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**SUBSTITUTE SENATE BILL 5178**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Cleveland, Muzzall, and Wilson, C.)

AN ACT Relating to establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency; and adding a new section to chapter 43.06 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 43.06 RCW to read as follows:

(1) To ensure the readiness of the health care system and its ability to work with emergency management in responding to an emergency or disaster, the statutes and regulations set forth in this section are automatically waived or suspended upon the governor's declaration of a statewide state of emergency pursuant to RCW 43.06.010, unless:

(a) The governor issues an order rejecting the waiver or suspension of all statutes and regulations or specific statutes or regulations based on a finding that strict compliance with the statutes or regulations would not prevent, hinder, or delay necessary action in responding to the emergency or disaster; or

(b) The statute or regulation implements or is dependent on a federal law that has not been waived by the federal government and waiving the state statute or regulation would result in a failure to comply with such federal law. For the purposes of this exception, a federal law for which the federal government has issued a statement regarding enforcement discretion is treated as waived.

(2) The statutes and regulations that are automatically waived or suspended as provided in subsection (1) of this section are:

(a) RCW 70.38.105(4) (a), (b), (e), and (h);

(b) WAC 246-310-020(1) (a) through (c) and (e);

(c) RCW 70.41.110, the following language only:

(i) ": PROVIDED, That no license issued pursuant to this chapter shall exceed thirty-six months in duration";

(ii) "premises and"; and

(iii) "Licenses shall be posted in a conspicuous place on the licensed premises.";

(d) RCW 70.41.170;

(e) WAC 246-320-111(1) (b) and (c);

(f) WAC 246-320-116 (2) and (3);

(g) WAC 246-320-296(10);

(h) WAC 246-320-500;

(i) WAC 246-320-505;

(j) WAC 246-320-600;

(k) RCW 70.41.230;

(l) RCW 70.41.090 (3), (4), and (5);

(m) RCW 70.41.080;

(n) RCW 70.56.020(2)(a), the following language only: ", within forty-eight hours";

(o) RCW 70.56.020(2)(b), the following language only: "within forty-five days";

(p) 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,";

(q) RCW 18.64.043(2)(a), the following language only: "of location";

(r) 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.";

(s) WAC 246-945-230 (3)(a), (b), and (c) and (4);

(t) 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.";

(u) 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.";

(v) WAC 246-12-130(2)(d);

(w) WAC 246-12-430(1)(a); and

(x) WAC 246-12-440.

(3) Waivers and suspensions in subsection (2) of this section do not apply except to projects undertaken to provide or respond to surge capacity, including temporary increases in bed capacity, during the governor's declaration of a statewide state of emergency. Such projects and increases in bed capacity must comply with these statutory and regulatory provisions after the termination of the state of emergency.

(4) If the governor's proclamation of a state of emergency coincides with a state of emergency declaration by the president of the United States that includes the state of Washington and any agency of the federal government waives or suspends statutory and regulatory obligations or limitations that apply to the health care system operating in this state, for which there is a corresponding state statute or regulation that has not been automatically waived under this section, the state may not penalize a health care facility or a health care provider as defined in RCW 70.02.010 for acting in reliance on the federal waiver or suspension until the state explicitly declines to waive or suspend the corresponding state statute or regulation.

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