



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**EMERGENCY PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, and 20-24, et seq.**

20-24.3

Restrictions on Non-Urgent Medical Procedures

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 Proclamation 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, on March 19, 2020, I issued Proclamation 20-24 prohibiting all hospitals, ambulatory surgical facilities, dental, orthodontic and endodontic offices in Washington State from providing most non-urgent medical and dental procedures; and

WHEREAS, I subsequently issued Proclamations 20-24.1 and 20-24.2 on May 18, 2020, and November 25, 2020, respectively, permitting the provision of non-urgent medical and dental procedures, subject to certain conditions; 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 22 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 the "Delta" variant and then the "Omicron" variant, which is significantly more transmissible than the virus that emerged in late 2019 and the "Delta" variant, coupled with the continued significant numbers of unvaccinated people, has caused COVID-19

cases and hospitalizations to rise sharply, primarily among unvaccinated populations, and this rise is expected to continue; and

WHEREAS, on January 6, 2022, the Washington State Medical Association (WSMA) sent a letter to the Governor and Secretary of Health declaring that “we are in a state of crisis”. In this letter, WSMA, while noting that ceasing or delaying electives services alone is not enough to address this crisis, called on the state to help overwhelmed emergency departments and hospitals statewide; and

WHEREAS, even as hospitals have committed to sharing the burden by helping each other maintain a level load of admissions—and they have been working with the Washington Medical Coordination Center to transfer patients among hospitals—the continued rise in COVID-19 cases and hospitalizations due to the “Omicron” variant has and will continue to place significant strains on hospital staffing and capacity across the state, which requires taking action to ensure that adequate staffing and capacity remain available for urgent medical care everywhere in the state; and

WHEREAS, the Washington National Guard and State Guard continue to support the Washington State COVID-19 pandemic response, and have personnel available to help alleviate some hospital staffing and capacity shortfalls; 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 amend Proclamation 20-24, et seq., to prohibit all hospitals from providing non-urgent health care services, procedures, and surgeries.

As provided in Proclamation 20-24.2, non-urgent health care services, procedures, and surgeries are those that, if delayed, are not anticipated to cause harm to the patient within 90 days. The

decision to perform any surgery or procedure in a hospital should be weighed against the following criteria when considering potential harm to a patient's health and well-being:

- Expected advancement of disease process
- Possibility that delay results in more complex future surgery or treatment
- Increased loss of function
- Continuing or worsening of significant or severe pain
- Deterioration of the patient's condition or overall health
- Delay would be expected to result in a less-positive ultimate medical or surgical outcome
- Leaving a condition untreated could render the patient more vulnerable to COVID-19 contraction, or resultant disease morbidity and/or mortality
- Non-surgical alternatives are not available or appropriate per current standards of care
- Patient's co-morbidities or risk factors for morbidity or mortality, if inflicted with COVID-19 after procedure is performed

Diagnostic imaging, diagnostic procedures or testing should continue in all settings based on clinical judgment that uses the same definition of harm and criteria as listed above. The full suite of family planning services and procedures are not non-urgent.

FURTHERMORE, I hereby amend Proclamation 20-24, et seq., to prohibit all hospitals from utilizing personal protective equipment (PPE) other than according to a conventional capacity strategy.

ADDITIONALLY, the provisions of Proclamation 20-24, et seq., that are not amended herein remain in effect.

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).

This order is effective at 12:01 am on January 17, 2022, and shall remain in effect until 11:59 pm on February 17, 2022, unless rescinded sooner.

Signed and sealed with the official seal of the state of Washington on this 13th day of January, A.D., Two Thousand and Twenty-Two at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State