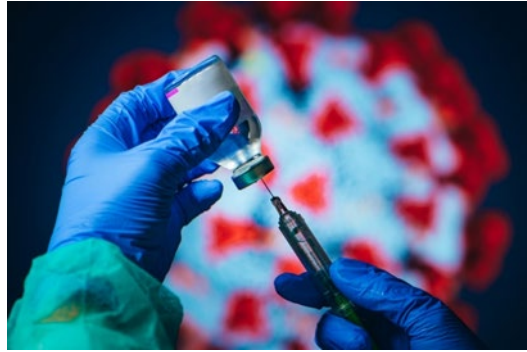


## WAHCA February 2021 Public Policy Report

Prepared by Leslie Emerick, Lobbyist



### Legislative Overview

The 2021 Legislative session will go down in the history books with the dueling drama of a pandemic and armed militia threats against our Governor, Legislators, and the state capitol buildings!! The capitol in Olympia is still in a state of “Restricted Access” for the near foreseeable future with Washington State Patrol taking high security measures to protect the capital campus and the employees in this time of militia related unrest. The National Guard has finally been sent home at a cost of over \$1.6 million. The federal Department of Homeland Security has issued a recent warning for potential violence in all 50 state capitols. The capitol campus already had most employees from home due to the pandemic, but some continue to work at the capital during session.

The 2021 “virtual” legislative session is now moving into its fourth week (Feb. 1 being the 22<sup>nd</sup> day of the 105-day legislative session) with new bill introductions starting to wind down. February 15<sup>th</sup> is the first big policy bill cut-off, with fiscal bills cut-off on February 22<sup>nd</sup>. Bills that have been introduced and received a public hearing must pass out of these committees to continue through the legislative process. Those bills that do not get a vote out of their respective committees by this date die for this legislative session. Since WA State has a biennial legislative session, bills that die for this session may be back next year.

So far, 1,167 bills have been introduced this session which is far less than a regular long session which typically introduces closer to 2,600 bills! Legislators were concerned about the ability pass bills in the virtual environment in a timely manner and limited the number of bills to be heard by House of Representatives to 7 bills, requested that they do not file “Companion” bills in the opposite house and focus on COVID-19, the 2-year operating budget, social justice, and climate issues. Here is a really good resource for accessing the legislature this session!



Accessing the  
Legislature remotely.p

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## **COVID-19 Information**

The first bills passing the legislature this session was COVID-19 related, such as extending the month-to-month waivers until the end of the state emergency orders under the Governor. ([COVID-19 Proclamations Extended under SCR 8402](#)) No one knows when the pandemic will “officially” end, so this offers some stability and consistency for health care providers and their organizations. There are several bills that direct the use of federal dollars for COVID-19 into various state funding accounts, much of which came into the state under the CARES Act.

There are also business-related bills, in particular one that provides additional funding to make up for the shortfalls in the Unemployment Insurance Account ([SB 5061](#)) due to millions being stolen through fraudulent accounts and the significant increase in unemployment due to the pandemic. SB 5061 has already passed both houses of the state legislature and is moving towards the Governor’s desk for signature! Just goes to show you that the legislature can move fast when it wants to!!

Much of my time has been spend working with the state DOH and King County to help expand access to care for in-home services agencies. The state has sent up large vaccination events in regions around the state. We were also part of the soft launch of [www.findyourphasewa.com](http://www.findyourphasewa.com), which is fully operational now.

[Getting vaccinated in King County - King County](#): DOH determines the [distribution of vaccine for our state](#) and eligibility for vaccination in phases. King County is currently in the state's Phase 1a and Phase 1b, Tier 1 for vaccine distribution.

**Mass Vaccination Sites:** DOH, along with the assistance from the Washington National Guard and local and private sector partners, is launching four mass vaccination sites across the state for people eligible for the COVID-19 vaccine under [Phase 1A or Phase 1B tier 1 \(PDF\)](#). Locations will be appointment only and appointments must be made in advance. To get a vaccine, you first need eligibility confirmation from [Phase Finder](#).

**Crossing state lines for vaccine:** Given the limited supply of vaccine that is available at this time and our state’s commitment to equitable and fair access to vaccine, the state of Washington is requiring that those seeking COVID-19 vaccines in its four mass vaccination sites must either live or work in Washington state. If you do not live or work in Washington, please do not make vaccine appointments or travel to Washington sites for vaccines.

### **Location of Sites**

[Kennewick](#)  
[Ridgefield](#)

[Spokane](#)  
[Wenatchee](#)

**Tracking PPE Distribution Dashboard:** <https://coronavirus.wa.gov/what-you-need-know/personal-protective-equipment/tracking-ppe-distribution>

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**Vaccine Coordination Meetings:** I also attend the DOH Vaccine Partners meeting, and they reported that much more vaccination is heading to Washington state in the near future and they are working on multiple pathways to get the vaccine out into our communities, include mobile vaccinations for home bound patients or those with difficulty traveling.

Shawn, Sharla and I have been meeting with King County Public Health to discuss the vaccine roll out for home health, home care and hospice agencies for distribution of the COVID-19 Vaccine. It appears that most of our agencies have been able to access vaccines from various local sources in their communities. Please let us know if you are still having difficulties getting your staff vaccinated or your clients who qualify.

### **Department of Social and Health Services (DSHS)**

#### **[Safe Start for LTC Recommendations & Requirements: Updates and Webinar](#)**

**Rulemaking notice from DSHS regarding LTC Worker Qualifications:** The department is planning to amend WAC 388-71-0975 to clarify how to interpret the long-term care worker qualifications and requirements in statute and rule that have specific time periods for compliance when there has been a period of time in which the underlying requirements were suspended and waived in whole or part by emergency proclamation by the Governor.

The department filed an emergency rule for WAC 388-71-0975 as WSR 21-01-018 on December 3, 2020. If you are interested in participating in the rule making process, please contact Angel Sullivan at [angel.sullivan@dshs.wa.gov](mailto:angel.sullivan@dshs.wa.gov).

**Rulemaking Regarding Specialty Training for Dementia and Mental Health:** (CR 103)DSHS filed a permanent rule on January 28 to create new and amending sections in chapter 388-112A WAC Residential Long-Term Care Services Training. These changes are necessary to clarify instructor qualifications and requirements for the additional specialty courses required by RCW 70.128.060(8). To read the rule filing and final language, click [here](#).

**Monthly Public Webinar for the Consumer Directed Employer project:** You are invited to participate in a webinar on the Consumer Directed Employer project. This webinar is intended for members of the public who are interested in learning more about the Consumer Directed Employer project. Visit the [CDE webpage](#).

- **February 16: 10:30 am – 11:30 am** [Register here](#)

**The Webinar will cover:** Status updates on project activities, upcoming tasks, roles of service coordinators, how to get help, upcoming readiness assessments

### **Department of Health (DOH)**

#### **Department of Health Vaccine Updates:**

<https://www.doh.wa.gov/Emergencies/COVID19/Vaccine>, Find [COVID-19 vaccine information for health care providers](#).

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**Nursing Assistant Waivers:** DOH Notice-On Wednesday, January 20, 2021, a GovDelivery message titled "Nursing Assistant Waivers Extended Until State of Emergency Terminated" **incorrectly** stated that the requirement to verify that a nursing assistant has completed basic caregiver training and core delegation training before delegation is waived. *Please note: the core delegation training requirement before delegation is not waived.* Only the basic caregiver training requirement is waived. We apologize for any confusion. Below is the information that was sent out on January 20, 2021:

**NAR four-month rule proclamation:** The legislature has approved an extension for the governor's proclamation suspending certification requirements in nursing homes. The proclamation, which you can find [here](#), is effective until the termination of the COVID-19 state of emergency pursuant to RCW 43.06.210, or until rescinded; whichever occurs first. This means that a nursing assistant-registered can work in a nursing home past 120 days before obtaining a nursing assistant-certified credential.

**Long-term care worker rules proclamation :** The legislature has approved an extension for the governor's proclamation suspending certification requirements in community-based settings (adult family homes, assisted living facilities, and home care agencies). The proclamation, which you can find [here](#), is effective until the termination of the COVID-19 state of emergency pursuant to RCW 43.06.210, or until rescinded; whichever occurs first. This means that a caregiver can work in a community-based setting past 200 days before obtaining a nursing assistant-certified or a certified home care aide credential.

**Healthcare worker licensing proclamation:** The legislature has approved an extension for the governor's proclamation removing certain barriers for licensure. The proclamation, which you can find [here](#), is effective until the termination of the COVID-19 state of emergency pursuant to RCW 43.06.210, or until rescinded; whichever occurs first. Below is a summary of what the waivers pertaining to nursing assistants do.

**Barriers to continued and uninterrupted healthcare practice, including continuing education and other training requirements and license renewal deadline:** Licensed health profession rules requiring continuing education (CE), AIDS education, and training in suicide assessment, treatment, and management are waived. This includes the 8 hours of CE required to maintain the medication assistant endorsement and the requirement to demonstrate clinical skills to an instructor in a practice setting in nursing assistant training programs.

**Barriers to the practice of health care provider volunteers:** The requirement to verify that an NA has completed basic caregiver training and core delegation training before delegation, and the Washington state nursing care quality assurance commission community-based and in-home care setting delegation decision tree are waived.

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**Barriers to long-expired credential reissuance:** The requirement to retake nursing assistant or nursing training and pass the competency examination prior to reissuance when a nursing assistant-certified credential has been expired for over three years is waived.

**DOH Announcement: Help us to learn what you need to prevent the spread of COVID-19 and other infectious diseases:** To better fight COVID-19, the Washington State Department of Health (WA DOH) and the Centers for Disease Control and Prevention (CDC) created an infectious disease survey for frontline healthcare workers. This survey is part of a project called Project Firstline. Project Firstline is designed to prevent the spread of infectious diseases in healthcare settings across Washington through interactive trainings and resources. For more information, please go to: [Prevent COVID-19 infections in healthcare settings \(govdelivery.com\)](https://govdelivery.com)

**PREP Act Authorization for Health Care Workers with Expired or Inactive Licenses to Administer COVID-19 Vaccines:** DOH, in partnership with our health profession boards and commissions, is taking action to support retired health care workers or those with inactive licenses to more easily get back into the workforce to administer the COVID-19 vaccine. The goal is to ensure we have a robust workforce to help us bring an end to the COVID-19 pandemic.

Please find the attached [Public Readiness and Emergency Preparedness Act \(PREP Act\)](#) authorization from Secretary of Health Dr. Umair Shah for health care workers with expired or inactive licenses to administer COVID-19 vaccines under certain circumstances.

To participate, health care workers must register at: <https://www.waserv.org>. Step-by-step instructions to register: <https://www.doh.wa.gov/Emergencies/COVID19/HealthcareProviders>.

Before registering, participants will need to have access to previous Washington state credential numbers, which may be obtained through the Department of Health's Provider Credential Search, accessible at <https://fortress.wa.gov/doh/providercredentialsearch/>. After registering, participants must wait to receive confirmation from DOH that they are authorized to administer COVID-19 vaccines under Dr. Shah's authorization. Certain health care workers with expired/inactive licenses may qualify for PREP Act coverage under both state and federal authorizations. Secretary of Health Shah's authorization for Washington State currently allows broader participation. Questions about registration? Please email: [waserv@doh.wa.gov](mailto:waserv@doh.wa.gov). More Resources:

- Centers for Disease Control and Prevention COVID-19 vaccine [training](#)
- Department of Health COVID-19 vaccine [training](#) resources
- Washington State Pharmacy Association immunization [training](#)
- Oregon Health Science University dental immunization [training](#)
- Vaccine Adverse Event Reporting System ([VAERS](#)):
  - o VAERS Overview [video](#)
  - o VAERS demonstration [video](#)

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**DOH and LNI's Fit Testing Training Webinars:** Please review the information below for important information including a recording of the webinar and additional resources on fit testing.

1. Recordings, videos and resource links (for everyone) - Please note due to the size of the slide deck slides are NOT available at this time.
2. Sign-up for small group fit testing practice and coaching (for those doing their own fit testing)
3. Obtaining a fit testing kit (for those doing their own fit testing)
4. Accessing the 3M online medical clearance system (for those doing their own fit testing)
5. Accessing mobile fit testing (for everyone)

RECORDING of 1/20 webinar (same content as 1/13) – Click here:

<https://attendee.gotowebinar.com/recording/1294987615467886607>

Fit Testing Demonstration Videos from webinar

Part 1 Click here: <https://attendee.gotowebinar.com/recording/9064256624105775619>

Part 2 Click here: <https://attendee.gotowebinar.com/recording/6512252752642420994>

Full version UW of video shown by LNI during webinar (importance of fit):

<https://attendee.gotowebinar.com/recording/3987538759800525570> Questions from the Q&A will be posted to DOH's web page in the near future. We encourage you to reach out to us if you have specific questions about your agency or facility. Please email [carolyn.ham@doh.wa.gov](mailto:carolyn.ham@doh.wa.gov).

To request Consultation from LNI <https://www.lni.wa.gov/safety-health/preventing-injuries-illnesses/request-consultation/>

The Respiratory Protection Plan template from LNI is located here: <https://lni.wa.gov/safety-health/docs/Respirator-Program-Template%20-Guide-for-N95-Use-in-LTC-During-the-COVID-19-Pandemic.docx> (alternatively, try accessing from this webpage, <https://lni.wa.gov/safety-health/safety-topics/topics/coronavirus#industry-and-topic-specific-resources> scroll down to 'Long Term Care Facilities' and click on "Respirator Program Template and Guide for N95 use at Long Term Care Facilities During the COVID-19 Pandemic") The facial hair guide from CDC NIOSH is here: <https://www.cdc.gov/niosh/npptl/pdfs/facialhairwmask11282017-508.pdf>

2. Sign-up for small group fit testing practice and coaching (for doing their own fit testing)

Starting in February, DOH's Occupational Health Nurse will be providing small group coaching for facilities and agencies who are doing their own fit testing. These practice sessions will last for 1 hour each and will be video chats via the MS Teams application. You will watch live demonstrations, and then you will practice fit testing skills and receive feedback. There will also be time for questions. You need to have a fit testing kit on hand participate in the training sessions. We will be offering these sessions again later this year, so if you don't have a kit yet, don't worry. There will be additional opportunities. To sign up for these, please fill out this SurveyMonkey:

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3. Obtaining a fit testing kit (for those doing their own fit testing)

If you are interested in obtaining a fit testing kit and you have more than 20 staff who need fit testing, please email DOH at [carolyn.ham@doh.wa.gov](mailto:carolyn.ham@doh.wa.gov) with the following information. We do not recommend this option for smaller facilities.

**Facility Name, Facility Address, Number of staff to be fit tested, Contact person**

4. Accessing the 3M online medical clearance system (for those doing their own fit testing)

If you are doing your own fit testing with a kit, you can use DOH's account for 3M online medical evaluations. For facilities doing their own fit testing, email [carolyn.ham@doh.wa.gov](mailto:carolyn.ham@doh.wa.gov) to get access. If you want to have a company provide mobile fit testing at your location, they will manage the medical clearance process for you – please read below for more information.

5. Accessing mobile fit testing (for everyone) Beginning in January 2021, facilities and agencies in all counties in Washington State are eligible for no-cost fit testing through funding provided by the Department of Health. Eligible facility and agency types are:

- Assisted Living Facilities
- Skilled Nursing Facilities/Nursing Homes
- Adult Family Homes
- Supported Living Agencies
- Home Care Agencies
- Home Health Agencies
- Hospice Agencies

Each county has been assigned a fit testing provider who is participating in the DOH N95 Fit Testing Project. Appointments for fit testing with these providers will begin after February 1<sup>st</sup>. To access this program, facilities should contact the fit testing provider assigned to their county directly. You do not need to contact DOH to qualify, please directly contact the fit testing provider for your area. To find the provider assigned to your county, please review the chart or map below. If your county isn't listed below, please contact DOH ([carolyn.ham@doh.wa.gov](mailto:carolyn.ham@doh.wa.gov)) to find out who your fit testing provider will be. Please note, if you need online medical evaluations ONLY (do NOT need mobile fit testing), you can contact DOH at [carolyn.ham@doh.wa.gov](mailto:carolyn.ham@doh.wa.gov).

**Nursing Care Quality Assurance Commission (NCQAC)**

NCQAC has been working on a draft for an Advisory Opinion Telehealth for nursing. I attended their workgroup meeting this week and it looks like home care aides and certified nursing assistants can work under Nurse Delegation to assist with a patient as long as the delegator has telemedicine in their scope of practice.

**Office of the Insurance Commissioner (OIC)**

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[Health insurance and coronavirus \(COVID-19\) frequently asked questions | Washington state Office of the Insurance Commissioner](#)

**L&I Coronavirus Response Data**

- [Coronavirus \(COVID-19\) data dashboard](#) (last update: Feb. 3, 2021): Coronavirus-related enforcement, inspections, consultations, and workers' compensation claims.

**Virtual In-Home Services Days**

I am working on a new format for our In-Home Services Day and will share ASAP with our updated talking points ASAP! More to come...

Please see attached bill tracking and upcoming public hearings list!