

# Washington State Law Waiver Tracker (updated April 5, 2020)

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 issued in Washington State.

**Governor waivers are effective for 30 days, unless extended in writing by the majority and minority leadership of the senate and the house of representatives until the legislature can extend the waiver or suspension by concurrent resolution. [RCW 43.06.220\(4\)](#)**

## Hospitals

Waiver Topic	Statutory/Regulatory Citations	Release Date	Impact of Waiver	Effective Date	Other
Certificate of Need – establish new facilities	<a href="#">RCW 70.38.105(4)(a)</a>	3/30/2020	No CN required for the construction, development, or other establishment of a new <a href="#">health care facility</a> .	3/30/2020 – 4/29/2020	
Certificate of Need – establish new facilities; expanding home health & hospice; ASF operating rooms	<a href="#">WAC 246-310-020(1)(a)</a>	3/30/2020	No CN required for the construction, development, or other establishment of a new health care facility.  No CN for a new health care facility may be initiated as a health service of an existing health care facility.  Expanding home health agency or hospice service area not considered the development of a new home health agency or hospice.  No CN for expanding the number of operating rooms at an ASF	3/30/2020 – 4/29/2020	
Certificate of Need – sale, purchase, lease of a hospital	<a href="#">RCW 70.38.105(4)(b)</a>	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 – 4/29/2020	
Certificate of Need – sale, purchase, lease of a hospital	<a href="#">WAC 246-310-020(1)(b)</a>	3/30/2020	No CN for the sale, purchase, or lease of part or all of any existing acute care or psychiatric hospital	3/30/2020 – 4/29/2020	
Certificate of Need – change bed capacity	<a href="#">RCW 70.38.105(4)(e)</a>	3/30/2020	No CN required to increase the total number of licensed beds at a health care facility.	3/30/2020 – 4/29/2020	Hospitals seeking to exceed licensed bed

			<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 limitation that critical access hospitals limited to 25 bed federal limit</p> <p>No CN required for critical access hospitals that have a nursing home within 27 miles</p>		capacity should submit a request to DOH <a href="#">using the medical surge request process.</a>
Certificate of Need – change bed capacity	<a href="#">WAC 246-310-020(1)(c)</a>	3/30/2020	No CN 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 – 4/29/2020	
Certificate of Need – nursing home services	<a href="#">RCW 70.38.105(4)(g)</a>	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 – 4/29/2020	
Certificate of Need – nursing home services	<a href="#">WAC 246-310-020(1)(g)</a>	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 – 4/29/2020	
Certificate of Need – dialysis stations	<a href="#">RCW 70.38.105(4)(h)</a>	3/30/2020	No CN required for any increase in the number of dialysis stations in a kidney disease center.	3/30/2020 – 4/29/2020	
Certificate of Need – dialysis stations	<a href="#">WAC 246-310-020(1)(e)</a>	3/30/2020	No CN required for increase in the number of dialysis stations in a kidney disease center.	3/30/2020 – 4/29/2020	

Certificate of Need – dialysis facilities	<a href="#">WAC 246-310-806(1)</a>	3/30/2020	Waive deadlines for Special Circumstances 1 Concurrent Review Cycle.	3/30/2020 – 4/29/2020	
Certificate of Need – hospice	<a href="#">WAC 246-310-290(3)</a>	3/30/2020	Waive deadline for Cycle 2 Applicant Response.	3/30/2020 – 4/29/2020	
Facility Licensing – Estimate of charges	<a href="#">RCW 70.41.450</a>	3/30/2020	Acute hospitals are not required to post a sign in patient registration areas that estimated charges are available.	3/30/2020 – 4/29/2020	
Facility Licensing – fire protection inspections	<a href="#">RCW 70.41.080</a>	3/30/2020	Waive standards for fire protection inspection, reports, and enforcement at acute care hospitals.	3/30/2020 – 4/29/2020	
Facility Licensing – rural facilities that change status	<a href="#">RCW 70.41.090(3), (4), (5)</a>	3/30/2020	<p>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.</p> <p>No CN or construction review required for rural hospital that reduced beds to become a rural primary care 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>	3/30/2020 – 4/29/2020	
Facility Licensing – acute care license	<a href="#">RCW 70.41.110</a> (limited)	3/30/2020	<p>Acute care hospital licenses may exceed 36 months in duration.</p> <p>Removes requirement that acute care hospital licenses are only for premises named.</p> <p>Acute care hospital licenses not required to be posted in a conspicuous place on the licensed premises.</p>	3/30/2020 – 4/29/2020	
Facility Licensing – acute care hospital	<a href="#">RCW 70.41.170</a>	3/30/2020	Removes penalty for operating an acute care hospital without a license.	3/30/2020 – 4/29/2020	

operating without a license			Removes penalty for offering a tertiary health service without CN approval.		
Facility Licensing – MRSA policies	<a href="#">RCW 70.41.430</a>	3/30/2020	Removes requirement that acute care hospital adopt MRSA policies regarding testing, prevention, isolation or cohorting, and requirement for oral and written instructions.  Removes requirement that acute care hospitals report MRSA cases to DOH.	3/30/2020 – 4/29/2020	
Facility Licensing – notification of adverse health events	<a href="#">RCW 70.56.020(2)(a)</a>	3/30/2020	Removes requirement that <a href="#">medical facility</a> submit notification of an adverse event to DOH within 48 hours.	3/30/2020 – 4/29/2020	
Facility Licensing – reporting of adverse health events	<a href="#">RCW 70.56.020(2)(b)</a>	3/30/2020	Removes requirement that <a href="#">medical facility</a> submit a report regarding an adverse event to DOH within 45 days.	3/30/2020 – 4/29/2020	
Facility Licensing – initial acute care hospital licensing	<a href="#">WAC 246-320-101(1)</a>	3/30/2020	Removes requirement that hospital submit application packet and fee to the department at least sixty days before the intended opening date of the new hospital.	3/30/2020 – 4/29/2020	
Facility Licensing – acute care bed capacity	<a href="#">WAC 246-320-111(1)(b), (c)</a>	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 – 4/29/2020	
Facility Licensing – specialty hospital bed capacity	<a href="#">WAC 246-320-116(2), (3)</a>	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 – 4/29/2020	
Facility Licensing – alcohol & chemical	<a href="#">WAC 246-320-266(4)</a>	3/30/2020	Removes requirement that hospitals assure privacy for patients receiving alcohol and chemical dependency	3/30/2020 – 4/29/2020	

dependency services			services during interviewing, group and individual counseling, physical examinations, and social activities.		
Facility Licensing – psychiatric services	<a href="#">WAC 246-320-271(4)</a>	3/30/2020	Removes requirement that hospitals assure privacy for patients receiving psychiatric services during interviewing, group and individual counseling, physical examinations, and social activities.	3/30/2020 – 4/29/2020	
Facility Licensing – physical environment requirements	<a href="#">WAC 246-320-296(10)</a>	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 – 4/29/2020	
Facility Licensing – construction review	<a href="#">WAC 246-320-500, 505, and 600</a>	3/30/2020	Remove construction standard regulations for acute care hospitals.	3/30/2020 – 4/29/2020	
Pharmacy assistants – remove PQAC prior authorization	<a href="#">RCW 18.64A.040(1), (2)</a>	3/30/2020	Pharmacy ancillary personnel are allowed to practice without prior authorization by the Pharmacy Quality Assurance Commission.	3/30/2020 – 4/29/2020	
Pharmacy assistants – remove PQAC prior authorization	<a href="#">RCW 18.64A.060</a>	3/30/2020	Pharmacy may utilize services of pharmacy ancillary personnel without approval of the commission.	3/30/2020 – 4/29/2020	
Pharmacy ancillary personnel – specialized functions	<a href="#">WAC 246-901-020(3)</a>	3/30/2020	Unless authorized as a specialized function, the pharmacy technician shall assist a pharmacist in the performance of all tasks except those reserved to a pharmacist.	3/30/2020 – 4/29/2020	
Pharmacy ancillary personnel – specialized functions	<a href="#">WAC 246-901-035</a>	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 – 4/29/2020	
Pharmacy ancillary personnel – PQAC approval	<a href="#">WAC 246-901-100</a>	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 – 4/29/2020	

Pharmacists – pharmacy license	<a href="#">RCW 18.64.043(1)</a>	3/30/2020	Removes requirement that licensed pharmacy limited only to the premises named or at a temporary location approved by DOH.	3/30/2020 – 4/29/2020	
Pharmacists – hospital pharmacy license	<a href="#">RCW 18.64.043(2)(a)</a>	3/30/2020	Removes requirement that licensed hospital pharmacy limited only to location of license.	3/30/2020 – 4/29/2020	
Pharmacists – pharmacy license	<a href="#">RCW 18.64.043(3)</a>	3/30/2020	Removes requirement that pharmacy exhibit its license.	3/30/2020 – 4/29/2020	
Pharmacy – hours	<a href="#">WAC 246-869-020(10)</a>	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 – 4/29/2020	

- 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 return to which must comply with these statutory and regulatory provisions after the expiration of this waiver.

## Long Term Care Facilities

Waiver Topic	Statutory/Regulatory Citations	Release Date	Impact of Waiver	Effective Date	Other
Nursing Homes – certificate of need	<a href="#">RCW 70.38.105(4)(d)</a>	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 – 4/29/2020	
Nursing Homes – certificate of need	<a href="#">WAC 246-310-020(1)(f)</a>	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 – 4/29/2020	
Nursing Homes – alternation or construction of new facility	<a href="#">RCW 18.51.091</a>	3/30/2020	Removes requirement to submit plans and specifications to DSHS for preliminary inspection and approval before alterations, additions, or new construction can start.	3/30/2020 – 4/29/2020	
Nursing Homes – preliminary	<a href="#">RCW 18.51.240</a>	3/30/2020	Removes requirement to submit plans and specifications to DSHS for preliminary inspection and approval before alterations, additions, or new construction can start.	3/30/2020 – 4/29/2020	

inspection & approval					
Nursing Homes – certificate of need	<a href="#">WAC 246-310-020(1)(f)</a>	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 – 4/29/2020	
Nursing Homes – requirements related to new construction	<a href="#">WAC 388-97-2060(1), (2), (3)</a>	3/30/2020	Nursing homes may undertake new construction without compliance with physical environment, DOH application, CN, and construction review requirements.	3/30/2020 – 4/29/2020	
Nursing Homes – requirements related to new construction	<a href="#">WAC 388-97-3400 through WAC 388-97-3480</a>	3/30/2020	Remove requirements to submit documents relating to new construction plans, preinstallation submissions, and construction timelines.	3/30/2020 – 4/29/2020	
Nursing Homes – compliance with state building code	<a href="#">WAC 388-97-3520</a>	3/30/2020	Remove requirements for nursing homes to demonstrate compliance with state building codes and local jurisdiction standards.	3/30/2020 – 4/29/2020	
ALF – alternation or construction of new facility	<a href="#">RCW 18.20.110</a>	3/30/2020	Removes requirement to submit plans and specifications to DSHS for preliminary inspection and approval before alterations, additions, or new construction can start.	3/30/2020 – 4/29/2020	
ALF – increasing licensed bed capacity	<a href="#">WAC 388-78A-2810(1)</a>	3/30/2020	Remove requirement for construction review and approval before adding rooms, beds, or related auxiliary spaces.	3/30/2020 – 4/29/2020	
ALF – construction requirements	<a href="#">WAC 388-78A-2821(2)</a>	3/30/2020	Remove requirements for ALFs to meet requirements regarding preconstruction, construction document review, resubmittals, construction, and project closeout.	3/30/2020 – 4/29/2020	
ALF – review building plans	<a href="#">WAC 388-78A-2850(1)</a>	3/30/2020	Remove requirements for ALFs to notify construction review services of all planned construction before beginning work.	3/30/2020 – 4/29/2020	

ALF – physical plant requirements	<a href="#">WAC 388-78A-2851(2)(a) and (6)</a>	3/30/2020	Removes requirement that the physical environment requirements in place at the time of an application apply for the duration of the project.  Removes requirement to complete construction in compliance with construction review services.	3/30/2020 – 4/29/2020	
ALF – construction review	<a href="#">WAC 388-78A-2853(1)(a) and (b)</a>	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 – 4/29/2020	
ALF – construction review	<a href="#">WAC 388-78A-2853(2)(a)</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 – 4/29/2020	
ALF – construction review	<a href="#">WAC 388-78A-2853(2)(b)</a>	3/30/2020	ALF can use new construction without recommended approval by construction review services for projects requiring DSHS inspection.	3/30/2020 – 4/29/2020	
ALF – construction review	<a href="#">WAC 388-78A-2853(2)(c)</a>	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 – 4/29/2020	
ALF – changing use of rooms	<a href="#">WAC 388-78A-2880</a>	3/30/2020	ALFs can use a room for a purpose other than what was approved without notice to construction review services.	3/30/2020 – 4/29/2020	
ALF – maintain paperwork	<a href="#">WAC 388-78A-2900</a>	3/30/2020	ALFs do not need to maintain paper or electronic copies of construction materials, approved construction documents, certificates of occupancy, functional program, and DSHS approved exemption or alternative methods of compliance.	3/30/2020 – 4/29/2020	
Registered nursing assistants	<a href="#">RCW 18.88A.030(2)(a)</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 – 4/29/2020	

Registered nursing assistants	<a href="#">WAC 388-97-1660(3)(a)(i)</a>	3/30/2020	Nursing homes do not need to ensure registered nursing assistants complete training within 4 months of beginning work.	3/30/2020 – 4/29/2020	
-------------------------------	--	-----------	--	-----------------------	--

- 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.

## Hand Sanitizer

Waiver Topic	Statutory/Regulatory Citations	Release Date	Impact of Waiver	Effective Date	Other
Hand Sanitizer	<a href="#">RCW 18.64.020</a>	3/30/2020	Allows lawful manufacture and distribution of hand sanitizer without a pharmacy license.	3/30/2020 – 4/29/2020	These waivers and suspensions do not apply except to the manufacturing, distributing, selling, and donating of hand sanitizer.
Hand Sanitizer	<a href="#">RCW 18.64.044</a>	3/30/2020	A shopkeepers' license is not required for selling hand sanitizer.	3/30/2020 – 4/29/2020	
Hand Sanitizer	<a href="#">RCW 18.64.045</a>	3/30/2020	The manufacturers' licensing process is suspended for hand sanitizer.	3/30/2020 – 4/29/2020	
Hand Sanitizer	<a href="#">RCW 18.64.250(1), (2)</a>	3/30/2020	Removes the penalties for manufacturing and dispensing hand sanitizer without a pharmacist license.	3/30/2020 – 4/29/2020	