
  - Waives and suspends the effective date provisions in Section 10 of [SB 5641](#) (codified within [Chapter 42.45 RCW](#)), effective March 27, 2020 until midnight on April 26, 2020 to allow for the new electronic notary services provisions to take effect immediately and remain in effect until midnight on April 26, 2020.
- **March 24, 2020 - [Proclamation 20-28](#)** COVID-19: Open Public Meetings Act and Public Records Act (amends 20-05), adding the following:
  - Prohibits any public agency from conducting any meeting, subject to [RCW 42.30](#) unless:
    - (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access; and
    - (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

- Software Resellers (06016):  
<https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016>
- Cloud Solutions (05116):  
<https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>
- Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MSRC, <http://mrsc.org/Home.aspx>).
- Subject to the conditions for conducting any meeting as required above, agencies are further prohibited from taking “action,” as defined in RCW [42.30.020](#), unless those matters are necessary and routine matters or are matters necessary to respond to the COVID-19 outbreak and the current public health emergency, until such time as regular public participation under the Open Public Meetings Act is possible.
- Waives and suspends the following until midnight on April 23, 2020:

- [RCW 42.30.030](#) – the following words only: “and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- [RCW 42.30.040](#) – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- [RCW 42.30.050](#) – as to the following word only: “room” in the first sentence
- [RCW 42.30.070](#) – as to the following word only: the first usage of “site” - in the fourth sentence
- [RCW 42.30.075](#) – as to the following words only: “Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- [RCW 42.30.080](#)(2)(c) – as to the following words only: “Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”
- [RCW 42.30.090](#) – as to the following words only: “on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”
- [RCW 42.56.080](#)(2), as to the following words only:
  - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
  - “in person during an agency's normal office hours, or”
- [RCW 42.56.090](#), as to the first sentence only
- [RCW 42.56.100](#), as to the following word only in the first sentence: “full”
- [RCW 42.56.520](#)(1), as to the following words only in the second sentence: “Within five business days of receiving a public records request,”
- **March 25, 2020** - [Proclamation 20-29](#) COVID-19: Telemedicine (amends 20-05), adding the following:
  - Waives and suspends the following statutory obligations and limitations concerning implementation of provisions addressing health care provider payment parity in providing telemedicine services until midnight on April 24, 2020:
 

[ESSB 5385](#), Section 1 (Chapter 92, Laws of 2020), specifically amending [RCW 48.43.735](#)(1)(b)(i), the following language only: “for health plans issued or renewed on or after January 1, 2021,”.
  - Prohibits the following activities by health carriers to encourage health care providers to provide telemedicine services by providing for payment parity between telemedicine and in-person medical services:
    1. Reimbursing in-network providers for telemedicine claims for medically necessary covered services at a rate lower than the contracted rate that would be paid if the services had been delivered through traditional (in-person) methods.
    2. Denying a telemedicine claim from an in-network provider for a medically necessary covered service due to an existing provider contract term with that provider that denies reimbursement for services provided through telemedicine.



3. Establishing requirements for the payment of telemedicine services that are inconsistent with the emergency orders, rules or technical advisories to carriers issued by the Office of the Insurance Commissioner.

- **March 25, 2020** - [Proclamation 20-30](#) COVID-19: Unemployment Benefits Job Search Requirements (amends 20-05), adding the following:
  - Waives and suspends the following statutory obligations and limitations providing unemployment compensation for claims filed on or after March 8, 2020, until midnight on April 24, 2020:
    - [RCW 50.20.010](#)(1)(c)(i) – the following language only: “and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner’s agents”; and
    - [RCW 50.20.240](#) – in its entirety.
- **March 26, 2020** - [Proclamation 20-31 COVID-19](#): Childcare, background checks (amends 20-05), adding the following:
  - Waives and suspends the following statutory obligations and limitations concerning the state's subsidized childcare programs, until midnight on April 25, 2020:
    1. [RCW 43.216.135](#)(4)(a), the following words only: “within thirty days of receiving the initial state subsidy payment”
    2. [RCW 43.216.135](#)(4)(b); [RCW 43.216.135](#)(4)(c)
    3. [RCW 43.216.135](#)(5)
    4. [RWC 43.216.135](#)(6), the following words only: “pending the successful completion of the level 3 rating activity”
    5. [RCW 43.216.085](#)(3)
    6. [RCW 43.216.515](#)(4)(a)
    7. [RCW 43.216.515](#)(4)(b)
    8. [RCW 43.216.515](#)(5)(a)
    9. [RCW 43.216.515](#)(5)(b)
    10. [RCW 43.216.270](#)(2), the following words only: “In order to determine the suitability of”
    11. [RCW 43.43.837](#)(1), the following words only: “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”
    12. [RCW 43.43.837](#)(4), the following words only: “fingerprint-based” and “and the federal bureau of investigation”
    13. [RCW 74.15.030](#)(2)(b), the following words only: “, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency’s employees, volunteers, and other persons associated with an agency”
    14. [RCW 13.34.065](#)(5)(b) “, but as soon as possible after placement”
- **March 26, 2020** - [Proclamation 20-32](#) COVID-19: Healthcare Worker Licensing (amends 20-05), adding the following:
  - Waives and suspends the following statutory obligations and limitations until midnight on April 25, 2020:

- 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. The following 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. The following 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](#)
  
- 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](#)
  
- 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](#)

- Barriers to broader practice by allopathic and osteopathic physicians currently limited to practice in post-graduate, fellowship, instructional, or other limited settings-

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”

- **March 26, 2020** - [Proclamation 20-33](#) COVID-19: Child Visitation and Remedial Services (amends 20-05), adding the following:
  - Waives and suspends the following statutory obligations and limitations, until midnight on April 25, 2020:
    1. [RCW 13.34.136](#)(2)(b)(ii)(A), the following words only in the third sentence: “the maximum” and “possible”;
    2. [RCW 13.34.136](#)(2)(b)(ii)(C), the following words only: “limited or” and “limitation or”;
    3. [RCW 13.34.025](#)(2)(c), in its entirety;
    4. [RCW 74.13.031](#)(6), the following words only: “face-to-face” – both references.
  - Nothing in this Order is intended to prevent compliance with a private parenting plan.

The governor also issued [Directive 20-02](#) to the Department of Children, youth, and Families to immediately develop policies to support Proclamation 20-33, regarding visitation between children in foster care and their parents and siblings.

- **March 26, 2020** - [Proclamation 20-34](#) COVID-19: Financial Reports Filing Date (amends 20-05), adding the following:
  - Waives and suspends [RCW 43.09.230](#) – the second paragraph in its entirety, which states, “Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.”, until midnight on April 25, 2020.
- **March 30, 2020** - [Proclamation 20-35](#) COVID-19: Department of Corrections Community Custody Violations (amends 20-05), adding the following:
  - Waives and suspends [RCW 9.94A.737](#)(2)(b), until midnight on April 29, 2020.
- **March 30, 2020** - [Proclamation 20-36](#) COVID-19: Department of Health Facilities and Hand Sanitizer (amends 20-05), adding the following to prevent a shortage of licensed health care facilities and



health care beds and to maintain a healthy work environment for essential workers until midnight on April 29, 2020:

- Waives and suspends the following statutory and regulatory obligations or limitations in their entirety, except as otherwise provided herein.

#### Certificate of Need

1. [RCW 70.38.105\(4\)\(a\)](#)
2. [RCW 70.38.105\(4\)\(b\)](#)
3. [RCW 70.38.105\(4\)\(e\)](#)
4. [RCW 70.38.105\(4\)\(g\)](#)
5. [RCW 70.38.105\(4\)\(h\)](#)
6. [WAC 246-310-020\(1\)\(a\)](#)
7. [WAC 246-310-020\(1\)\(b\)](#)
8. [WAC 246-310-020\(1\)\(c\)](#)
9. [WAC 246-310-020\(1\)\(e\)](#)
10. [WAC 246-310-020\(1\)\(g\)](#)

Pursuant to [RCW 43.06.220\(1\)\(h\)](#) these waivers and suspensions do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, for which certificates of need must be obtained after the expiration of this waiver in compliance with the waived statutory and regulatory provisions.

#### Application deadlines for hospice service licensing

[WAC 246-310-290\(3\)](#) - Table A as to Cycle 2 Applicant Response Only

#### Application deadlines for kidney dialysis facility certificate of need applications

[WAC 246-310-806\(1\)](#) - Special Circumstances 1 Concurrent Review Cycle only

#### Facility Licensing Requirements and Regulations

1. [RCW 70.41.450](#)
2. [RCW 70.41.080](#)
3. [RCW 70.41.090\(3\), \(4\), \(5\)](#)
4. [RCW 70.41.110](#) - the following language only: “: PROVIDED, That no license issued pursuant to this chapter shall exceed thirty-six months in duration”, “premises and” and “Licenses shall be posted in a conspicuous place on the licensed premises.”
5. [RCW 70.41.170](#)
6. [RCW 70.41.430](#)
7. [RCW 70.56.020\(2\)\(a\)](#) - the following language only: “, within forty-eight hours”
8. [RCW 70.56.020\(2\)\(b\)](#) - the following language only: “within forty-five days”
9. [WAC 246-320-101\(1\)](#)
10. [WAC 246-320-111\(1\)\(b\), \(c\)](#)
11. [WAC 246-320-116\(2\), \(3\)](#)
12. [WAC 246-320-266\(4\)](#)
13. [WAC 246-320-271\(4\)](#)

14. [WAC 246-320-296](#)(10)
15. [WAC 246-320-500](#), [505](#), and [600](#)
16. [RCW 18.64A.040](#)(1), (2) - the following language only: “only after authorization by the commission and”
17. [RCW 18.64A.060](#)
18. [WAC 246-901-020](#)(3) - the following language only: “according to WAC 246-901-035”
19. [WAC 246-901-035](#) - the following language only: “A pharmacy technician who meets established criteria for employment, experience, training and demonstrated proficiency may perform specialized functions. The criteria shall be specified in the utilization plan of the pharmacy for pharmacy technicians performing specialized functions required in [WAC 246-901-100](#)(2)(b). Records of pharmacy technician training and of demonstration of proficiency shall be retrievable within seventy-two hours upon request of the board.”
20. [WAC 246-901-100](#)
21. [RCW 18.64.043](#)(1) - the following language only: “of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,”
22. [RCW 18.64.043](#)(2)(a) - the following language only: “of location” in the first sentence.
23. [RCW 18.64.043](#)(3) - the following language only: “and to keep the license of location or the renewal thereof properly exhibited in said pharmacy”
24. [WAC 246-869-020](#)(10)

Pursuant to [RCW 43.06.220](#)(1)(h) these waivers and suspensions do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver.

- Waives and suspends the following statutory and regulatory obligations or limitations on the manufacturing, distributing, sale and donation of hand sanitizer in their entirety, except as otherwise provided herein:
  1. [RCW 18.64.020](#)
  2. [RCW 18.64.044](#)
  3. [RCW 18.64.045](#)
  4. [RCW 18.64.250](#)(1), (2)
  
- **March 30, 2020** - [Proclamation 20-37](#) COVID-19: Department of Social and Health Services NAR Waiver (amends 20-05), to waive or suspend the following statutory and regulatory obligations or limitations for registered nursing assistants (NAR) to complete training and testing to become certified within four months of employment with a nursing home until midnight on April 29, 2020:
  1. [RCW 18.88A.030](#)(2)(a)
  2. [WAC 388-97-1660](#)(3)(a)(i)

- **March 30, 2020** - [Proclamation 20-38](#) COVID-19: Department of Social and Health Services Facilities (amends 20-05), adding the following to address requirements for long-term care facilities and increase nursing home bed capacity that is necessary to assist in meeting the unprecedented demand being placed on the health care system until midnight on April 29, 2020:
  - Waives and suspends the following statutory and regulatory obligations or limitations in their entirety, except as otherwise provided herein.

Nursing Homes

1. [RCW 70.38.105](#)(4)(d)
2. [RCW 18.51.091](#) - the following language only: “The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.”
3. [RCW 18.51.240](#)
4. [WAC 246-310-020](#)(1)(f)
5. [WAC 388-97-2060](#)(1), (2), (3)
6. [WAC 388-97-3400](#) through [WAC 388-97-3480](#)
7. [WAC 388-97-3520](#)

Assisted Living Facility - Construction Review Process

Pursuant to [RCW 43.06.220](#)(1)(h), these waivers and suspensions shall not be applied to anything except to facilities opening to assist with the COVID-19 crisis and the surge capacity within the health care system.

1. [RCW 18.20.110](#) - the following language only: “The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.”
2. [WAC 388-78A-2810](#)(1)
3. [WAC 388-78A-2821](#)(2)
4. [WAC 388-78A-2850](#)(1)
5. [WAC 388-78A-2851](#)(2)(a) and (6)
6. [WAC 388-78A-2853](#)(1)(a), (b)
7. [WAC 388-78A-2853](#)(2)(a) - the following language only: “Construction review services has approved the construction, and”
8. [WAC 388-78A-2853](#)(2)(b) - the following language only: “Construction review services has recommended approval, and”
9. [WAC 388-78A-2853](#)(2)(c) - the following language only: “Construction review services has recommended approval,”
10. [WAC 388-78A-2880](#)

11. [WAC 388-78A-2900](#)

- Pursuant to [RCW 43.06.220](#)(1)(h) these waivers and suspensions do not apply except to temporary and projects undertaken to provide surge capacity for the COVID-19 response, for which certificates of need must be obtained after the expiration of this waiver in compliance with the waived statutory and regulatory provisions.

## APPENDIX B:

### Summary of Insurance Commissioner Emergency Orders

(Relating to the COVID - 19 Response.)

- **March 5, 2020** - [Emergency Order 20-01](#) RE: Response to coronavirus disease 2019 (COVID-19) outbreak in Washington State: In response to the state of emergency issued by the Governor on February 29, 2020 under [Proclamation 20-05](#) for COVID-19 in all counties, the Insurance commissioner orders all health carriers, as defined in [RCW 48.43.005](#)(28), authorized or admitted to offer health plans, as defined in [RCW 48.43.005](#)(29) or short-term limited duration medical plans in Washington state, during the period of March 5, 2020 through May 4, 2020, as follows:
  - A. Cover, prior to application of any deductible and with no cost-sharing, the health care provider visit and FDA-authorized COVID-19 testing for enrollees who meet the CDC criteria for testing, as determined by the enrollee's health care provider.
  - B. Allow enrollees to obtain a one-time refill of their covered prescription medications prior to the expiration of the waiting period between refills so that enrollees can maintain an adequate supply of necessary medication. Carriers may take into consideration patient safety risks associated with early refills for certain drug classes, such as opioids, benzodiazepines and stimulants.
  - C. Suspend any prior authorization requirements that apply to covered diagnostic testing and treatment of COVID-19.
  - D. Ensure compliance with [WAC 284-170-200](#)(5), which requires that if a carrier has an insufficient number or type of providers in their network to provide testing and treatment of COVID-19, the carrier must ensure that the enrollee obtains the covered service from a provider or facility within reasonable proximity of the enrollee at no greater cost than if the provider were in-network.
  
- **March 24, 2020** - [Emergency Order 20-02](#) RE: Ordering increased flexibility regarding the use of telemedicine and providing a minimum 60 day grace period for payment premiums (Clarifying and expanding on the requirements of EO 20-01), which orders the following between March 24, 2020 and May 23, 2020:
  - A. The Office of Civil Rights of the United States Department of Health and Human Services is effectively permitting the use of non-HIPAA compliant platforms to provide telehealth. All Regulated Entities shall allow in-network providers to use non-HIPAA compliant communication platforms to provide patient care, to the extent that 1) the provider and their patient are not already using a HIPAA compliant platform, or 2) the regulated entity is not making HIPAA compliant platforms available to all in-network providers, or 3) the use of a HIPAA compliant platform offered by the regulated entity is not readily and easily available to the provider or enrollee. All Regulated Entities shall treat the use of audio-only telephone as telemedicine, despite contrary language in [RCW 48.43.735](#)(8)(g).

- B. All Regulated Entities shall cover prior to application of any deductible and without cost sharing diagnostic test panels for influenza A & B, norovirus and other coronaviruses, and respiratory syncytial virus (RSV), when any of this testing is determined medically necessary by the enrollee’s health care provider, and when billed in conjunction with a COVID-19 related diagnosis code.
- C. All Regulated Entities shall cover as a “provider visit” under Directive A of Emergency Order 20-01, issued on March 5, 2020, services of a health care provider within their scope of practice, or under the supervision or direction of a health care provider within their scope of practice, to assess symptoms and obtain biological samples from enrollees at a drive through site established for testing and assessment of COVID-19. When testing is performed Allow enrollees to obtain a one-time refill of their covered prescription medications as part of such a visit, the testing shall be covered so long as such testing is a) approved by either the U.S. Food and Drug Administration (FDA) or Washington State Department of Health, b) performed by in-network providers, and c) provided as ordered by an enrollee’s health care provider.
- D. When an enrollee is determined to be ready for discharge from a hospital, and insufficient time exists for long-term care facility or home health services that will follow discharge to receive approval prior to delivery of care, all Regulated Entities must treat this as an extenuating circumstance, which eliminates the requirement for prior authorization of services under [WAC 284-43-2060\(2\)-\(3\)](#). For other covered services necessary for discharge to a long-term care facility or home that are subject to prior authorization, Regulated Entities must treat these requests for prior authorization as expedited prior authorization requests under [WAC 284-43-2050\(10\)\(b\)](#).
- E. For individual and group health plans, other than qualified health plans purchased by individuals receiving an advanced premium tax credit through the Health Benefit Exchange, in effect or expiring during the period of Governor Inslee’s Proclamation 20-05, Regulated Entities must allow a grace period for payment of premiums no less than sixty (60) days. If a Regulated Entity chooses to allow a grace period longer than sixty days, such grace period must be applied uniformly to all health plans and to all enrollees within any given health plan. Any communication from Regulated Entities addressed to enrollees during the grace period must clearly state the enrollee’s obligation to pay back premiums or potentially be subject to billing from health care providers for unpaid claims, and must clearly state the Regulated Entity’s obligations during the grace period, in light of the state of emergency and emergency orders issued by the Governor or the Office of the Insurance Commissioner.

- **March 25, 2020 - [Emergency Order 20-03](#)** RE: Advisory notice regarding COVID-19 claims:
  - Follow the minimum standard of claims handling regulations found in [WAC 284-30-330](#) through [WAC 284-30-380](#).
  - This includes implementing a prompt investigation and fully disclosing all pertinent benefits and coverages of the insurance policy under which the claim is presented.

- If a claim is denied, the Insurer must provide a written communication to their insured that cites the specific policy provision, condition, or exclusion that is the basis of the denial.
- When a claim is accepted, the Insurer will promptly pay what it owes as soon as it knows a payment is owed under the policy.