
SUBSTITUTE SENATE BILL 5294

State of Washington

67th Legislature

2021 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Cleveland, Muzzall, Conway, Randall, Robinson, Van De Wege, and Wilson, C.)

READ FIRST TIME 01/29/21.

1 AN ACT Relating to the creation of statewide epidemic
2 preparedness and response guidelines for long-term care facilities;
3 adding a new chapter to Title 70 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Residents in long-term care settings are disproportionately
7 impacted by epidemic outbreaks of infectious disease;

8 (b) The COVID-19 outbreak in Washington has revealed a need for
9 consistent, science-based, statewide guidelines for long-term care
10 settings to implement;

11 (c) As the state agency with the most expertise in both
12 epidemiology-based awareness and the management of infectious
13 disease, the department of health is best suited to lead stakeholders
14 in the development of containment and mitigation strategies and
15 guidelines to control the spread of infectious agents in long-term
16 care facilities;

17 (d) Skilled nursing facilities are subject to oversight by
18 federal agencies and must adhere to any guidance or regulations that
19 may be issued in an effort to contain and control the spread of the
20 infectious agent. Any state-issued guidelines should avoid
21 conflicting with any regulations or guidelines issued by a federal

1 agency, and guidance provided by the centers for disease control and
2 prevention should be prioritized; and

3 (e) Consistent standards and guidelines are in the best interest
4 of the public, including residents living in long-term care settings,
5 family members and friends of residents, providers of care and
6 services, and the agencies responsible for oversight.

7 (2) It is therefore the intent of the legislature to direct the
8 department of health, the department of social and health services'
9 aging and long-term support administration, and local health
10 jurisdictions to work with interested stakeholders to develop a
11 report that addresses epidemic disease preparedness and response
12 guidelines for long-term care facilities and methods for ensuring
13 consistent application of such standards across all long-term care
14 settings in the state of Washington.

15 NEW SECTION. **Sec. 2.** (1) The department of health shall develop
16 a report and guidelines on epidemic disease preparedness and response
17 for long-term care facilities. In developing the report and
18 guidelines, the department of health shall consult with interested
19 stakeholders, including but not limited to:

20 (a) The department of social and health services' aging and long-
21 term support administration;

22 (b) Local health jurisdictions;

23 (c) Advocates for consumers of long-term care;

24 (d) Associations representing long-term care facility providers;

25 and

26 (e) The office of the state long-term care ombuds.

27 (2) The report must identify best practices and lessons learned
28 about containment and mitigation strategies for controlling the
29 spread of the infectious agent. At a minimum, the report must
30 consider:

31 (a) Visitation policies that balance the psychosocial and
32 physical health of residents;

33 (b) Timely and adequate access to personal protective equipment
34 and other infection control supplies so that employees in long-term
35 care facilities are prioritized for distribution in the event of
36 supply shortages;

37 (c) Admission and discharge policies and standards; and

38 (d) Rapid and accurate testing to identify infectious outbreaks
39 for:

1 (i) Resident cohorting and treatment;
2 (ii) Contact tracing purposes; and
3 (iii) Protecting the health and well-being of residents and
4 employees.

5 (3) In developing the report, the department of health shall work
6 with the stakeholders identified in subsection (1) of this section
7 to:

8 (a) Ensure that any corresponding federal rules and guidelines
9 take precedence over the state guidelines;

10 (b) Avoid conflict between federal requirements and state
11 guidelines;

12 (c) Develop a timeline for implementing the guidelines and a
13 process for communicating the guidelines to the department of social
14 and health services, long-term care facilities, local health
15 jurisdictions, and other interested stakeholders in a clear and
16 timely manner;

17 (d) Consider options for targeting available resources towards
18 infection control when epidemic disease outbreaks occur in long-term
19 care facilities;

20 (e) Establish methods for ensuring that epidemic preparedness and
21 response guidelines are consistently applied across all local health
22 jurisdictions and long-term care facilities in Washington state. This
23 may include recommendations to the legislature for any needed
24 statutory changes;

25 (f) Develop a process for maintaining and updating epidemic
26 preparedness and response guidelines as necessary; and

27 (g) Ensure appropriate considerations for each unique provider
28 type.

29 (4) By December 1, 2021, the department of health shall provide a
30 draft report and guidelines on COVID-19 as outlined in subsection (2)
31 of this section to the health care committees of the legislature.

32 (5) By July 1, 2022, the department of health shall finalize the
33 report and guidelines on COVID-19 and provide the report to the
34 health care committees of the legislature.

35 (6) Beginning December 1, 2022, and annually thereafter, the
36 department of health shall:

37 (a) Jointly review the report and any corresponding guidelines
38 with the department of social and health services;

39 (b) Make any necessary changes regarding COVID-19 and add
40 information about any emerging epidemic of public health concern; and

1 (c) Provide the updated report and guidelines to the health care
2 committees of the legislature. When providing the updated guidelines
3 to the legislature, the department of health may include
4 recommendations to the legislature for any needed statutory changes.

5 (7) For purposes of this section, "long-term care facilities"
6 includes:

7 (a) Licensed skilled nursing facilities, assisted living
8 facilities, adult family homes, and enhanced services facilities;

9 (b) Certified community residential services and supports; and

10 (c) Registered continuing care retirement communities.

11 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
12 new chapter in Title 70 RCW.

13 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of
15 the state government and its existing public institutions, and takes
16 effect immediately.

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