

Washington State Law Waiver Tracker (updated January 18, 2021)

In a highly regulated field like healthcare, temporary waivers of certain regulations allow healthcare facilities to adjust and respond more quickly during a public health emergency. This waiver tracker provides status updates on healthcare-relevant state law waivers and flexibilities in Washington State. Please consult legal counsel for specific advice or interpretation.

Governor waivers are effective for 30 days, unless extended in writing by the majority and minority leadership of the Senate and House of Representatives, until the legislature can extend the waiver or suspension by concurrent resolution.

[RCW 43.06.220\(4\)](#)

On January 15th state legislature passed [Concurrent Resolution 8402](#) to extend the below waivers until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded by gubernatorial or legislative action, whichever occurs first.

Hospitals – Waivers ([Proclamation 20-36](#))

Waiver Topic	Statutory/Regulatory Citations	Release Date	Impact of Waiver	Effective Date & Duration	Other
Certificate of Need – establish new facilities	RCW 70.38.105(4)(a)	3/30/2020	No CN required for the construction, development, or other establishment of a new health care facility .	3/30/2020 – end of emergency or state action	
Certificate of Need – establish new facilities; expanding home health & hospice; ASF operating rooms	WAC 246-310-020(1)(a)	3/30/2020	No CN required for the construction, development, or other establishment of a new health care facility. No CN required for a new health care facility initiated as a health service of an existing health care facility. Expanding home health agency or hospice service area is not considered the development of a new home health agency or hospice. No CN required for expanding the number of operating rooms at an ASF.	3/30/2020 – end of emergency or state action	

Certificate of Need – sale, purchase, lease of a hospital	RCW 70.38.105(4)(b)	3/30/2020	No CN required for the sale, purchase, or lease of part or all of any existing acute care or psychiatric hospital.	3/30/2020 – end of emergency or state action	
Certificate of Need – sale, purchase, lease of a hospital	WAC 246-310-020(1)(b)	3/30/2020	No CN required for the sale, purchase, or lease of part or all of any existing acute care or psychiatric hospital.	3/30/2020 – end of emergency or state action	
Certificate of Need – change bed capacity	RCW 70.38.105(4)(e)	3/30/2020	<p>No CN required to increase the total number of licensed beds at a health care facility.</p> <p>No CN required to redistribute beds among acute care, nursing home care, and assisted living facility.</p> <p>No CN required for a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or assisted living facility care to nursing home care.</p> <p>Remove state law version of federal critical access hospitals 25-bed limit.</p> <p>No CN required for critical access hospitals that have a nursing home within 27 miles.</p>	3/30/2020 – end of emergency or state action	Hospitals seeking to exceed licensed bed capacity should submit a request to DOH using the medical surge request process .
Certificate of Need – change bed capacity	WAC 246-310-020(1)(c)	3/30/2020	No CN required for a change in bed capacity of a health care facility increasing the total number of licensed beds or redistributing beds among acute care, nursing home care, and assisted living facility care.	3/30/2020 – end of emergency or state action	
Certificate of Need – nursing home services	RCW 70.38.105(4)(g)	3/30/2020	No CN required for any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking subject to CN.	3/30/2020 – end of emergency or state action	

Certificate of Need – nursing home services	WAC 246-310-020(1)(g)	3/30/2020	No CN required for any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking subject to CN.	3/30/2020 – end of emergency or state action	
Certificate of Need – dialysis stations	RCW 70.38.105(4)(h)	3/30/2020	No CN required for increase in the number of dialysis stations in a kidney disease center.	3/30/2020 – end of emergency or state action	
Certificate of Need – dialysis stations	WAC 246-310-020(1)(e)	3/30/2020	No CN required for increase in the number of dialysis stations in a kidney disease center.	3/30/2020 – end of emergency or state action	
Certificate of Need – dialysis facilities	WAC 246-310-806(1) <i>partial</i>	3/30/2020	Waive deadlines for Special Circumstances 1 Concurrent Review Cycle.	3/30/2020 – end of emergency or state action	
Certificate of Need – hospice	WAC 246-310-290(3) <i>partial</i>	3/30/2020	Waive deadline for Cycle 2 Applicant Response.	3/30/2020 – end of emergency or state action	
Facility Licensing – Estimate of charges	RCW 70.41.450	3/30/2020	Acute hospitals are not required to post a sign in patient registration areas that estimated charges are available.	3/30/2020 – end of emergency or state action	
Facility Licensing – fire protection inspections	RCW 70.41.080	3/30/2020	Waive standards for fire protection inspection, reports, and enforcement at acute care hospitals.	3/30/2020 – end of emergency or state action	
Facility Licensing – rural facilities that change status	RCW 70.41.090(3), (4), (5)	3/30/2020	No CN or construction review required for rural health care facilities licensed under RCW 70.175.100 formerly licensed as an acute care hospital to apply for hospital license. No CN or construction review required for rural hospital that reduced beds to become a rural primary care	3/30/2020 – end of emergency or state action	

			<p>hospital to increase the number of beds licensed under this chapter to number of previously licensed number of beds.</p> <p>No CN or construction review required for rural hospital participating in Washington rural health access preservation pilot to renew license.</p>		
Facility Licensing – acute care license	RCW 70.41.110 <i>partial</i>	3/30/2020	<p>Acute care hospital licenses may exceed 36 months in duration.</p> <p>Remove requirement that acute care hospital licenses are only for premises named.</p> <p>Acute care hospital licenses are not required to be posted in a conspicuous place on the licensed premises.</p>	3/30/2020 – end of emergency or state action	
Facility Licensing – acute care hospital operating without a license	RCW 70.41.170	3/30/2020	<p>Remove penalty for operating an acute care hospital without a license.</p> <p>Remove penalty for offering a tertiary health service without CN approval.</p>	3/30/2020 – end of emergency or state action	
Facility Licensing – MRSA policies	RCW 70.41.430	3/30/2020	<p>Remove requirement that acute care hospitals adopt MRSA policies regarding testing, prevention, isolation or cohorting, and requirement for oral and written instructions.</p> <p>Remove requirement that acute care hospitals report MRSA cases to DOH.</p>	3/30/2020 – end of emergency or state action	
Facility Licensing – notification of adverse health events	RCW 70.56.020(2)(a)	3/30/2020	<p>Remove requirement that medical facility submit notification of an adverse event to DOH within 48 hours.</p>	3/30/2020 – end of emergency or state action	

Facility Licensing – reporting of adverse health events	RCW 70.56.020(2)(b)	3/30/2020	Remove requirement that medical facility submit a report regarding an adverse event to DOH within 45 days.	3/30/2020 – end of emergency or state action	
Facility Licensing – initial acute care hospital licensing	WAC 246-320-101(1)	3/30/2020	Remove requirement that hospital submit application packet and fee to the department at least 60 days before the intended opening date of the new hospital.	3/30/2020 – end of emergency or state action	
Facility Licensing – acute care bed capacity	WAC 246-320-111(1)(b), (c)	3/30/2020	Acute care hospitals may set up inpatient beds in excess of licensed bed capacity. Acute care hospitals may exceed licensed beds without CN approval.	3/30/2020 – end of emergency or state action	
Facility Licensing – specialty hospital bed capacity	WAC 246-320-116(2), (3)	3/30/2020	Specialty hospitals may set up inpatient beds in excess of licensed bed capacity. Specialty hospitals may exceed licensed beds without CN approval.	3/30/2020 – end of emergency or state action	
Facility Licensing – alcohol & chemical dependency services	WAC 246-320-266(4)	3/30/2020	Remove requirement that hospitals assure privacy for patients receiving alcohol and chemical dependency services during interviewing, group and individual counseling, physical examinations, and social activities.	3/30/2020 – end of emergency or state action	
Facility Licensing – psychiatric services	WAC 246-320-271(4)	3/30/2020	Remove requirement that hospitals assure privacy for patients receiving psychiatric services during interviewing, group and individual counseling, physical examinations, and social activities.	3/30/2020 – end of emergency or state action	
Facility Licensing – physical environment requirements	WAC 246-320-296(10)	3/30/2020	Remove physical environment requirements that hospitals must provide storage, specific plumbing, certain ventilation, clean surfaces & finishes, and a functional patient call system.	3/30/2020 – end of emergency or state action	

Facility Licensing – construction review	WAC 246-320-500, 505, and 600	3/30/2020	Remove construction standard regulations for acute care hospitals.	3/30/2020 – end of emergency or state action	
Pharmacy assistants – remove PQAC prior authorization	RCW 18.64A.040(1), (2)	3/30/2020	Pharmacy ancillary personnel are allowed to practice without prior authorization by the Pharmacy Quality Assurance Commission.	3/30/2020 – end of emergency or state action	
Pharmacy assistants – remove PQAC prior authorization	RCW 18.64A.060	3/30/2020	Pharmacy may utilize services of pharmacy ancillary personnel without approval of the commission.	3/30/2020 – end of emergency or state action	
Pharmacy ancillary personnel – specialized functions	WAC 246-901-020(3)	3/30/2020	Pharmacy technicians may assist pharmacists.	3/30/2020 – end of emergency or state action	
Pharmacy ancillary personnel – specialized functions	WAC 246-901-035	3/30/2020	Pharmacy technician may perform specialized functions without meeting utilization plans and without maintaining records training that are retrievable within 72 hours.	3/30/2020 – end of emergency or state action	
Pharmacy ancillary personnel – PQAC approval	WAC 246-901-100	3/30/2020	Board approval is suspended for using ancillary personnel for specialized functions, including reporting back to the board when general utilization plans and specialized function utilization plans are amended.	3/30/2020 – end of emergency or state action	
Pharmacists – pharmacy license	RCW 18.64.043(1)	3/30/2020	Removes requirement that licensed pharmacy is limited only to location of license or at a temporary location approved by DOH.	3/30/2020 – end of emergency or state action <i>Change re vaccine storage expires 1/8/2021</i>	NEW Waiver applies to the possession and storage at locations other than pharmacy's main location of COVID-19 vaccines and drugs for the treatment of COVID-19 under

					FDA EUA license, or other approval
Pharmacists – hospital pharmacy license	RCW 18.64.043(2)(a)	3/30/2020	Removes requirement that licensed hospital pharmacy limited only to location of license.	3/30/2020 – end of emergency or state action <i>Change re vaccine storage expires 1/8/2021</i>	NEW Waiver applies to the possession and storage at locations other than pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 under FDA EUA license, or other approval
Pharmacists – pharmacy license	RCW 18.64.043(3)	3/30/2020	Removes requirement that pharmacy exhibit its license on the premises.	3/30/2020 – end of emergency or state action	NEW Waiver applies to the possession and storage at locations other than pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 under FDA EUA license, or other approval
Pharmacy – hours	WAC 246-869-020(10)	3/30/2020	Removes requirement to notify and receive inspection and approval from PQAC if the pharmacy hours differ from the establishment where the pharmacy is located.	3/30/2020 – end of emergency or state action	
Pharmacy – change of location or space NEW	WAC 246-945-230(3)(a), (b), and (d) WAC 246-945-230 (4) <i>partial</i>	12/9/2020	Removes obligation to notify the Pharmacy Commission and pay additional fee when a pharmacy modifies or remodels its space, change of location, or changes any information included in the pharmacy license application.	12/9/2020 – end of emergency or state action	

			Removes requirement that pharmacy license is issued to a specific location.		
Pharmacy – facility standards; access to drug storage areas NEW	WAC 246-945-410(10)(b) <i>partial</i>	12/9/2020	Removes requirement that pharmacist must provide immediate supervision to an individual the pharmacist has authorized to temporarily access drug storage areas to perform a legitimate nonpharmacy function.	12/9/2020 – end of emergency or state action	Waiver only applies to the possession and storage at locations other than pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 under FDA EUA license, or other approval

- CN waivers only apply to temporary bed capacity increases & projects undertaken to provide surge capacity for the COVID-19 response. CN must be obtained after the expiration of this waiver.
- Licensure waivers only apply to actions undertaken to provide surge capacity for the COVID-19 response. Hospitals must comply with these statutory and regulatory provisions after the expiration of this waiver.
- Pharmacy waivers issued 12/9/2020 only apply to actions undertaken to provide surge capacity for the COVID-19 response and to the possession and storage at locations other than pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 under FDA EUA license, or other approval. Except WAC 246-945-410(10)(b), which only applies to the possession and storage at locations other than pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 under FDA EUA license, or other approval.

Hospitals – Flexibility (DOH Guidance)

Topic	Statutory/Regulatory Citations Interpreted	Impact of Waiver	Effective Date & Duration
Discharge planning	RCW 70.41.322 RCW 70.41.324 WAC 246-320-226	CMS has waived detailed discharge planning for hospitals related to post-acute care services to allow for a more fluid transfer process and expedite the safe discharge and movement of patients among care settings. CMS has not waived the requirement that transfers are to an appropriate setting with the necessary medical information and goals of care. The department acknowledges and supports the flexibility CMS has provided to ensure discharges are done without undue delay to respond to COVID-19. The department will	3/1/2020 - termination of federal state of emergency

		likewise exercise regulatory flexibility to permit licensed hospitals to discharge patients in compliance with CMS standards, notwithstanding any inconsistent requirements in RCW 70.41.322, RCW 70.41.324, and WAC 246-320-226. The department continues to require appropriate discharge planning and processes.	
Patient Transfer Process	RCW 70.170.060(2) WAC 246-320-281	CMS is waiving the enforcement of section 1867(a) of EMTALA to allow facilities to screen patients at a location offsite from the hospital's campus to prevent the spread of COVID-19. The department interprets RCW 70.170.060(2) and WAC 246-320-281 as allowing the transfer of a patient with an emergency medical condition from an emergency department to another appropriate setting of care if the transferring hospital reasonably determines that the transfer is needed to preserve limited medical resources due to the COVID-19 outbreak. A transfer may not be based on ability to pay, and the transferring hospital must follow reasonable procedures in making transfers, including confirming acceptance of the transfer by the receiving hospital. A transfer must also comply with the provisions of EMTALA that have not been waived.	3/1/2020 - termination of federal state of emergency
Patient Care Services and Verbal Orders	WAC 246-320-226(3)(g) WAC 246-320-166(4)(h)	Based on the department's exemption authority pursuant to WAC 246-320-026(1) , the department exempts all hospitals from complying with the requirements in: 1) WAC 246-320-226(3)(g) to mirror the CMS exemption related to pre-established protocols to give hospitals flexibility in their use. 2) WAC 246-320-166(4)(h) to give flexibility in the timeline for accepting and transcribing verbal orders for the medical record consistent with the CMS waivers related to verbal orders.	3/1/2020 - termination of federal state of emergency
Adverse Events Reporting	WAC 246-302-020(1) and (2)	The Governor's proclamation 20-36 waived the adverse event reporting timelines in RCW 70.56.020(2)(a) and (b), which require adverse health event notification within 48 hours and a root cause analysis and corrective action plan to be reported within 45 days. The Department deems these timelines to also be waived in its corresponding rules, WAC 246-302-020(1) and (2), which aligns state law with CMS's 1135 waiver of the requirement to promptly report patient deaths occurring while in restraint or seclusion.	3/1/2020 - termination of federal state of emergency
Seclusion	WAC 246-320-226(3)(f)	CMS has provided flexibility in the use of seclusion to address potential confinement needs in responding to COVID-19. The department's rule, WAC 246-320-226(3)(f), requires the use of seclusion to be consistent with 42 C.F.R. 482. The department deems seclusion that is consistent with the 1135 waiver to be consistent with 42 C.F.R. 482.	3/1/2020 - termination of federal state of emergency

HIPAA	The department enforces HIPAA compliance and the state's privacy laws (chapter 70.02 RCW) via the Uniform Disciplinary Act, RCW 18.130.180(7) .	The department will use enforcement discretion in alignment with HHS to not penalize providers under chapter 18.130 RCW for noncompliance with the regulatory requirements under the HIPAA Rules in connection with the good faith provision of telehealth during the COVID-19 nationwide public health emergency. This HHS guidance explains what applications and video communications are or are not allowed and provider responsibilities. The department will use enforcement discretion in alignment with HHS to not penalize providers under chapter 18.130 RCW for a failure to comply with HIPAA regulations in connection with the good faith participation in the operation of a COVID-19 community based testing site. Here is additional guidance from HHS .	3/1/2020 - termination of federal state of emergency
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The DOH flexibility is retroactive and in place of the duration of the federally-declared state of emergency.

Long Term Care Facilities ([Proclamation 20-65](#), formerly Proclamations 20-37 and 20-38)

Waiver Topic	Statutory/Regulatory Citations	Release Date	Impact of Waiver	Effective Date & Duration	Other
Nursing Homes – certificate of need	RCW 70.38.105(4)(d)	3/30/2020	No CN required capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility.	3/30/2020 – end of emergency or state action	
Nursing Homes – certificate of need	WAC 246-310-020(1)(f)	3/30/2020	No CN required for a capital expenditure in excess of the expenditure minimum for the construction, renovation, or alteration of a nursing home.	3/30/2020 – end of emergency or state action	
Nursing Homes – alternation or construction of new facility	RCW 18.51.091	3/30/2020	Remove requirement to submit plans and specifications to DSHS for preliminary inspection and approval before alterations, additions, or new construction can start.	3/30/2020 – end of emergency or state action	
Nursing Homes – preliminary inspection & approval	RCW 18.51.240	3/30/2020	Remove requirement to submit plans and specifications to DSHS for preliminary inspection and approval before alterations, additions, or new construction can start.	3/30/2020 – end of emergency or state action	

Nursing Homes – certificate of need	WAC 246-310-020(1)(f)	3/30/2020	No CN required for a capital expenditure in excess of the expenditure minimum for the construction, renovation, or alteration of a nursing home.	3/30/2020 – end of emergency or state action	
Nursing Homes – requirements related to new construction	WAC 388-97-2060(1), (2), (3)	3/30/2020	Nursing homes may undertake new construction without compliance with physical environment, DOH application, CN, and construction review requirements.	3/30/2020 – end of emergency or state action	
Nursing Homes – requirements related to new construction	WAC 388-97-3400 through WAC 388-97-3480	3/30/2020	Remove requirements to submit documents relating to new construction plans, preinstallation submissions, and construction timelines.	3/30/2020 – end of emergency or state action	
Nursing Homes – compliance with state building code	WAC 388-97-3520	3/30/2020	Remove requirements for nursing homes to demonstrate compliance with state building codes and local jurisdiction standards.	3/30/2020 – end of emergency or state action	
ALF – alteration or construction of new facility	RCW 18.20.110	3/30/2020	Remove requirement to submit plans and specifications to DSHS for preliminary inspection and approval before alterations, additions, or new construction can start.	3/30/2020 – end of emergency or state action	
ALF – increasing licensed bed capacity	WAC 388-78A-2810(1)	3/30/2020	Remove requirement for construction review and approval before adding rooms, beds, or related auxiliary spaces.	3/30/2020 – end of emergency or state action	
ALF – construction requirements	WAC 388-78A-2821(2)	3/30/2020	Remove requirements for ALFs to meet requirements regarding preconstruction, construction document review, resubmittals, construction, and project closeout.	3/30/2020 – end of emergency or state action	
ALF – review building plans	WAC 388-78A-2850(1)	3/30/2020	Remove requirements for ALFs to notify construction review services of all planned construction before beginning work.	3/30/2020 – end of	

				emergency or state action	
ALF – physical plant requirements	WAC 388-78A-2851(2)(a) and (6)	3/30/2020	Remove requirement that the physical environment requirements in place at the time of an application apply for the duration of the project. Remove requirement to complete construction in compliance with construction review services.	3/30/2020 – end of emergency or state action	
ALF – construction review	WAC 388-78A-2853(1)(a) and (b)	3/30/2020	ALF may be licensed without construction review services providing notice of completion of construction and copies of certificate of occupancy, functional program, floor plan, and state fire marshal inspection.	3/30/2020 – end of emergency or state action	
ALF – construction review	WAC 388-78A-2853(2)(a)	3/30/2020	ALF can use new construction without approval by construction review services for scope of work that does not require DSHS or fire marshal inspection.	3/30/2020 – end of emergency or state action	
ALF – construction review	WAC 388-78A-2853(2)(b)	3/30/2020	ALF can use new construction without recommended approval by construction review services for projects requiring DSHS inspection.	3/30/2020 – end of emergency or state action	
ALF – construction review	WAC 388-78A-2853(2)(c)	3/30/2020	ALF can use new construction without recommended approval by construction review services for projects that the fire marshal has inspected and DSHS has licensed.	3/30/2020 – end of emergency or state action	
ALF – changing use of rooms	WAC 388-78A-2880	3/30/2020	ALF can use a room for a purpose other than what was approved without notice to construction review services.	3/30/2020 – end of emergency or state action	
ALF – maintain paperwork	WAC 388-78A-2900	3/30/2020	ALF does not need to maintain paper or electronic copies of construction materials, approved construction documents, certificates of occupancy, functional program,	3/30/2020 – end of emergency or state action	

			and DSHS approved exemption or alternative methods of compliance.		
Registered nursing assistants	RCW 18.88A.030(2)(a)	3/30/2020	Registered nursing assistants in nursing homes do not need to obtain certification via an approved training program within 4 months of employment or alternative training & competency evaluation prior to employment.	3/30/2020 – end of emergency or state action	
Registered nursing assistants	WAC 388-97-1660(3)(a)(i)	3/30/2020	Nursing homes do not need to ensure registered nursing assistants complete training within 4 months of beginning work.	3/30/2020 – end of emergency or state action	

- Waivers and suspensions only apply to work undertaken to provide surge capacity for the COVID-19 response. CN must be obtained after the expiration of this waiver.

Healthcare Workforce (*Proclamation 20-32*)

NOTE: 12/15/2020 DOH Interpretive statement clarifies that providers hired by a host entity for the specific purpose of responding to a state of emergency qualify as volunteer health practitioners and can register under the Uniform Volunteer Health Practitioner Act.

Waiver Topic	Statutory/Regulatory Citations	Release Date	Impact of Waiver	Effective Date & Duration	Other
Barriers to continued practice	RCW 43.70.280(2) <i>partial</i>	3/26/2020	Allow secretary of health to extend or otherwise modify the duration of any licensing, certification, or registration period without engaging in DOH rulemaking process.	3/26/2020 – end of emergency or state action	
Barriers to continued practice	RCW 70.41.230	3/26/2020	Remove obligation for hospitals to perform credentialing and privileging processes for physicians, PAs, and ARNPs.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Mental health counselors,	WAC 246-809-080 WAC 246-809-600 WAC 246-809-615 WAC 246-809-630	3/26/2020	Remove requirement for licensed and associate counselors to complete 4 hours of AIDS education.	3/26/2020 – end of emergency or state action	

marriage and family therapists, and social workers	WAC 246-809-632		Licensed and associate counselors do not need to complete continuing education as required in WAC 246-809-630 , WAC 246-809-632 . Licensed counselors do not need to complete training in suicide assessment, treatment, and management.		
Barriers to continued practice – Health care assistants	WAC 246-826-230	3/26/2020	Remove requirement for health care assistants to complete 7 hours of AIDS education.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Health care assistants	WAC 246-827-0220(1)(c) WAC 246-827-0300(4) WAC 246-827-0410(4) WAC 246-827-0510(4)	3/26/2020	Medical assistants-certified do not need to submit proof of completion of education/training program. Medical assistants-registered, -phlebotomist, and -hemodialysis technicians do not need to complete 7 hours of AIDS education.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Nursing professionals	WAC 246-840-025(2) WAC 246-840-030(2) WAC 246-840-045(1)(d) WAC 246-840-090(6) WAC 246-840-111(2)(c) WAC 246-840-220 WAC 246-840-230 WAC 246-840-250 WAC 246-840-260 WAC 246-840-302(2) WAC 246-840-360(1)(b), (c), (2)(b), (c)(i) WAC 246-840-365(2)(c) WAC 246-840-367(4)(b), (c) WAC 246-840-450(1)(b), (c)	3/26/2020	RNs and practical nurses do not need to complete 7 hours of AIDS education. Nursing professionals with expired licenses do not need to meet continuing competency requirements of WAC 246-840-201 through 246-840-207 . Nursing professionals do not need to meet continuing competency requirements. Nursing commission will not conduct continuing competency audits. Nursing professionals reactivating from expired or inactive status do not need to meet continuing competency requirements.	3/26/2020 – end of emergency or state action	

	<p>WAC 246-840-539(6)(j) WAC 246-840-541(1)(m) WAC 246-840-860(3) WAC 246-840-905(2)(b)</p>		<p>ARNPs do not need to maintain current certification within his/her designation.</p> <p>ARNPs seeking license renewal do not need to submit current certification or have taken/attest to 30 hours of continuing education.</p> <p>ARNPs seeking to move from inactive to active status do not need to submit fee.</p> <p>ARNP seeking to move from expired status need not submit evidence of current certification or 30 hours of continuing education.</p> <p>ARNP renewing prescription authority do not need to submit evidence of current certification or continuing education hours.</p> <p>Nurse practitioners, prelicense RNs, and nursing technicians do not need to meet AIDs education requirement.</p> <p>Nurse technicians do not need to meet AIDS education requirement.</p>		
<p>Barriers to continued practice – Nursing assistants</p>	<p>WAC 246-841-470(6)(g) WAC 246-841-490(2)(a), (5) WAC 246-841-578(4) WAC 246-841-585(1)(c), (2)(c) WAC 246-841-588(4)(b) WAC 246-841-610</p>	<p>3/26/2020</p>	<p>Nursing assistants may perform clinical skill with patients or clients without first demonstrating the skill satisfactorily to an instructor in a practice setting.</p> <p>Nursing assistants do not need to complete 35 hours of classrooms training, including AIDS training.</p> <p>Nursing assistants-certified do not need to complete 7 hours of AIDS education.</p>	<p>3/26/2020 – end of emergency or state action</p>	

			<p>Nursing assistants-certified do not need to provide documentation of current certificate as home care aide or official transcript from medical assistant program.</p> <p>Nursing assistants-certified do not need to provide documentation of continuing education, including AIDS education.</p>		
Barriers to continued practice – Nursing assistants – nursing homes	WAC 246-842-190(2)(a) <i>partial</i>	3/26/2020	Nursing assistants- nursing homes do not need to complete 7 hours of AIDS education.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Osteopathic physicians and surgeons	WAC 246-853-065 WAC 246-853-080 WAC 246-853-230	3/26/2020	DOs do not need to complete training in 1) suicide assessment, treatment, management, 2) continuing education requirements, or 3) 7 hours of AIDS education.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Osteopathic physicians’ assistants	WAC 246-854-080(2)(d) WAC 246-854-110 WAC 246-854-115 WAC 246-854-116	3/26/2020	PAs do not need to complete training in 1) suicide assessment, treatment, management, 2) continuing education requirements, or 3) 4 hours of AIDS education.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Pharmacists	WAC 246-861-020 WAC 246-861-090 WAC 246-861-105 WAC 246-863-120	3/26/2020	Pharmacists do not need to complete training in 1) suicide assessment, treatment, management, 2) continuing education requirements, or 3) 7 hours of AIDS education.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Pharmacy ancillary personnel	WAC 246-901-061 WAC 246-901-120	3/26/2020	Pharmacy technician do not need to complete continuing education requirements or 4 hours of AIDS education.	3/26/2020 – end of emergency or state action	
Barriers to continued practice	WAC 246-918-080(2)(d) WAC 246-918-081(1) WAC 246-918-180	3/26/2020	PAs do not need to complete training in 1) suicide assessment, treatment, management, 2) continuing education requirements, or 3) 4 hours of AIDS education.	3/26/2020 – end of emergency or state action	

– Physician assistants	WAC 246-918-185		PAs with expired license do not need to meet continuing education requirements in order to return to active status.		
Barriers to continued practice – Physicians	WAC 246-919-380 WAC 246-919-430 WAC 246-919-435	3/26/2020	MDs do not need to complete training in 1) suicide assessment, treatment, management, 2) continuing education requirements, or 3) 4 hours of AIDS education.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Respiratory care practitioners	WAC 246-928-440 WAC 246-928-442 WAC 246-928-443	3/26/2020	Respiratory care practitioners do not need to meet continuing education requirements and documentation.	3/26/2020 – end of emergency or state action	
Barriers to continued practice – Home care aides	WAC 246-980-110 WAC 246-980-115(1)(c), (2)(a)	3/26/2020	Home care aids do not need to meet continuing education requirements and documentation, including reinstating expired certification.	3/26/2020 – end of emergency or state action	
Retired active licensees – Mental health counselors, marriage and family therapists, and social workers	WAC 246-809-730(3)	3/26/2020	Licensed counselors who are retired with an active license do not need to complete continuing education and comply with annual renewal timeline.	3/26/2020 – end of emergency or state action	
Retired active licensees – Nursing professionals	WAC 246-840-125(4)(b), (c)	3/26/2020	Registered or licensed practical nurses who are retired with an active license do not need to complete continuing education and practice hours.	3/26/2020 – end of emergency or state action	
Retired active licensees – DO	WAC 246-853-235(2), (3)(a), (5)	3/26/2020	DOs who are retired with an active license may receive compensation and may provide care in emergent circumstances. They do not need to complete and report continuing education.	3/26/2020 – end of emergency or state action	

Retired active licensees – DO PA	WAC 246-854-112(2), (3), (4)(a)	3/26/2020	PAs who are retired with an active license do not need a delegation agreement, may receive compensation, and may provide care in emergent circumstances.	3/26/2020 – end of emergency or state action	
Retired active licensees – Pharmacists	WAC 246-863-080(2)	3/26/2020	Pharmacists who are retired with an active license may practice pharmacy.	3/26/2020 – end of emergency or state action	
Retired active licensees – PA	WAC 246-918-175(2), (3), (4)(a)	3/26/2020	PAs who are retired with an active license do not need a delegation agreement, may receive compensation, and may provide care in emergent circumstances.	3/26/2020 – end of emergency or state action	
Retired active licensees – MD	WAC 246-919-480(2), (4) –	3/26/2020	MDs who are retired with an active license may receive compensation and do not need to complete and report continuing education.	3/26/2020 – end of emergency or state action	
Medical assistants - supervision	RCW 18.360.010(11)	3/26/2020	Changes supervision standard for MAs. Health care practitioner needs to be immediately available but does not need to be physically present and in the facility. For blood draws the health care practitioner does not need to be immediately available.	3/26/2020 – end of emergency or state action	
Medical assistants – certification and registration	RCW 18.360.040(1)(b) RCW 18.360.040(5)(d)	3/26/2020	Remove one-year expiration for interim certification. Removes 60-day limit for medical assistants-registered to work pending application processing.	3/26/2020 – end of emergency or state action	
Medical assistants – interim certification	WAC 246-827-0220(2)(c) & (d)	3/26/2020	Remove one-year expiration for interim certification for medical assistants-certified and allows renewal of interim certification.	3/26/2020 – end of emergency or state action	
Pharmacy ancillary personnel – supervision	WAC 246-901-010(11) WAC 246-901-020(1) <i>partial</i>	3/26/2020	Removes definition of “immediate supervision” for pharmacy ancillary personnel.	3/26/2020 – end of	

	WAC 246-901-040 <i>partial</i>		Removes requirement for immediate supervision for pharmacy technicians may perform certain nondiscretionary and specialized functions (supervision still required). Removes requirement for immediate supervision of those enrolled in pharmacy technician training programs.	emergency or state action	
EMS – expired certification	WAC 246-976-171(4)(a), (b)	3/26/2020	EMS with expired certification of up to 2 years does not need to provide documentation.	3/26/2020 – end of emergency or state action	
STD training	RCW 70.24.260 RCW 70.24.270 RCW 70.24.280 RCW 70.24.310	3/26/2020	EMS, health professionals, pharmacists, and health care facility employees do not need to meet AIDS education and training requirement.	3/26/2020 – end of emergency or state action	
Suicide training	RCW 43.70.442	3/26/2020	Relieves a variety of health care professionals from the obligation to complete training in suicide assessment, treatment, and management.	3/26/2020 – end of emergency or state action	
Continuing education for providers subject to UDA	WAC 246-12-040(3)(a)(v), (b)(viii), (c)(vi), (ix), (xi) WAC 246-12-170 through 200 WAC 246-12-250 through 280	3/26/2020	Health care providers listed under the Uniform Disciplinary Act do not need to comply with or provide documentation re current continuing education requirements. Those with credentials expired over 3 years do not need to provide proof of AIDS education. Removes most continuing education requirements, including education re AIDS.	3/26/2020 – end of emergency or state action	
Health care provider volunteers	WAC 246-12-130(2)(d)	3/26/2020	Health care provider listed under the Uniform Disciplinary Act who are retired with active credentials do not need to provide declaration that continuing education requirements are met.	3/26/2020 – end of emergency or state action	

Health care provider volunteers	WAC 246-12-430(1)(a) WAC 246-12-440	3/26/2020	Health care provider listed under the Uniform Disciplinary Act who are retired with volunteer medical worker license do not need to provide declaration that continuing education requirements are met. They also do not need comply with license renewal requirements.	3/26/2020 – end of emergency or state action	
Health care provider volunteers – military status	WAC 246-12-530(4) WAC 246-12-560(6)	3/26/2020	Health care provider listed under the Uniform Disciplinary Act who return from military status to active status do not need to meet continuing education requirements.	3/26/2020 – end of emergency or state action	
Delegation of nursing tasks in community and home care settings	WAC 246-840-930(8)(b) WAC 246-840-940	3/26/2020	RN delegators do not need to verify if a nursing assistant or home care aide has completed basic caregiver and core delegation training before delegating a nursing task. The NQAC community-based and in-home setting delegation decision tree is waived.	3/26/2020 – end of emergency or state action	
PAs– Delegation	RCW 18.71A.030(1) and (2) <i>partial</i>	3/26/2020	PA may practice without approved delegation agreement.	3/26/2020 – end of emergency or state action	
PAs – Commission approval	RCW 18.71A.035(1) and (2) RCW 18.71A.040	3/26/2020	PA may work at remote site and may be employed/supervised by a physician without approval of commission/designee.	3/26/2020 – end of emergency or state action	
PAs– Delegation	WAC 246-918-035(1) <i>partial</i>	3/26/2020	PA may prescribe, order, administer, and dispense legend drugs and controlled substances without limitation to delegation agreement.	3/26/2020 – end of emergency or state action	
PAs– Delegation	WAC 246-918-055	3/26/2020	Removes requirement for PA and sponsoring physician to submit joint delegation agreement forms.	3/26/2020 – end of emergency or state action	

PA – Temporary practice permit	WAC 246-918-075(2) <i>Partial</i>	3/26/2020	Removes requirement that temporary practice permit holder must have approved delegation agreement.	3/26/2020 – end of emergency or state action	
PA – Licensure	WAC 246-918-080(4)	3/26/2020	PA may begin practice without approved delegation agreement.	3/26/2020 – end of emergency or state action	
PA – osteopathic PA to allopathic PA	WAC 246-918-082(2)	3/26/2020	PA may begin practice without approved delegation agreement.	3/26/2020 – end of emergency or state action	
PA – Osteopathic PA	WAC 246-918-095 <i>partial</i>	3/26/2020	PA may practice without delegation agreement.	3/26/2020 – end of emergency or state action	
PA – Remote sites	WAC 246-918-120	3/26/2020	Removes requirement for commission approval for PAs working at remote sites.	3/26/2020 – end of emergency or state action	
PA – Osteopathic PA	RCW 18.57A.030(1), (2) RCW 18.57A.035(1), (2) RCW 18.57A.040	3/26/2020	PA may practice without an approved delegation agreement, may practice remotely without board approval, and may be employed/supervised without board approval.	3/26/2020 – end of emergency or state action	
PA – Osteopathic PA use and supervision	WAC 246-854-015(2), (3), (4), (8)	3/26/2020	PA may practice without board approved delegation agreement, may practice outside locations designated in delegation agreement, and need not submit a new delegation agreement for approval of new relationship. Removes limit on DOs supervising up to 5 PAs.	3/26/2020 – end of emergency or state action	

PAAs – Osteopathic PA delegation agreement	WAC 246-854-021	3/26/2020	Removes requirement for PA and sponsoring physician to submit joint delegation agreement forms.	3/26/2020 – end of emergency or state action	
PAAs – Delegation - Osteopathic PA	WAC 246-854-030(1) <i>partial</i>	3/26/2020	PAAs may prescribe, order, administer, and dispense legend drugs and controlled substances without limitation to delegation agreement.	3/26/2020 – end of emergency or state action	
PAAs – Delegation - Osteopathic PA	WAC 246-854-035(2)	3/26/2020	Remove requirement PA perform services approved in delegation agreement.	3/26/2020 – end of emergency or state action	
PAAs – Delegation - Osteopathic PA	WAC 246-854-075(2) <i>partial</i>	3/26/2020	Removes requirement that temporary practice permit holder must have approved delegation agreement.	3/26/2020 – end of emergency or state action	
PAAs – Board approval - Osteopathic PA	WAC 246-854-080(4)	3/26/2020	PA may begin practice without written approach from board.	3/26/2020 – end of emergency or state action	
PAAs – Allopathic PA to Osteopathic PA	WAC 246-854-082(2)	3/26/2020	PA may begin practice without approved delegation agreement.	3/26/2020 – end of emergency or state action	
PAAs – Scope of practice - Osteopathic PA	WAC 246-854-095 <i>partial</i>	3/26/2020	Removes requirement for PA to practice under delegation agreement.	3/26/2020 – end of emergency or state action	
PAAs – Osteopathic PA nonsurgical medical cosmetic procedures	WAC 246-854-230(4) <i>partial</i>	3/26/2020	PA may perform nonsurgical medical cosmetic procedures without approved delegation agreement.	3/26/2020 – end of emergency or state action	
PAAs – Osteopathic PA pain	WAC 246-854-330(1) <i>partial</i>	3/26/2020	Remove requirement PA have approved delegation agreement with physician pain management specialist.	3/26/2020 – end of	

management specialist				emergency or state action	
PAs – Osteopathic PA remote site	WAC 246-854-025	3/26/2020	Removes requirement for commission approval for PA working at remote sites.	3/26/2020 – end of emergency or state action	
MD – Limited license	RCW 18.71.095(1), (2), (3), (4)(a)&(b) <i>partial</i>	3/26/2020	Physicians issued limited licenses to work for state entities are not limited to practicing medicine only for the relevant state agency. Applies to limited licenses issued pursuant to employment with DSHS, DOC, and county or city health departments. Physicians issued limited licenses to work as residents, teaching-research staff, and fellowship positions are not limited to practicing within the confines of those programs.	3/26/2020 – end of emergency or state action	
DO – Limited license	RCW 18.57.035 <i>partial</i> – the following language only: “that permits the physician in postgraduate training to practice osteopathic medicine and surgery only in connection with his or her duties as a physician in postgraduate training and does not authorize the physician to engage in any other form of practice”	3/26/2020	DOs issued postgraduate training licenses are not limited to practicing within the training program.	3/26/2020 – end of emergency or state action	

Hand Sanitizer (*Proclamation 20-36*)

Waiver Topic	Statutory/Regulatory Citations	Release Date	Impact of Waiver	Effective Date & Duration	Other
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Hand Sanitizer	RCW 18.64.020	3/30/2020	Allows lawful manufacture and distribution of hand sanitizer without a pharmacy license.	3/26/2020 – end of emergency or state action	These waivers and suspensions do not apply except to the manufacturing, distributing, selling, and donating of hand sanitizer.
Hand Sanitizer	RCW 18.64.044	3/30/2020	A shopkeepers’ license is not required for selling hand sanitizer.	3/26/2020 – end of emergency or state action	
Hand Sanitizer	RCW 18.64.045	3/30/2020	The manufacturers’ licensing process is suspended for hand sanitizer.	3/26/2020 – end of emergency or state action	
Hand Sanitizer	RCW 18.64.250(1), (2)	3/30/2020	Removes the penalties for manufacturing and dispensing hand sanitizer without a pharmacist license.	3/26/2020 – end of emergency or state action	

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Sources:

[Concurrent Resolution 8402](#) (passed by Washington State Legislature January 15, 2021; extends waivers “until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded by gubernatorial or legislative action, whichever occurs first”)

[Extension of Proclamations](#) (issued December 7, 2020; extends waivers until 11:59 p.m. on January 19, 2021)

[DOH Interpretive Statement – Emergency Volunteers and Employment](#). (Issued December 15, 2020)

[DOH Guidance Regarding Alignment with Federal Regulations – CMS 1135 Blanket Waivers and HHS Guidance on HIPAA Regulations \(issued June 22, 2020\)](#)

[Proclamation 20-32 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.1 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.2 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.3 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.4 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.5 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.6 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.7 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.8 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.9 Department of Health – Healthcare Worker Licensing](#)
[Proclamation 20-32.10 Department of Health – Healthcare Worker Licensing](#)

[Proclamation 20-36 Department of Health – Health Care Facilities and Hand Sanitizer](#)
[Proclamation 20-36.1 Department of Health – Health Care Facilities and Hand Sanitizer](#)
[Proclamation 20-36.2 Department of Health – Health Care Facilities and Hand Sanitizer](#)
[Proclamation 20-36.4 Department of Health – Health Care Facilities and Hand Sanitizer](#)
[Proclamation 20-36.5 Department of Health – Health Care Facilities and Hand Sanitizer](#)
[Proclamation 20-36.6 Department of Health – Health Care Facilities and Hand Sanitizer](#)
[Proclamation 20-36.7 Department of Health – Health Care Facilities and Hand Sanitizer](#)
[Proclamation 20-36.8 Department of Health – Health Care Facilities and Hand Sanitizer](#)

[Proclamation 20-37 DSHS – NAR Waiver](#)
[Proclamation 20-37.1 DSHS – NAR Waiver](#)
[Proclamation 20-37.2 DSHS – NAR Waiver](#)
[Proclamation 20-37.3 DSHS – NAR Waiver](#)
[Proclamation 20-37.4 DSHS – NAR Waiver](#)
[Proclamation 20-37.5 DSHS – NAR Waiver](#)
[Proclamation 20-37.6 DSHS – NAR Waiver](#)

[Proclamation 20-38 DSHS – Facilities](#)

[Proclamation 20-38.1 DSHS – Facilities](#)

[Proclamation 20.38.2 DSHS – Facilities](#)

[Proclamation 20.38.3 DSHS – Facilities](#)

[Proclamation 20.38.4 DSHS – Facilities](#)

[Proclamation 20.38.5 DSHS – Facilities](#)

[Proclamation 20.38.6 DSHS – Facilities](#)

[Proclamation 20-65 COVID-19: Long Term Care- Workers, Facilities, and Resources](#)

[Proclamation 20-65.1 COVID-19: Long Term Care- Workers, Facilities, and Resources](#)

[Proclamation 20-65.2 COVID-19: Long Term Care- Workers, Facilities, and Resources](#)

[Proclamation 20-65.3 COVID-19: Long Term Care- Workers, Facilities, and Resources](#)

[Proclamation 20-65.4 COVID-19: Long Term Care- Workers, Facilities, and Resources](#)