

WSR 23-06-062  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES

[Filed February 28, 2023, 8:26 a.m., effective March 31, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making is to define what is and is not verification for contraction by frontline workers and what is and is not verification for contraction or quarantine by health care workers of an infectious or contagious disease that is the subject of a public health emergency.

Citation of Rules Affected by this Order: New WAC 296-14-340 and 296-14-341.

Statutory Authority for Adoption: RCW 51.04.020.

Other Authority: RCW 51.32.181 and 51.32.390.

Adopted under notice filed as WSR 22-21-119 on October 18, 2022.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-14-340 and 296-14-341:

- In subsection (1), added "written documentation of" after "requires." This change provides clarity that verification must be in writing.
- In subsection (1)(b), added "or verified" after "administered." This was added to clarify for workers who administer their own test that another party to the claim must verify the result. This change was also made to provide clarity that an employer may not be the one physically administering the test, it may be administered by a nurse at their facility or the worker may administer the test at the employer's place of business but the employer could verify the results.
- In subsection (1)(b), changed "employer" to "employer's facility." This was changed in order to cover employers who have nurses or medical facilities on location.
- Removed subsection (2)(c). The change was made because the language was no longer needed due to the clarifying changes made to subsection (1)(b).

WAC 296-14-341:

- In subsection (3), added "written documentation of" after "requires." This change provides clarity that verification must be in writing, and to be consistent with the clarifying change made in WAC 296-14-341(1).
- In subsection (3)(a), removed "Written evidence from." This change was made because the language was no longer needed due to the clarifying changes made in subsection (3).
- In subsection (4)(b), removed the comma after "Quarantine." This was a minor housekeeping change.
- In subsection (4)(c), added "at the time of quarantine, from the relevant agencies" after the word "guidelines." This language was updated to provide clarity based on stakeholder feedback that guidelines could be from a number of agencies.

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 2, 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 0, Amended 0, Repealed 0.

Date Adopted: February 28, 2023.

Joel Sacks  
Director

## OTS-4020.5

### NEW SECTION

**WAC 296-14-340 Frontline workers—Verification for contraction of an infectious or contagious disease that is the subject of a public health emergency—RCW 51.32.181.** (1) Verification that an infectious or contagious disease has been contracted requires written documentation of:

- (a) A diagnosis from a medical provider made by examination; or
  - (b) A positive test administered or verified by a medical facility, testing facility, pharmacy, or the employer's facility.
- (2) The following cannot be used as verification that a worker has contracted an infectious or contagious disease:
- (a) Symptoms only self-reported by the worker; or
  - (b) A report from a medical provider that solely relies on a worker's self-reported positive test results.

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### NEW SECTION

**WAC 296-14-341 Health care workers—Verification for contraction or quarantine due to an infectious or contagious disease that is the subject of a public health emergency—RCW 51.32.390.** (1) Verification that an infectious or contagious disease has been contracted requires written documentation of:

- (a) A diagnosis from a medical provider made by examination; or
  - (b) A positive test administered or verified by a medical facility, testing facility, pharmacy, or the employer's facility.
- (2) The following cannot be used as verification that a worker has contracted an infectious or contagious disease:
- (a) Symptoms only self-reported by the worker; or
  - (b) A report from a medical provider that solely relies on a worker's self-reported positive test results.

(3) Verification that a worker has been quarantined due to exposure to the infectious or contagious disease that is the subject of a public health emergency requires written documentation of:

(a) A medical provider or public health official indicating the worker should remain away from work for a period of time after exposure; or

(b) Confirmation from the employer that it asked the worker to remain away from work for a period of time after exposure.

(4) Quarantine does not include:

(a) Self-quarantine by a worker without direction from a medical provider, public health official, or their employer;

(b) Quarantine without exposure; or

(c) Quarantine after exposure for a length of time exceeding accepted public safety and health guidelines at the time of quarantine, from the relevant agencies.

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