

ESSB 5178 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 04/09/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06
4 RCW to read as follows:

5 (1)(a) If when declaring or amending a statewide state of
6 emergency pursuant to RCW 43.06.010, the governor determines that the
7 emergency demands immediate action by hospitals to prevent critical
8 health system failures and ensure hospitals' ability to work with
9 emergency management in responding to the emergency, the governor
10 shall, either simultaneously or within five days of that
11 determination, specify within the emergency order or amended
12 emergency order which of the following health care related statutes
13 and substantially equivalent regulations shall be waived or suspended
14 based on the nature of the declared emergency:

- 15 (i) RCW 70.38.105(4) (a), (e), and (h);
- 16 (ii) RCW 70.41.110, the following language only: "premises and";
- 17 (iii) RCW 70.41.230;
- 18 (iv) RCW 70.41.090 (3), (4), and (5);
- 19 (v) RCW 18.64.043(1), the following language only: "of location,
20 which shall entitle the owner to operate such pharmacy at the
21 location specified, or such other temporary location as the secretary
22 may approve,";
- 23 (vi) RCW 18.64.043(2) (a), the following language only: "of
24 location";
- 25 (vii) RCW 18.64.043(3), the following language only: "and to keep
26 the license of location or the renewal thereof properly exhibited in
27 said pharmacy.";
- 28 (viii) RCW 43.70.280(2), the following language only: "Such
29 extension, reduction, or other modification of a licensing,
30 certification, or registration period shall be by rule or regulation
31 of the department of health adopted in accordance with the provisions
32 of chapter 34.05 RCW. Such rules and regulations may provide a method

1 for imposing and collecting such additional proportional fee as may
2 be required for the extended or modified period."; and

3 (ix) RCW 18.360.010(11), the following language only: "physically
4 present and is" and "in the facility. The health care practitioner
5 does not need to be present during procedures to withdraw blood, but
6 must be immediately available."

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

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

15 (2) Waivers and suspensions in subsection (1) of this section do
16 not apply except to projects undertaken to provide or respond to
17 surge capacity, including temporary increases in bed capacity, during
18 the governor's declaration of a statewide state of emergency. Such
19 projects and increases in bed capacity must comply with these
20 statutory and regulatory provisions after the termination of the
21 state of emergency."

22 Correct the title.

EFFECT: Corrects a typo to reflect that the bill does not prevent
the Governor from waiving or suspending any statutes or regulations
outside the timelines provided in the bill, rather than the bill does
not prevent the Governor from waving or suspending any statutes or
regulations.

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