

# COVID-19 Vaccination Requirement (Proclamation 21-14) for health care providers, workers and settings

Link to proclamation: [21-14 - COVID-19 Vax Washington](#)

## General Proclamation Questions

### **What does Proclamation 21-14 do?**

Proclamation 21-14, issued by Gov. Jay Inslee on August 9, 2021, requires health care providers, which is defined broadly to include not only licensed health care providers but also all employees, contractors, volunteers, and providers of goods and services who work in a health care setting, to be fully vaccinated against COVID-19 by October 18, 2021. It also requires operators of health care settings to verify the vaccination status of

- a) Every employee, volunteer, and contractor who works in the health care setting, whether or not they are licensed or providing health care services, and
- b) Every employee, volunteer, and contractor who provides health care services for the health care setting operator.

### **On what legal grounds can this be imposed?**

In response to the emerging COVID-19 threat, Inslee declared a state of emergency on February 29, 2020, using his broad emergency authority under chapter 43.06 RCW. More specifically, under RCW 43.06.220, after a state of emergency has been declared, the governor may prohibit any activity that they believe should be prohibited to help preserve and maintain life, health, property or the public peace. Under an emergency such as this, the governor's paramount duty is to protect the health and safety of our communities.

### **Staff have been successful in keeping infection rates low with safety precautions such as social distancing, hand washing, and mask wearing; why is this needed?**

While those practices are important, vaccines are the strongest tool in our toolbox to fight COVID-19. Frontline workers across the private sector have continued working since the initial "Stay home, Stay Healthy" order. They, rightfully, are becoming weary of the day-to-day stress of high and dangerous caseloads. Significant efforts have been made to address workplace safety in the face of COVID-19, a new workplace hazard. Even with all of those safety efforts,

we did not curtail all outbreaks. The threat of COVID-19 is evolving as new more easily transmitted and aggressive variants become prevalent in our state. We now have the tool of COVID-19 vaccines, which is the single most effective resource to combat spread and prevent illness and death.

### **When will this be in effect?**

The order was effective as of August 9. The deadline to become fully vaccinated is October 18, 2021. In order to be considered fully vaccinated by October 18, you must receive your *second* dose of Pfizer-BioNTech or Moderna COVID-19 vaccine or your single dose of Johnson & Johnson (Janssen) COVID-19 vaccine on or before October 4, 2021. If you do not get your second dose by that date and provide proof to the operator of health care setting where you work, then you are not permitted to work there, unless your employer has allowed you to opt out of the requirement.

### **Whom does the proclamation apply to?**

The proclamation requires “Health Care Providers” to get vaccinated. This term is defined broadly to include more than just licensed health care providers. It includes:

- Individuals holding a license, certification or registration from the Washington State Department of Health, listed [here](#), who are actively practicing or providing services to people
- Individuals who are permitted by law to provide health care services in a professional capacity without holding a credential from the Department of Health and are actively providing services to people
- Long-term care workers, with limited exceptions described below
- Onsite workers in any health care setting, regardless of whether they are licensed or providing health care services (for example administrative support staff who work in person in a clinic or cleaning service workers). Onsite workers include employees, independent contractors, volunteers, and providers of goods and services engaged in work in a health care setting.

### **Whom does the proclamation not apply to?**

- Health Care Providers/Workers working only in the following settings are not required to be vaccinated under the proclamation:
  - Settings where sports and spectator events or other gatherings are held (including when credentialed athletic trainers are providing care to players), excluding 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
  - Non-profit humane societies

- Health care providers who are not actively practicing or providing services are not required to be vaccinated under the proclamation.
- Additionally, the proclamation does not apply to the categories of individuals who provide personal care services in a client's or patient's home. Personal care services are defined as physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability ([RCW 74.39A.009\(24\)](#)).
  - Individuals with a Department of Health credential who only provide assistance with activities of daily living in a client or patient's home as part of a home care, home health or hospice agency, or as a Department of Social and Health Services individual provider, are not required to be vaccinated under the proclamation. For example, a family member working under contract as an individual provider providing personal care services to another family member is not required to be vaccinated.
  - Credentialed individuals working for home care, home health and hospice agencies who provide services beyond personal care are considered health care providers and must show their employer proof of vaccination.

### **How is health care setting defined?**

For the purposes of the proclamation, a health care setting is any public or private place that is primarily used for the delivery of in-person health care services to people, unless specifically exempted by the proclamation.

If the location is primarily used for the delivery of health care services, such as a hospital, then the entire facility is a health care setting.

Other businesses and facilities may have a section of their location that is considered a health care setting, such as a pharmacy within a grocery store, school nurse's office, massage treatment area within a spa, or vaccination clinic within a business establishment. In this situation, 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. Other areas of the facility are not considered health care settings.

Health care settings include, but are 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, such as ground and air ambulances
- Outpatient facilities, including, but not limited to, dialysis centers, physician offices, behavioral health facilities, behavioral health agencies and private/group practice

behavioral health settings (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
- Hospice care centers

### **Is a school classroom where occupational therapy or physical therapy services are provided a health care setting?**

No because the classroom is not primarily used for the delivery of in-person health care. However, assuming there is an area in the school that is primarily used for delivering health care services, such as a nurse's office or school-based health center, the school is required to verify the vaccination status of the licensed occupational and physical therapists who work for the school as employees, volunteers, or contractors.

### **Is a school nurse's office a health care setting?**

Yes because it is primarily used for the delivery of health care. Accordingly, the school is required to verify the vaccination status of every employee, volunteer, or contractor who works in the nurse's office, even the workers who are not licensed or providing health care services.

### **Is a local health jurisdiction/department a health care setting?**

All licensed health care providers or people authorized to provide health care without a credential who work for these entities must meet the requirement regardless of whether they work in a health care setting operated by the local health jurisdiction. Other staff would need to be vaccinated if they are working in a location that is operated by the local health jurisdiction primarily for health care delivery, and therefore, would be considered a health care setting under the proclamation.

### **Does the proclamation apply to tribal health care settings ?**

No. The proclamation extends to Washington-licensed health care providers wherever they practice since it's a state-issued credential. But the obligation for a health care setting operator to verify the vaccination status of Health Care Providers engaged in work for them doesn't apply to tribal health care settings.

### **Does this apply to licensed health care providers who only provide telehealth services?**

Yes. All individuals who hold a health care profession credential on this [list](#) and are actively practicing or providing services to people are subject to the vaccination requirement regardless of where they work.

## Health Care Providers/Workers FAQs

### Proof of Vaccination Status:

#### **What documentation do I need to provide to prove my vaccination status?**

If you work in a health care setting, you must provide proof of full vaccination against COVID-19 to the operator of that health care setting. [Acceptable proof](#) includes one of the following:

- CDC COVID-19 Vaccination Record Card or photo of the card
- Documentation of vaccination from a health care provider or electronic health record
- State Immunization Information System record
- WA State Certificate of COVID-19 Vaccination from [MyIRmobile.com](https://myirmobile.com)

Personal attestation is not an acceptable form of verification.

#### **Can I attest to being vaccinated in lieu of showing proof?**

No. Personal attestation is not an acceptable form of verification of COVID-19 vaccination.

#### **Is there any way to opt out of vaccination?**

If you are entitled under applicable law to a disability-related reasonable accommodation or sincerely held religious belief accommodation, then you are exempt from the proclamation. If you are not entitled to an accommodation, then there is no way for a Health Care Provider to opt out of the vaccination requirement in the proclamation.

#### **I am a self-employed health care provider. How do I show I have complied with this requirement?**

If you perform work in a health care setting, you are required to provide proof of your vaccination to the operator of that setting to continue working there after October 18, 2021. If you operate the health care setting in which you work or do not perform work for the operator of a health care setting, you must maintain your own proof and have it available should a lawful authority request it.

#### **What lawful authorities may request proof of vaccination?**

Lawful authorities include, but are not limited to, law enforcement, local health jurisdictions, the Washington State Department of Health, the Washington State Department of Labor & Industries, and, for long-term care settings, the Washington State Department of Social and Health Services.

## **I have had COVID-19 and believe I have natural immunity. Do I still have to be fully vaccinated?**

Yes. The proclamation does not provide an exemption for individuals who have previously been infected with COVID-19. Experts do not yet know how long you are protected from getting sick again after recovering from COVID-19 and recommend getting vaccinated regardless of whether you already had COVID-19. People are able to get sick with COVID-19 again after they've already had it. Studies have shown that vaccination provides a strong boost in protection in people who have recovered from COVID-19.

## **Vaccination Status and Work**

### **If I start work in a health care setting after October 18, 2021, will I need to be fully vaccinated before I can start work?**

Yes. After October 18, 2021, an operator of a health care facility cannot allow a health care provider to start working for them as an employee, volunteer, or contractor unless they're fully vaccinated against COVID-19.

### **What happens if I can't get the vaccine because I was infected with COVID-19 just prior to starting work?**

If you are unable to comply with the requirement to be fully vaccinated by October 18 because (a) you were infected with COVID-19 in the weeks immediately preceding the deadline or (b) you had an adverse reaction to the first dose of the vaccine, talk the operator of the health care setting where you are working about their reasonable accommodation process.

### **What happens if I choose not to be vaccinated and have not received an accommodation?**

After October 18, 2021, if you are covered by this proclamation and you have not provided the operator of the health care setting where you work with acceptable proof of full vaccination against COVID-19 or been approved for an accommodation, then the health care setting operator can no longer legally allow you to perform work for them. Failure to comply with the proclamation is a gross misdemeanor subject to the jurisdiction of law enforcement agencies. Violations may also result in civil enforcement action.

### **Will the Department of Health verify I am vaccinated when I renew my health care credential?**

No. The operator of any health care setting where you work as an employee, volunteer, or contractor is responsible for verifying your vaccination status.

### **Will my credential be suspended or revoked if I do not receive the vaccine?**

The Department of Health, along with the boards and commissions that regulate health care providers, will follow their normal complaint and investigation processes regarding legal requirements for credential holders. Depending on the circumstances, this could include taking action against a provider's credential following a complaint.

**I have a credential from the Department of Health but I'm not currently working as a health care provider. Am I required to receive the vaccine?**

No. If you are not currently providing services or practicing you are excluded from the vaccine requirement.

**Does this Proclamation Apply to Me?**

**I am a health care provider or other worker in a publicly funded health care setting. Am I required to be vaccinated?**

Yes. The proclamation applies to all health care providers and workers in health care settings, regardless of public or private ownership.

**I am a Washington-licensed health care provider working in a tribal health care setting. Am I required to be vaccinated?**

Yes.

**I am a Washington-licensed health care provider working in a federal health care setting. Am I required to be vaccinated?**

Yes.

**I am a health care provider that works in a non-health care setting. Am I required to be vaccinated?**

If you hold a health care profession credential on this [list](#), are authorized to practice in a professional capacity without a credential, or are a long-term care worker, and you are actively practicing or providing services to people, you are subject to the vaccination requirement regardless of where you work.

**I provide home care, home health, or hospice care services; does this apply to me? What if I work in clients' or patients' homes?**

It depends. The proclamation does not apply to the categories of individuals who provide only personal care services in a client or patient's home. The definition of personal care services is available at [RCW 74.39A.009\(24\)](#).

Individuals with a Department of Health credential who only provide assistance with activities of daily living in a client or patient's home as part of a home care, home health or hospice agency, or as a Department of Social and Health Services individual provider, are not required to be vaccinated under the proclamation. For example, a family member working under contract as an individual provider providing personal care services to another family member is not required to be vaccinated.

Credentialed individuals working for home health and hospice agencies who provide services beyond personal care are considered health care providers and must demonstrate proof of vaccination. And home care aides working in health care settings outside clients' or patients' home must meet the requirement.

**I am a student in a health profession training program; does this requirement apply to me?**

Yes. If you are training in a health care setting or hold a credential from the Department of Health in a type of profession listed [here](#), you must be vaccinated.

**I am a physical therapist or occupational therapist working in a classroom; does this requirement apply to me?**

Yes, if you are a licensed health care provider who is actively practicing or providing services, you must be vaccinated.

**I work in a nurse’s office in a school, does this requirement apply to me?**

Yes. A school nurse’s office is a health care setting as defined in the proclamation, so every person who works in that office must be vaccinated. This applies to licensed health care providers and any employee, volunteer, or contractor who works in the nurse’s office, even if they don’t provide health care services themselves.

## Health Care Setting Operator FAQs

### Verification of Vaccination Status

**As a health care setting operator, what groups of people am I required to verify the vaccination status of?**

An operator of a health care setting must verify the vaccination status of:

- Every employee, volunteer, or contractor who works in the health care setting, whether or not the person is licensed or provides health or long-term care services, and
- Every employee, volunteer, or contractor who provides health or long-term care services for the health care setting operator, whether in a health care setting or not

Vaccination verification is not required for visitors, patrons, clients or patients.

**Do I only have to verify the vaccination status of the licensed health care providers who work for me?**

No, you must verify the vaccination status of every employee, volunteer, and contractor who engages in work in your health care setting, regardless of whether the particular individual is licensed or provides health care services. You must also verify the vaccination status of every employee, volunteer, and contractor who works for you providing health or long-term care services, whether they provide those services in your health care setting or elsewhere. The proclamation uses the term “Health Care Provider,” but it is broadly defined to include more than licensed health care providers.



## **What documentation do my employees, volunteers, and contractors need to provide to prove their vaccination status?**

[Acceptable proof of full vaccination](#) against COVID-19 includes one of the following:

- CDC COVID-19 Vaccination Record Card or photo of the card
- Documentation of vaccination from a health care provider or electronic health record
- State Immunization Information System record
- WA State Certificate of COVID-19 Vaccination from [MyIRmobile.com](https://myirmobile.com)

Personal attestation is not an acceptable form of verification.

Valid CDC vaccination cards and WA State Certificates of COVID-19 Vaccination should include all the following information: product name, date of dose(s), vaccine lot number, patient's date of birth, the clinic/location or medical provider's name, and possibly an IIS reference number.

[DOH has guidance for how to verify CDC vaccination cards and other types of proof of vaccination available online.](#)

[DOH has resources about vaccine verification and proof of vaccine in multiple languages available online.](#)

## **Is frequent testing an alternative to vaccination for a Health Care Provider who works for me as an employee, volunteer, or contractor?**

No. If an individual does not qualify for an accommodation, they must get vaccinated. Testing is not an allowed alternative.

If an individual qualifies for an accommodation, they are exempt from the requirement to get vaccinated. Testing may be an option for an operator of a health care setting to consider for individuals entitled to accommodations.

## **I have employees, volunteers, and contractors requesting exemptions. Under what circumstances may I grant those?**

The proclamation permits health care setting operators to provide disability-related reasonable accommodations and sincerely held religious belief accommodations to the requirements of the proclamation as required by the Americans With Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), and any other applicable law. Employers may follow their pre-existing accommodation processes, provided they comply with applicable law. "Disability" is defined in the laws noted above and includes certain medical conditions and other sensory, mental, and physical impairments.

For example, the CDC recommends delaying or avoiding COVID-19 vaccination due to certain [clinical considerations](#), such as ongoing recovery from COVID-19 infection or a prior severe allergic reaction after a previous dose or to a component of a COVID-19 vaccine. Those clinical considerations may be disabilities justifying an accommodation.

## **What documentation must I obtain when an employee, volunteer, or contractor requests a disability-related reasonable accommodation to the vaccine requirement?**

The proclamation requires that, to the extent permitted by law, before providing a disability-related reasonable accommodation, a health care setting operator 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 length of time that the accommodation will be needed.

**Who is considered an appropriate health care professional for the purposes of requesting a disability-related reasonable accommodation?**

The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes.

## Health Care System Operator Responsibilities & Documentation

**What documentation must I maintain when an employee, volunteer, or contractor requests a religious accommodation to the vaccine requirement?**

The proclamation requires that, to the extent permitted by law, before providing a sincerely held religious belief accommodation, the health care setting operator document that the request was made. This 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. The statement may be provided in writing by the requestor or documented by the operator based on information provided by the requestor, in compliance with applicable law.

**If an employee, volunteer, or contractor refuses to provide proof of vaccination, do I need to terminate their employment?**

Under the proclamation, after October 18, 2021, you are prohibited from permitting a Health Care Provider to engage in work for you as an employee, volunteer, or contractor if the individual has not been fully vaccinated against COVID-19 and provided proof of vaccination to you or been approved for a medical or religious accommodation.

**Are visitors, patients or family members required to be vaccinated?**

Only if the visitor, patient, family member is a Health Care Provider who falls under the proclamation. Operators of health care settings are not required to verify the vaccination status of a visitor, patient, or family member unless the individual also happens to be a Health Care Provider working for the operator as an employee, volunteer, or contractor. Health care setting operators can set their own vaccination policies for visitors and patients.

## Other Considerations for Health Care Setting Operators:

**What do I do if individuals who are not my employees do not provide proof of vaccination?**

A health care setting operator is prohibited from allowing an employee, volunteer, or contractor from engaging in work for them after October 18, 2021 if the individual has not been

fully vaccinated against COVID-19 and provided proof thereof to the operator, unless the individual is exempt.

### **What happens if an employee, volunteer, or contractor submits a CDC card that later is found to be false?**

If documentation submitted by a Health Care Provider is later found to be false, the operator of the health care setting must stop permitting the individual to perform work. The employer may address this further based on their policies and any applicable collective bargaining agreements. [This guide teaches you how to verify COVID-19 vaccination record cards.](#)

### **Do private employers have to bargain with their unions since this is a government requirement?**

Affected employers with workers represented by a union are to address the impacts of this proclamation in accordance with the provisions of any collective bargaining agreement between the parties.

### **Will employees who quit or are terminated related to vaccine status be eligible for unemployment benefits?**

When an employee's separation is the result of failure to comply with an employer's requirement to become vaccinated, the Washington State Employment Security Department (ESD) will examine a number of factors. These factors may include when the employer adopted the requirement, whether the employee is otherwise eligible for benefits, the specific terms of the vaccine policy including allowable exemptions, and the reason why the employee did not comply with the vaccine requirement.

For example, when the employer offered religious or medical accommodations, but the employee does not qualify for an accommodation and does not comply with the vaccine requirement, a claim would likely be denied. However, some individuals may still qualify based on their own unique circumstances. ESD will evaluate each case on its own merit.

### **Will the state suspend a provider's credential if they do not get vaccinated?**

The Department of Health, along with the professional Boards and Commissions, will follow their normal complaint and investigation processes regarding legal requirements for credential holders. Depending on the circumstances, this could include taking action against a provider's credential.

### **What happens if I don't follow the requirements of the proclamation as the operator of a health care setting?**

The proclamation has the force and effect of law and willful violation of it is a gross misdemeanor. The Department of Health, along with the boards and commissions that regulate health care providers, will follow their normal complaint and investigation processes regarding legal requirements for credential holders. Depending on the circumstances, this could include taking action against a facility's license or provider's credential if they are in violation of the

proclamation. Employers may also be subject to action from other state agencies with jurisdiction over worker safety.

**What liability protections are there for health care setting operators who are implementing this proclamation?**

Health care setting operators should consult with their legal counsel about any questions they have regarding liability and any potential liability protections.

**Does this proclamation require other vaccinations, such as for flu?**

No.