

RCW 43.06.225 State of emergency—Health care law waivers and suspensions. (1) (a) If when declaring or amending a statewide state of emergency pursuant to RCW 43.06.010, the governor determines that the emergency demands immediate action by hospitals to prevent critical health system failures and ensure hospitals' ability to work with emergency management in responding to the emergency, the governor shall, either simultaneously or within five days of that determination, specify within the emergency order or amended emergency order which of the following health care-related statutes and substantially equivalent regulations shall be waived or suspended based on the nature of the declared emergency:

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

(ii) RCW 70.41.110, the following language only: "premises and";

(iii) RCW 70.41.230;

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

(v) 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,";

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

(vii) 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.";

(viii) 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."; and

(ix) *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.".

(b) Hospitals that rely on waiver or suspension under (a) of this subsection shall notify the department within 14 days of initiating such reliance.

(c) Nothing in this section prevents the governor from waiving or suspending any statutes and substantially equivalent regulations outside the time frames established in this section. Additionally, the governor may waive or suspend any additional statutes, without limitation, as the governor deems necessary to address the emergency.

(2) Waivers and suspensions in subsection (1) 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. [2021 c 268 s 1.]

***Reviser's note:** RCW 18.360.010 was amended by 2024 c 217 s 1, changing subsection (11) to subsection (12).