

Federal Public Health Emergency ends: How does this impact school testing?

With the ending of the federal public health emergency, there will be changes to how testing can be implemented within WA K-12 schools. We're providing the following information to help you understand what you can expect.

The federal public health emergency ends on May 11, 2023. As a result, DOH authorizations and standing orders will expire and no longer be available for use. These authorizations have permitted non-medical staff to administer COVID-19 tests in schools and provided broad immunity protections under the federal PREP Act ([Public Readiness and Emergency Preparedness Act](#)).

The testing authorization and standing order that will expire and no longer be available for use are:

- Prep Act Authorization for Participants in Learn to Return COVID-19 Testing Program, dated 08/27/2021
- Standing order for COVID-19 Screening in Schools Through Learn to Return, dated 09/17/2021

Schools that leverage DOH testing support or participate in WA's COVID-19 school testing program, Learn to Return, will be affected. **After May 11th, these are the anticipated impacts:**

- Schools that want to continue providing on-site testing may do so as permitted by state law. State law permits school nurses to administer COVID-19 tests and to delegate testing duties to unlicensed school employees with appropriate competency, training, and supervision.
- Per input from the Nursing Care Quality Assurance Commission, registered nurses can legally perform CLIA-waived tests without a provider order. For more information on NCQAC, please visit [Registered Nurse | Nursing Care Quality Assurance Commission \(wa.gov\)](#).
- Students can continue to receive access to on-site point of care COVID-19 testing at school as long as there is a signed consent form from their parent or guardian providing authorization for testing and schools comply with applicable state law.
- Federal PREP Act protections will remain in place through December 2024 for tests and other covered countermeasures related to federal agreements. Anyone who is authorized by state law to administer COVID-19 tests will continue to have liability protections under the federal PREP Act *when they administer COVID-19 tests that are related to federal agreements*. All tests that are administered using DOH-supplied/funded COVID-19 tests or through WA's COVID-19 school testing program, Learn to Return, are considered related to federal agreements.

- School nurses and unlicensed school employees with duties delegated by a school nurse will continue to have PREP Act liability protections when administering tests using DOH-supplied/funded COVID-19 tests or through Learn to Return.
- DOH's position is that DOH contractors' staff who are authorized by state law to administer COVID-19 tests, such as licensed RNs, will continue to have PREP Act liability protections when administering tests pursuant to a contract with DOH. Contractors should consult with their legal counsel to further assess impacts.
- Schools that do not have nursing staff to administer tests or delegate testing duties to unlicensed school employees can continue supporting access to COVID-19 testing by distributing self-tests for home use or provide information on where to access testing.

Testing resources and access to testing supplies through the Learn to Return program will remain available.

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