
ENGROSSED SUBSTITUTE SENATE BILL 5178

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Cleveland, Muzzall, and Wilson, C.)

READ FIRST TIME 02/01/21.

1 AN ACT Relating to establishing timely considerations of waivers
2 of select state health care laws to enable timely response by the
3 health care system during a governor-declared statewide state of
4 emergency; and adding a new section to chapter 43.06 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06
7 RCW to read as follows:

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

- 18 (i) RCW 70.38.105(4) (a), (e), and (h);
19 (ii) RCW 70.41.110, the following language only: "premises and";
20 (iii) RCW 70.41.230;
21 (iv) RCW 70.41.090 (3), (4), and (5);

1 (v) RCW 18.64.043(1), the following language only: "of location,
2 which shall entitle the owner to operate such pharmacy at the
3 location specified, or such other temporary location as the secretary
4 may approve,";

5 (vi) RCW 18.64.043(2)(a), the following language only: "of
6 location";

7 (vii) RCW 18.64.043(3), the following language only: "and to keep
8 the license of location or the renewal thereof properly exhibited in
9 said pharmacy.";

10 (viii) RCW 43.70.280(2), the following language only: "Such
11 extension, reduction, or other modification of a licensing,
12 certification, or registration period shall be by rule or regulation
13 of the department of health adopted in accordance with the provisions
14 of chapter 34.05 RCW. Such rules and regulations may provide a method
15 for imposing and collecting such additional proportional fee as may
16 be required for the extended or modified period."; and

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

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

24 (c) Nothing in this section prevents the governor from waiving or
25 suspending any statutes and substantially equivalent regulations
26 outside the time frames established in this section. Additionally,
27 the governor may waive or suspend any additional statutes, without
28 limitation, as the governor deems necessary to address the emergency.

29 (2) Waivers and suspensions in subsection (1) of this section do
30 not apply except to projects undertaken to provide or respond to
31 surge capacity, including temporary increases in bed capacity, during
32 the governor's declaration of a statewide state of emergency. Such
33 projects and increases in bed capacity must comply with these
34 statutory and regulatory provisions after the termination of the
35 state of emergency.

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