

WSR 22-02-009

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed December 23, 2021, 1:53 p.m., effective December 23, 2021, 1:53 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-300-001 Licensed health care facilities and coronavirus disease 2019 (COVID-19). Adopting an emergency rule to clarify that licensed facilities must comply with state and federal statutes, rules, lawful orders, and other legal requirements, including lawful orders issued to prevent the spread of COVID-19. This emergency rule establishes that all health care facilities licensed by the department of health must comply with state and federal statutes, administrative rules, lawful orders, and other legal requirements relating to the operation of the facility and the control or prevention of the spread of COVID-19, including orders issued by the governor, by the secretary of health, by a local board of health, and by a local health officer.

Citation of Rules Affected by this Order: New WAC 246-300-001.

Statutory Authority for Adoption: RCW 43.70.040, 18.46.060, 70.41.030, 70.42.220, 70.127.120, 70.230.020, 70.230.090, 71.12.670, 71.24.037.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The worldwide COVID-19 pandemic and its persistence in Washington state continue to threaten the life and health of the people and economy of Washington, and remain a public disaster affecting life, health, property or the public peace. COVID-19 continues as an ongoing and present threat in Washington with continuing prevalence of COVID-19 cases and hospitalizations, primarily among unvaccinated populations but also in breakthrough infections in some fully vaccinated individuals. Clarifying the applicability of state and federal statutes, administrative rules, lawful orders, and other legal requirements to licensed health care facilities will assist facilities to comply with these requirements and will assist the department in its efforts to ensure the health and safety of the workers, recipients of services, and visitors in those facilities.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: December 23, 2021.

Kristin Peterson, JD
Deputy Secretary

Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

OTS-3389.3

**Chapter 246-300 WAC
GENERAL PROVISIONS—FACILITIES**

NEW SECTION

WAC 246-300-001 Licensed health care facilities and coronavirus disease 2019 (COVID-19). (1) This section applies to all health care facility types licensed by the department of health under chapters 18.46, 70.41, 70.42, 70.127, 70.230, 71.12, and 71.24 RCW.

(2) Every facility subject to this rule must comply with state and federal statutes, administrative rules, lawful orders, and other legal requirements relating to the operation of the facility and the control or prevention of the spread of coronavirus disease 2019 (COVID-19).

(3) Lawful orders include, but are not limited to, orders issued by the governor under chapter 43.06 RCW, by the secretary of health under chapter 43.70 RCW, or by a local board of health or local health officer under chapter 70.05, 70.08, or 70.24 RCW or chapter 246-100 WAC.

[]