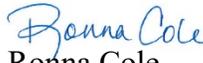




STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
P.O. Box 41100 • Olympia, Washington 98504-1100

October 13, 2020

**TO:** All Corrections Staff

**FROM:**    
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Prisons/Health Services Unified Command Incident Commanders

**SUBJECT: DOC COVID-19 Staff Serial Testing Frequently Asked Questions**

As staff serial testing expands across the Department of Corrections, we've received a number of questions about the department's staff serial testing processes and procedures to date. We will be folding these into the [COVID-19 Corrections Staff Frequently Asked Questions](#) on the DOC COVID-19 website for your convenience.

**1. Is contact tracing/mapping information attached to results? Where does family member information get shared?**

DOC does not attach any contact mapping information to the test result. We only map to ensure those who are in close contact get quarantined. There is no family information taken, unless the positive staff member is married to, lives with or has close personal contact with another DOC employee. That person may also be required to quarantine based on the personal relationship. No mapping information is linked and no family member's information is necessary or requested beyond DOC employees who live together.

**2. Where are the tests going? What is the name of the lab?**

Currently, the samples are being shipped overnight by FedEx to NW Pathology in Bellingham, Wash., or the University of Washington Laboratory in Seattle. These are two of several DOH contracted laboratories. DOH may direct us to utilize a different contract lab in the event our current labs get overwhelmed, or have a serious equipment failure and can no longer provide results within the reasonable 72 hours or less.

**3. What happens to the tests when they are complete? And where does that info go?**

Each laboratory is required by law to report results to the Washington Disease Reporting System. This system is managed by DOH and only grants access to other local county

health jurisdictions in Washington state. The laboratory also requires DOC to manage a portal or dashboard system where we upload staff members' information on a laboratory requisition each week for testing. The lab then uploads the positive, negative or inconclusive result onto the portal so that you can be notified of your result and DOC can immediately respond to a positive test. DOC staff members who have been granted access to this portal have been informed of the requirement that this information is confidential and they are required to sign a DOC confidentiality agreement. Test results are not kept on file in the staff members file and are not printed unless the staff member requests such. These test results are only kept within the laboratories' portal and DOC only shares your test result with you and those staff at the facility who require notification in order to be aware of your current status.

**4. Why do non-medical staff have access to medical testing results? Is this not a Health Insurance Portability and Accountability Act (HIPAA) violation?**

Any employee identified to assist in the DOC COVID-19 Staff Serial Testing (sample collection, mapping, etc.) is required to sign a confidentiality document, binding them to the requirement of confidentiality. Additionally, per AG review, this is not a HIPAA violation per HIPAA law, 45 CFR 164.512 (b) in part and 45 CFR 164.512 (j).

**5. Can the results be publically disclosed?**

No, personal medical information is not disclosable.

**6. Why are we doing this now, since we already take temps and ask screening questions?**

Most people who have COVID-19 do not show symptoms but can still be contagious. We have identified several asymptomatic positive staff members through serial testing and have been able to immediately isolate them from the facility in our attempt to keep COVID-19 from spreading. We have experienced the deaths of two incarcerated individuals and one staff member to COVID-19 and that is three deaths too many. The test process and results are significantly more reliable now than they were 200+ days ago and we continue to treat every positive as a positive and retest staff every week in the event we receive a false negative one week.

**7. Who manufactures the test?**

The Department of Health has several different vendors for the swabs, vials, and packaging supplies. These supplies are purchased from separate vendors and sent to DOC individually where they are used in the staff serial testing location. You are welcome to contact the facility Staff Testing Branch Director and ask to be shown the supplies used.

**8. What RCW governs DOC's right to have mandatory medical testing of state employees?**

There is not an RCW that governs this. The identification of a public health crisis supports

the mandatory testing requirement and the State of Washington and the Washington Department of Corrections are under a Governor's State of Emergency proclamation. Under the current Teamsters 117 CBA, Article 3, Management may take any and all actions as may be necessary to carry out the mission of the Department in emergency situations.

To date, Teamsters 117 has been supportive of mandatory staff serial testing. Our Agency has been and will continue to work closely with the Department of Health (DOH) to respond to the COVID-19 public health crisis. The DOH has helped guide DOC through the COVID-19 Staff Serial Testing process to include educating and training staff for sample collection, PPE recommendations, testing implementation, authorized laboratories, testing supplies, etc.

**9. Who made the decision to mandate mandatory medical testing of DOC employees?**

The Secretary of Health holds authority in this circumstance as identified in RCW 43.70.130, RCW 70.05.070 and WAC 246-100-036. This decision was made in conjunction with the Governor's Office, DOC and DOH Leadership.

**10. Are all state employees being tested for COVID-19? If not, why are they exempt?**

DOC employees working in the Prison environment will be required to participate in COVID-19 Staff Serial Testing. DOC cannot speak for other state agencies. The goal is to have COVID-19 Staff Serial Testing implemented at all Prisons by the end of October 2020. In other like environments, in this case, Nursing Homes/Assisted Living Facilities, state employees are required to COVID-19 test. The likeness between Nursing Homes/Assisted Living and Prison Facilities is the congregate style living environment, visitors, and staff members who return to their communities and potentially carry the virus.

**11. If a staff member refuses to be tested for COVID-19 and are denied entry, will there be alternate work sites available to them since the Governor wants to see more staff working from alternative work sites?**

Employees who refuse to participate in mandatory testing will have an opportunity to meet with Human Resources to determine options.

**12. What happens if a staff member continues to refuse to be tested for COVID-19?**

The employee will continue to be denied access and will need to use their own leave. Once leave is exhausted, they will enter into Leave without Pay status.

**13. If the COVID-19 testing procedures currently in place have worked and the staff member refuses to go through the swab testing, will they be allowed to use the current testing procedures in place instead of the swab testing?**

Self-swab testing is the current and only approved method in use by DOC and DOH for

staff testing within Prisons. If other options present in the future, those will be vetted by the DOH and DOC. The current approved method is a nasal swab, it is not the method that many report as being invasive or painful. Some have reported the current approved method feels much like wiping your nose with a Q-tip or cleaning your external ear with a Q-tip, no pain or discomfort.

**14. Is self-swabbing considered a medical procedure?**

The Attorney General’s office representing DOH and DOH Management have determined that Medical staff are not required to be onsite and administer testing. Similar to the community setting where non-medical National Guard members and civilian volunteers are staffing drive up testing sites, DOC employees provide you a swab that you self-administer.

**15. If we have positive test results, can staff get tested with their personal doctor and provide a negative test result and get returned to work?**

NO, a positive test result is a positive test result and will be treated as such through the 14-day isolation cycle, regardless of other testing.

**16. What happens if a vaccine comes out and the staff member refuses to be vaccinated? Will they be separated from state service?**

As the national and state response to COVID-19 evolves, DOC and DOH will assess the options and adjust policies using the best information available. This would include any progress towards the development of a vaccine, its implementation, timeline and effectiveness.

**17. How are we tested?**

The current and only approved method for COVID-19 Staff Serial Testing sample collection is a nasal swab. It is not the nasopharyngeal swab that has been reported as the collection method early on in mainstream media. Many have described the sample collection as similar to running a Q-Tip on the exterior of the ear with zero discomfort or pain involved.

**18. Who pays for the tests?**

The Department of Health covers the costs of testing. At one point, a small number of staff received invoices sent erroneously from one of the authorized laboratories. This was corrected immediately upon Prisons Health Services Unified Command learning of the invoices. DOC employees participating in DOC COVID-19 staff serial testing have no financial responsibility for the costs associated.

**19. What happens to my sample?**

Once the laboratory completes sample testing, the sample is destroyed through incineration

between three and seven days' time. No additional testing or information is extracted from the samples. Once a sample has been processed at the lab and a result is identified, the lab may use the sample (positive or negative) to help calibrate new test lab machines.

**20. How do I learn my results?**

Test results are provided via a secure facility portal and staff are notified of results by either the Occupational Nurse Consultant or identified staff who have completed and signed the Confidentiality Acknowledgement form. For those staff who have not received their results within the typical 48-hour timeframe, a 1-800 number is provided.

**21. When does this end?**

At this point, there is no identified end date for serial testing for any facility. As we know that the normal flu season is approaching, we also have been informed that a second wave of COVID-19 transmission is likely. We will continue to collaborate with the Department of Health to find approaches to help mitigate the spread of COVID-19.