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**SENATE BILL 5294**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Cleveland, Muzzall, Conway, Randall, Robinson, Van De Wege, and Wilson, C.

Read first time 01/20/21. Referred to Committee on Health & Long Term Care.

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

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

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

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

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

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

17 (d) Skilled nursing facilities are subject to oversight by  
18 federal agencies and must adhere to any guidance or regulations that  
19 may be issued in an effort to contain and control the spread of the  
20 infectious agent. Any state-issued guidelines should avoid  
21 conflicting with any regulations or guidelines issued by a federal

1 agency, and guidance provided by the centers for disease control and  
2 prevention should be prioritized; and

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

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

15 NEW SECTION. **Sec. 2.** (1) The department of health shall develop  
16 epidemic disease preparedness and response guidelines for long-term  
17 care facilities. In developing the guidelines, the department of  
18 health shall consult with interested stakeholders, including but not  
19 limited to:

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

22 (b) Local health jurisdictions;

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

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

25 and

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

27 (2) The guidelines must include containment and mitigation  
28 strategies for controlling the spread of the infectious agent. At a  
29 minimum, the guidelines must address:

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

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

36 (c) Admission and discharge policies and standards; and

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

39 (i) Resident cohorting and treatment;

1 (ii) Contact tracing purposes; and  
2 (iii) Protecting the health and well-being of residents and  
3 employees.

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

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

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

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

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

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

23 (f) Develop a process for maintaining and updating the guidelines  
24 as necessary; and

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

27 (4) By December 1, 2021, the department of health shall finalize  
28 the guidelines and provide the guidelines to the health care  
29 committees of the legislature.

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

32 (a) Jointly review the guidelines with the department of social  
33 and health services;

34 (b) Make any necessary changes; and

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

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

- 1 (a) Licensed skilled nursing facilities, assisted living  
2 facilities, adult family homes, and enhanced services facilities;  
3 (b) Certified community residential services and supports; and  
4 (c) Registered continuing care retirement communities.

5 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a  
6 new chapter in Title 70 RCW.

7 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of  
9 the state government and its existing public institutions, and takes  
10 effect immediately.

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