



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
PO Box 45010, Olympia, WA 98504-5010

June 12, 2020

Senator Andy Billig, Senate Majority Leader  
Representative Laurie Jinkins, Speaker of the House  
Senator Mark Schoesler, Senate Minority Leader  
Representative J.T. Wilcox, House Minority Leader

**Subject: Request to Extend Emergency Proclamations Related to Long-Term Care Facilities in Washington**

Dear Senator Billig, Senator Schoesler, Representative Jinkins and Representative Wilcox,

As you are aware, several of the Governor Proclamations waived and suspended specific statutes and rules to protect vulnerable individuals who reside in long-term care facilities or who receive personal care and respite services in their own homes throughout Washington State. As the State of Washington works toward reopening strategies, the need for protections provided by the waivers and suspensions continues.

These Proclamations are set to expire on June 17. We are requesting you extend them in order to continue to protect the health, safety and well-being of the **over 129,000 vulnerable adults** receiving services in their own homes and in facilities statewide and allow for the implementation of a safe and thoughtful reopening plan. I have enclosed a document with the details of each Proclamation extension request which includes permanent solutions in each instance.

I would like to emphasize the following impacts that are extreme and would be felt immediately should these Proclamations be allowed to expire:

**Lifting visitation restrictions:**

In partnership with our stakeholders, the Department is developing requirements for a safe and healthy approach to re-opening long-term care facilities in Washington. An extension of the visitor restrictions Proclamation is vital to allow time for this safe and calculated plan for re-opening of facilities to be implemented.

Without the continued suspension of open visitation, restrictions will immediately be lifted statewide regardless of individual county phasing or facility-specific risk. Although we understand that families and friends want to visit their loved one in-person, a dramatic flip of this switch will flood our facilities with visitors and increase the risk of infection exponentially. It is critical those who are known to be most vulnerable to this disease be protected from exposure as much as possible and for that reason, we are urgently requesting Proclamation 20-52 be extended.

### **Lifting suspension of long-term care worker training and certification requirements:**

Should these Proclamations be allowed to expire, approximately **12,000 long-term care workers**<sup>1</sup> who have not completed the mandatory training and certification requirements due to the COVID-19 outbreak would be dismissed immediately in all long-term care settings. In the 2020 legislative session, the Department presented the legislature with a dire picture of the existing long-term care workforce shortage. Losing an additional 12,000 long-term care workers by lifting this Proclamation would mean that vulnerable adults would go without critical long-term care services putting their health and safety at risk. This would result in closures of facilities due to lack of workforce, squeezing the capacity of other facilities to serve additional residents; it would also eliminate in-home care options for many individuals relying on personal care services provided in their own homes, putting the burden on informal family and friends to provide care or leaving them completely without care; and it would likely put additional strain on our emergency departments and acute care hospital system.

We are requesting an extension of this Proclamation until statutes can be amended to allow a six month grace period for long-term care workers who were unable to complete required training and testing due to the COVID-19 outbreak. This will allow long-term care workers time to complete the training and testing requirements, and allow training and testing centers time to address the increased demand they will face as they reopen while also following the practices necessary to resume training in a safe manner. The grace period would begin the day after the public emergency ends.

### **Lifting suspension of annual inspections, surveys and investigations:**

During the outbreak, Department efforts have been critically focused on inspecting facilities to identify and improve infection control measures, and investigate complaints that place residents in imminent jeopardy, including complaints related to neglect, abuse, and exploitation. Should the proclamation be lifted, the Department would not be able to meet the current demand and keep residents and staff safe from acquiring or transmitting COVID-19. In the absence of an extension, we will be out of compliance with inspections and investigations and are at significant risk for federal disallowance.

We are requesting an extension of this Proclamation until statutes can be amended to permanently suspend the standard survey requirements for the period of the outbreak, and to reset the timeframe for all required surveys and inspections with a reset date of October 1, 2020, allowing the Department time to complete other essential functions such as critical complaint investigations and continued infection control investigations.

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<sup>1</sup> Because community residential providers are not required to register new workers prior to training and certification, this number does not include new workers in settings other than nursing homes that were hired during the pandemic who have not completed training and certification. Should the proclamation be lifted, these workers would also be terminated.

The following outlines the number of overdue survey inspections, follow-up/revisits and complaint investigations by setting as of today and also as projected by September of 2020:

- **Overdue survey inspections:**
  - Adult Family Home– Overdue now = 146; by September = 735
  - Assisted Living Facility – Overdue now = 42; by September = 145
  - Nursing Home – Overdue now = 8; by September = 58
- **Follow-up/Revisits:**
  - Adult Family Home – Overdue now = 94; by September = 187
  - Assisted Living Facility – Overdue now = 101; by September = 128
  - Nursing Home – Overdue now = 48; by September = 59
- **Complaint Investigations:**
  - Adult Family Home – Overdue now = 408; by September = 524
  - Assisted Living Facility - Overdue now = 795; by September = 1022
  - Nursing Home - Overdue now = 812; by September = 1101

There are additional Proclamations related to suspension of facility construction review requirements, coordination of federal and state nursing home laws, fingerprint and background check requirements and discharge and transfer requirements that also require extension to continue to allow us to keep up with the demand COVID-19 has put on the Department and our facilities statewide. I have enclosed the details of each in the attachment.

To continue our emphasis on mitigating the spread of COVID-19 and focus on the well-being of residents in our long-term care facilities until such time as we are able to implement a safe and calculated reopening plan and have statutes in place to avoid job loss and jeopardies to federal funding, we are requesting an extension of the Governor Proclamations.

I appreciate your support during this critical time in our state.

Sincerely,



Cheryl Strange  
Secretary

DSHS: *Transforming Lives*

Enclosure

cc: Kathryn Leathers, General Counsel, Office of Governor Jay Inslee  
Amber Leaders, Health Policy Advisor, Office of Governor Jay Inslee  
Dana Phelps, Deputy Chief of Staff, Department of Social and Health Services  
Bill Moss, Assistant Secretary, Aging and Long-Term Support Administration  
Mark Eliason, Director, Government and Community Relations  
Candace Goehring, Director, Residential Care Services  
Bea Rector, Director, Home and Community Services