

## WSR 22-17-098

## EMERGENCY RULES

## DEPARTMENT OF HEALTH

[Filed August 19, 2022, 7:11 a.m., effective August 19, 2022, 7:11 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-300-001 Licensed health care facilities and coronavirus disease 2019 (COVID-19). Extending the adoption of an emergency rule that 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. This continues the emergency rule originally filed on December 23, 2021, as WSR 22-02-009 and extended on April 22, 2022, as WSR 22-10-007.

Citation of Rules Affected by this Order: 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: COVID-19 is an ongoing and present threat in Washington with continuing existence of COVID-19 cases and hospitalizations, primarily among unvaccinated populations, but also in breakthrough infections in some fully vaccinated individuals. Though some governor proclamations and associated health orders may change or lessen in scope over the course of the disease activity in Washington state, there continue to be requirements (such as vaccinations, use of personal protective equipment, and masking) for health care providers, and for patients and visitors to health care settings, including licensed health care facilities. 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.

The extension of this emergency rule and the clarity it brings to licensed health care facilities is necessary for the preservation of public health, safety, and general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to protecting immediate public interests.

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: August 19, 2022.

Kristin Peterson, JD  
Chief of Policy  
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.