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**SUBSTITUTE SENATE BILL 5294**

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

**By** Senate Health & Long Term Care (originally sponsored by Senators Cleveland, Muzzall, Conway, Randall, Robinson, Van De Wege, and Wilson, C.)

AN ACT Relating to the creation of statewide epidemic preparedness and response guidelines for long-term care facilities; adding a new chapter to Title 70 RCW; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) Residents in long-term care settings are disproportionately impacted by epidemic outbreaks of infectious disease;

(b) The COVID-19 outbreak in Washington has revealed a need for consistent, science-based, statewide guidelines for long-term care settings to implement;

(c) As the state agency with the most expertise in both epidemiology-based awareness and the management of infectious disease, the department of health is best suited to lead stakeholders in the development of containment and mitigation strategies and guidelines to control the spread of infectious agents in long-term care facilities;

(d) Skilled nursing facilities are subject to oversight by federal agencies and must adhere to any guidance or regulations that may be issued in an effort to contain and control the spread of the infectious agent. Any state-issued guidelines should avoid conflicting with any regulations or guidelines issued by a federal agency, and guidance provided by the centers for disease control and prevention should be prioritized; and

(e) Consistent standards and guidelines are in the best interest of the public, including residents living in long-term care settings, family members and friends of residents, providers of care and services, and the agencies responsible for oversight.

(2) It is therefore the intent of the legislature to direct the department of health, the department of social and health services' aging and long-term support administration, and local health jurisdictions to work with interested stakeholders to develop a report that addresses epidemic disease preparedness and response guidelines for long-term care facilities and methods for ensuring consistent application of such standards across all long-term care settings in the state of Washington.

NEW SECTION. **Sec.**  (1) The department of health shall develop a report and guidelines on epidemic disease preparedness and response for long-term care facilities. In developing the report and guidelines, the department of health shall consult with interested stakeholders, including but not limited to:

(a) The department of social and health services' aging and long-term support administration;

(b) Local health jurisdictions;

(c) Advocates for consumers of long-term care;

(d) Associations representing long-term care facility providers; and

(e) The office of the state long-term care ombuds.

(2) The report must identify best practices and lessons learned about containment and mitigation strategies for controlling the spread of the infectious agent. At a minimum, the report must consider:

(a) Visitation policies that balance the psychosocial and physical health of residents;

(b) Timely and adequate access to personal protective equipment and other infection control supplies so that employees in long-term care facilities are prioritized for distribution in the event of supply shortages;

(c) Admission and discharge policies and standards; and

(d) Rapid and accurate testing to identify infectious outbreaks for:

(i) Resident cohorting and treatment;

(ii) Contact tracing purposes; and

(iii) Protecting the health and well-being of residents and employees.

(3) In developing the report, the department of health shall work with the stakeholders identified in subsection (1) of this section to:

(a) Ensure that any corresponding federal rules and guidelines take precedence over the state guidelines;

(b) Avoid conflict between federal requirements and state guidelines;

(c) Develop a timeline for implementing the guidelines and a process for communicating the guidelines to the department of social and health services, long-term care facilities, local health jurisdictions, and other interested stakeholders in a clear and timely manner;

(d) Consider options for targeting available resources towards infection control when epidemic disease outbreaks occur in long-term care facilities;

(e) Establish methods for ensuring that epidemic preparedness and response guidelines are consistently applied across all local health jurisdictions and long-term care facilities in Washington state. This may include recommendations to the legislature for any needed statutory changes;

(f) Develop a process for maintaining and updating epidemic preparedness and response guidelines as necessary; and

(g) Ensure appropriate considerations for each unique provider type.

(4) By December 1, 2021, the department of health shall provide a draft report and guidelines on COVID-19 as outlined in subsection (2) of this section to the health care committees of the legislature.

(5) By July 1, 2022, the department of health shall finalize the report and guidelines on COVID-19 and provide the report to the health care committees of the legislature.

(6) Beginning December 1, 2022, and annually thereafter, the department of health shall:

(a) Jointly review the report and any corresponding guidelines with the department of social and health services;

(b) Make any necessary changes regarding COVID-19 and add information about any emerging epidemic of public health concern; and

(c) Provide the updated report and guidelines to the health care committees of the legislature. When providing the updated guidelines to the legislature, the department of health may include recommendations to the legislature for any needed statutory changes.

(7) For purposes of this section, "long-term care facilities" includes:

(a) Licensed skilled nursing facilities, assisted living facilities, adult family homes, and enhanced services facilities;

(b) Certified community residential services and supports; and

(c) Registered continuing care retirement communities.

NEW SECTION. **Sec.**  Sections 1 and 2 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**