



**COMMISSIONER
BOARD MEETING
SEPTEMBER 2, 2021
5:30 PM
SRFR Station 31 Training Room
VIA BLUEJEANS**

**Snohomish Regional Fire & Rescue
WASHINGTON**

AGENDA



BOARD OF FIRE COMMISSIONERS SPECIAL MEETING AGENDA
SNOHOMISH REGIONAL FIRE AND RESCUE
Fire District 7 Station 31 Training Room/ Via Blue Jeans
163 Village Court, Monroe, WA 98272
September 2, 2021 1730 hours

CALL TO ORDER

PUBLIC COMMENT

OLD BUSINESS

Action

Resolution 21-7: Resolution requiring Vaccination for Health Care Providers

ADJOURNMENT



Request for Action by the Board (R.A.B)

The purpose of the RAB is to provide a standardized format for presenting initiatives requiring action by the Board of Fire Commissioners. The RAB serves as a guide and checklist intended to provide the detailed, relevant, information needed to help the Board take action on projects, programs, and other initiatives.

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| Initiative Name: | COVID-19 Vaccine Mandate for Health Care Providers | |
| Deputy Chief Ryan Lundquist | | |
| Type of Action: | <input type="checkbox"/> Simple Motion | <input checked="" type="checkbox"/> Resolution |
| Initiative Description: | <p>Working in open communication with the union and legal representation, Snohomish Regional Fire & Rescue's leadership presents this policy and resolution for the Board to review and consider for approval.</p> <p>The purpose of this policy is to implement a mandatory vaccination policy for Snohomish Regional Fire & Rescue's (SRFR) health care providers in accordance with Proclamation 21-14. This Policy is part of SRFR's overall strategy and commitment to maintaining a safe and healthy workplace in light of the COVID-19 pandemic. This policy is designed for use together with, and not as a substitute for, other COVID-19 prevention measures.</p> <p>This Policy applies to health care providers, including (1) individuals with credentials listed in the Healthcare Professional Credentialing Requirements list¹ (including EMTs and paramedics); (2) individuals who are permitted by law to provide health care services in a professional capacity without holding a credential; (3) long-term care workers; and (4) workers in any setting that is primarily used for the delivery of in-person health care services to people, including mobile clinics or other vehicles where health care is delivered.</p> <p>Health care providers are not required to get vaccinated against COVID-19 if they are entitled under the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation to the requirements of this order. Health care providers may request accommodations to this policy. SRFR shall provide reasonable accommodations related to disabilities and/or sincerely held religious beliefs as required by law.</p> | |
| <ul style="list-style-type: none"> • Brief Description • Goal of Initiative • Initiative Results (deliverables) • Connection to Strategic Plan • Supporting Documentation (attach) <ul style="list-style-type: none"> ○ Scope of work ○ Contract(s) ○ Project proposal(s) ○ Presentation(s) • Reason RAB must be approved outside of the annual budget process | | |

¹ <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/HealthcareProfessionalCredentialingRequirements>

There is a time sensitivity to the nature of this process due to the following necessary actions required to meet the mandate without an accommodation as referenced above:

- September 6, 2021 (1st dose Moderna)
- September 13, 2021 (1st dose Pfizer)
- October 4, 2021 (1 shot Johnson & Johnson, 2nd dose Moderna or Pfizer)

October 19th at 0800 all health care workers working for SRFr without an approved accommodation from above will be required to be fully vaccinated.

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| Financial Impact: | Expense: <input type="checkbox"/> Increase <input type="checkbox"/> Decrease <input checked="" type="checkbox"/> N/A Revenue: <input type="checkbox"/> Increase <input type="checkbox"/> Decrease <input checked="" type="checkbox"/> N/A Total amount of initiative (attach amount breakdown if applicable): \$ Initial amount: \$ Long-term annual amounts(s): \$ Currently Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: \$ Budget Amendment Needed: <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: \$ • If yes: Fund(s)/line item(s) to be amended: |
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| Risk Assessment: | <p>Risk if approved: Approving an established policy for a mandate by the Washington State Governor’s office about mandatory vaccination for all health care workers memorializes the steps that the organization has done to adhere to this mandate as well as help define some disability-related and sincerely held religious beliefs reasonable accommodations required by law.</p> <p>Risk if not approved: Violators of the order can be subject to criminal sanctions of a gross misdemeanor. These sanctions would likely apply to commissioners and the Fire Chief other possible repercussions include the following:</p> <p>L&I Penalties. Effective July 2, 2021, LNI adopted an emergency regulation on business activity pursuant to RCW 34.05.350. WAC 296-800-14035 states, in part, the following:</p> <p style="padding-left: 40px;">(1) Where a business activity is prohibited by an emergency proclamation an employer shall not allow employees to perform work.</p> <p style="padding-left: 40px;">(2) Employers must comply with all conditions for operation required by emergency proclamation issued under RCW 43.06.220, including Safe Start phased reopening requirements for all business and any industry specific requirements.</p> <p>As a result, failure to comply with Proclamation 21-14 would be a violation of RCW 49.17.060(1) and WAC 296-800-14035. L&I is authorized to issue fines for violations of its workplace safety standards.</p> |
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| Legal Review: | <input checked="" type="checkbox"/> Initiative conforms with District policy/procedure number (attach): <input checked="" type="checkbox"/> Initiatives that require legal review (contracts, other initiatives): <ul style="list-style-type: none"> • Contracts • Has been reviewed and approved by legal • Includes all costs • Includes term • Includes 'do not exceed' language <input type="checkbox"/> N/A |
| Presented to, and Approved by, Senior Staff <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Commissioner Sub-Committee Approval | Initiative presented to commissioner sub-committee: <input type="checkbox"/> Yes <input type="checkbox"/> No Approved by commissioner sub-committee: <input type="checkbox"/> Yes <input type="checkbox"/> No N/A: <input type="checkbox"/> |
| For Fire Chief Approval: | <input type="checkbox"/> RAB document complete <input type="checkbox"/> Supporting documentation attached <input type="checkbox"/> Information sent to Fire Chief, Senior Staff, and Board Secretary (Mindy Leber) <p style="text-align: center;"><i>Fire Chief will approve and distribute by email to the Board of Commissioners – champion/senior staff will be cc'd on the email distribution</i></p> <p style="text-align: center;"><i>Fire Chief will coordinate with Senior Staff for RAB introduction</i></p> |
| Champion: Confirmed email sent to Board by Fire Chief <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Board of Fire Commissioners | RAB initiatives go through the following process: <ol style="list-style-type: none"> 1. Senior Staff approval to move forward to a committee/board 2. Initiatives are introduced to the appropriate committee for review 3. Initiatives are introduced at an initial commissioner meeting as a Discussion Item <ul style="list-style-type: none"> ○ The Executive Staff member assigned to develop the initiative (the RAB Champion) presents initiative to the Board (maximum time for presentation is ten minutes) 4. At a second commissioner meeting, initiatives may be assigned as an action item for approval |
| Execution: | It is the responsibility of the RAB Champion to execute implementation, processing, and tracking. |



SNOHOMISH REGIONAL FIRE AND RESCUE

RESOLUTION NO. 2021-7

A RESOLUTION REQUIRING VACCINATION FOR HEALTH CARE PROVIDERS

WHEREAS, on February 29, 2020, Governor Jay Inslee issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State;

WHEREAS, on August 9, 2021, Governor Jay Inslee issued Proclamation 21-14 requiring state employees and health care and long-term care providers to be fully vaccinated by October 18, 2021, which states, in part, the following:

- After months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “delta variant” that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals;
- COVID-19 vaccines are effective in reducing infection and serious disease, widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections;
- Widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us;
- COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations;
- Healthcare workers face COVID-19 exposures in a variety of healthcare settings, with those involving direct patient care likely at higher risk;
- on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that federal and state governments were not



prohibited by federal law from imposing vaccination mandates, even when the only vaccines available are those authorized under U.S. Food and Drug Administration Emergency Use Authorizations; and

- On July 26, 2021, approximately 60 medical groups ... issued a memorandum supporting mandatory, universal vaccination of all public and private health care and long-term care workers, noting that such a requirement is the “fulfillment of the ethical commitment of all health care workers to put patients ... first and take all steps necessary to ensure their health and well-being”;
- It is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, Proclamation 21-14 specifically prohibits any health care provider from failing to be fully vaccinated, and prohibits any entity that operates a health care setting from permitting a health care provider to engage in work unless he or she has been fully vaccinated.

WHEREAS, Snohomish Regional Fire and Rescue (SRFR) is an entity that operates a health care system and is covered by Proclamation 21-14..

WHEREAS, as a result, all of SRFR’s health care providers must be vaccinated by October 18, 2021 as a bona fide occupational qualification for continued employment.

WHEREAS, in order to be fully vaccinated on or before October 18, 2021, individuals must have received the second dose of a two-dose mRNA vaccine (such as Moderna and Pfizer) or a single dose vaccine (such as Johnson & Johnson) on or before October 4, 2021.

WHEREAS, to prove full vaccination, Proclamation 21-14 requires that employees and volunteers provide (1) a CDC vaccination record card or photo of the card, (2) documentation of vaccination from a health care provider or electronic health record, or (3) state immunization information system record.

WHEREAS, in complying with Proclamation 21-14, SRFR must engage in a flexible, interactive process to identify accommodations options for employees who are unable to receive a vaccination due to a disability or sincerely held religious belief. Such an accommodation should (1) eliminate or reduce the risk of exposure so that the unvaccinated individual does not pose a direct threat, and (2) not constitute an undue hardship for the employer. If the employee or volunteer is entitled to a reasonable accommodation due to a disability or sincerely held religious belief and appropriate documentation is provided, he or she is exempt from the mandatory vaccination requirement of Proclamation 21-14.

WHEREAS, all Health Care Providers volunteering for and employed by SRFR will be subject to non-disciplinary dismissal from employment for failing to meet bona fide occupational qualification for continued employment if they have not been fully vaccinated or received a



reasonable accommodation due to a disability or sincerely held religious belief on or before October 18, 2021.

NOW, THEREFORE, BE IT HEREBY RESOLVED, in compliance with Proclamation 21-14, SRFR hereby adopts the Policy on COVID-19 Vaccine Mandate for Health Care Providers enclosed with this resolution. The Policy shall be in effect only to the extent required by Proclamation 21-14, as it may be updated and amended.

PASSED by the Board of Fire Commissioners of Snohomish Regional Fire and Rescue this 2nd day of September, 2021.

Rick Edwards, Commissioner

Troy Elmore, Commissioner

Randy Fay, Commissioner

Paul Gagnon, Commissioner

Jeff Schaub, Commissioner

William Snyder, Commissioner

Jim Steinruck, Commissioner

Roy Waugh, Commissioner

Randall Woolery, Commissioner

ATTEST:

District Secretary

[POLICY: COVID-19 Vaccine Mandate for Health Care Providers]



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05, et seq.**

21-14

COVID-19 VACCINATION REQUIREMENT

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, et seq., which limit Washingtonians' ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, to protect some of our most vulnerable populations – persons in health care facilities, long-term care facilities (which includes nursing homes), and similar congregate care facilities – and to protect our health and congregate care systems themselves, I issued several proclamations imposing heightened protections on workers, residents and visitors in those facilities; and

WHEREAS, although COVID-19 continues as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of most Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “delta variant” that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections; and

WHEREAS, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and

WHEREAS, COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and

WHEREAS, as of August 4, 2021, nearly 4.4 million Washingtonians, about 70% of those eligible and 58% of the total population, had initiated their vaccine series, leaving 2.1 million eligible Washingtonians who were unvaccinated; and

WHEREAS, according to the CDC, as of August 1, 2021, approximately 67% of staff in Washington state nursing homes were fully vaccinated; and

WHEREAS, healthcare workers face COVID-19 exposures in a variety of healthcare settings, with those involving direct patient care likely at higher risk; and

WHEREAS, COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration’s rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization; and, to date, more than 346 million doses of COVID-19 vaccines have been given in the United States with 8.2 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare; and

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law

from imposing vaccination mandates, even when the only vaccines available are those authorized under U.S. Food and Drug Administration Emergency Use Authorizations; and

WHEREAS, on July 26, 2021, approximately 60 medical groups, including the American Medical Association, the American College of Physicians, the American Academy of Pediatrics, the American Academy of Family Physicians, the American Nurses Association, the American Academy of Physician Assistants, the Association of Professionals in Infection Control and Epidemiology, the American Public Health Association, the Infectious Diseases Society of America LeadingAge, the National Hispanic Medical Association, the National Medical Association, and the Society of Infectious Disease Pharmacists, issued a memorandum supporting mandatory, universal vaccination of all public and private health care and long-term care workers, noting that such a requirement is the “fulfillment of the ethical commitment of all health care workers to put patients as well as residents of long-term care facilities first and take all steps necessary to ensure their health and well-being”; and on August 2, 2021, the Washington State Society of Post-Acute and Long-Term Care Medicine submitted a letter in support of the above noted July 26, 2021 memorandum; and

WHEREAS, on July 15, 2021, the American College of Obstetricians and Gynecologists, together with the Society for Maternal-Fetal Medicine, posted a formal opinion stating that medical professionals have an ethical obligation to be vaccinated against COVID-19 to prevent the spread of harmful infectious diseases, and that women who are or may become pregnant should be vaccinated against COVID-19; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, state employees live in and provide services to the public in every county in our state, and many interact with the public on a regular basis, and they all interact with some portion of the community at large to varying degrees before and/or after state work hours; and

WHEREAS, to further our individual and collective duty to reduce the spread of COVID-19 in our communities, I am requiring all employees, on-site independent contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), and (3), I hereby prohibit, subject to the conditions, exceptions, and circumstances set forth below, the following activities:

1. Prohibitions. This order prohibits the following:

- a. Any Worker from engaging in work for a State Agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19;
- b. Any State Agency from permitting any Worker to engage in work for the agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof to the agency;
- c. Any Health Care Provider from failing to be fully vaccinated against COVID-19 after October 18, 2021; and
- d. Any individual or entity that operates a Health Care Setting from permitting a Health Care Provider to engage in work for the individual or entity as an employee, contractor, or volunteer after October 18, 2021 if the Health Care Provider has not been fully vaccinated against COVID-19 and provided proof thereof to the individual or entity. Providers who do not work in a Health Care Setting must provide proof of vaccination to the operator of the facility in which the Provider works, if any, or, if requested, to a lawful authority. A lawful authority includes, but is not limited to, law enforcement, local health jurisdictions, and the state Department of Health.

2. Exemptions from Vaccine Requirement.

- a. Health Care Providers and Workers for State Agencies are not required to get vaccinated against COVID-19 if they are entitled under the Americans With Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation to the requirements of this order. Nothing herein precludes individuals or entities for which Health Care Providers work as employees, contractors, or volunteers and State Agencies from providing disability-related reasonable accommodations and religious accommodations to the requirements of this order as required by the laws noted above. As provided in the ADA, Title VII, and the WLAD, individuals or entities for which Health Care Providers work as

employees, contractors, or volunteers and State Agencies are not required to provide such accommodations if they would cause undue hardship.

- b. To the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, individuals or entities for which Health Care Providers work as employees, contractors, or volunteers and State Agencies must obtain from the individual requesting the accommodation documentation from an appropriate health care or rehabilitation professional authorized to practice in the State of Washington stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation.
 - c. To the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this Order, individuals or entities for which Health Care Providers work as employees, contractors, or volunteers and State Agencies must document that the request for an accommodation has been made and the document must include a statement regarding the way in which the requirements of this order conflict with the religious observance, practice, or belief of the individual.
3. Acceptable Proof of Full Vaccination Against COVID-19: Where required above, Workers for State Agencies and Health Care Providers must provide proof of full vaccination against COVID-19 by providing one of the following:
- a. CDC COVID-19 Vaccination Record Card or photo of the card;
 - b. Documentation of vaccination from a health care provider or electronic health record; or
 - c. State immunization information system record.

Personal attestation is not an acceptable form of verification of COVID-19 vaccination.

4. Public and Private Entities and Employers May Exceed These Requirements: Nothing in this order prohibits individuals or entities employing or using the services of Health Care Providers and State Agencies from implementing requirements that exceed the requirements of this Order.

5. Definitions.

a. "Worker":

- For purposes of this order, "worker" includes:
 - A person engaged to work as an employee, independent contractor, service provider, volunteer, or through any other formal or informal agreement to provide goods or services, whether compensated or uncompensated, but does not include a visitor or patron;
 - The director, secretary, or other executive officer of a State Agency;
 - A person appointed to serve on a board, commission, or similar body that is an executive cabinet agency listed at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or

a small cabinet agency listed at <https://www.governor.wa.gov/office-governor/office/small-cabinet>.

- The following exceptions apply to the definition of “worker”:
 - Independent contractors, and any of their workers, are exempt from this order unless any provision of the contract to provide goods or services requires work to be performed in person and on site, regardless of frequency, whether other workers are present, or any contingent nature of that requirement.
 - For any State Agency that is listed as an agency under the authority of a board, council, or commission at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf and that is not also listed as an executive cabinet agency at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or a small cabinet agency at <https://www.governor.wa.gov/office-governor/office/small-cabinet>, only the State Agency’s compensated employees are “workers” subject to the requirements of this proclamation.

b. “Health Care Provider” includes:

- Individuals with credentials listed in the [Healthcare Professional Credentialing Requirements](#) list;
- Individuals who are permitted by law to provide health care services in a professional capacity without holding a credential;
- Long-term care workers unless specifically excluded in this order; and
- Workers in any Health Care Setting, as defined herein.

“Health Care Provider” does not include, for purposes of this order:

- Individual providers, as defined in RCW 74.39A.240;
- Providers of personal care in a person’s home, such as home care, home health or hospice care;
- Providers who are not actively practicing or providing services; and
- Providers who provide services only at one or more of the settings that are expressly excluded from the list of Health Care Settings under this order.

c. “Health Care Setting” is any public or private setting that is primarily used for the delivery of in-person health care services to people, except as specifically exempted below. If located at a facility that is primarily used for the delivery of health-care services, such as a hospital, then the entire facility is a Health Care Setting. If located at a facility that is primarily used for another purpose, such as a pharmacy within a grocery store, school nurse’s office, or vaccination clinic within a business establishment, the Health Care Setting includes only the areas that are primarily used for the delivery of health care and the areas regularly occupied by Health Care Providers and people seeking care, but not the other areas of the facility.

“Health Care Setting” includes, but is not limited to:

- Acute care facilities, including, but not limited to, hospitals;
- Long-term acute care facilities;
- Inpatient rehabilitation facilities;
- Inpatient behavioral health facilities, including, but not limited to, evaluation and treatment facilities, residential treatment facilities, secure detox facilities;
- Residential long-term care facilities, including, but not limited to, nursing homes, assisted living facilities, adult family homes, settings where certified community residential services and supports are provided, and enhanced services facilities;
- Mobile clinics or other vehicles where health care is delivered;
- Outpatient facilities, including, but not limited to, dialysis centers, physician offices, and behavioral health facilities (including offices of psychiatrists, mental health counselors, and substance use disorder professionals);
- Dental and dental specialty facilities;
- Pharmacies (not including the retail areas);
- Massage therapy offices (this includes designated areas where massage is administered within non-health care settings like spas and wellness/fitness centers);
- Chiropractic offices;
- Midwifery practices and stand-alone birth centers;
- Isolation and/or quarantine facilities;
- Ambulatory surgical facilities;
- Urgent care centers; and
- Hospice care centers.

“Health Care Setting” does not include:

- Settings where sports and spectator events or other gatherings are held (including when credentialed athletic trainers are providing care to players), other than areas primarily used for the delivery of health care services, such as designated first aid areas (which are Health Care Settings);
- Department of Children, Youth & Families (DCYF)-licensed foster homes that do not primarily provide health care services;
- Research facilities where no health care is delivered to people;
- Veterinary health care settings;
- Animal control agencies; and
- Non-profit humane societies.

d. “State Agency” includes:

- Every agency listed at <https://www.governor.wa.gov/office-governor/office/executive-cabinet>;
- Every agency listed at <https://www.governor.wa.gov/office-governor/office/small-cabinet>; and

- Every agency under the authority of a board, council, or commission listed at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf except the State Board for Community and Technical Colleges and the governing boards of four-year institutions of higher education.
- e. “Fully Vaccinated against COVID-19”: A person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA (e.g., Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA (e.g., Johnson & Johnson (J&J)/Janssen).

ADDITIONALLY, the specific prohibitions in this Proclamation are severable and do not apply to the extent that compliance with a prohibition would violate (1) any U.S. or Washington constitutional provision; (2) federal statutes or regulations; (3) any conditions that apply to the state’s receipt of federal funding; (4) state statutes; or (5) applicable orders from any court of competent jurisdiction.

ADDITIONALLY, nothing in this Proclamation limits otherwise applicable requirements related to personal protective equipment, personnel training, and infection control policies and procedures.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required facial coverings, social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in

