

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
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BY SUSAN L. CARLSON  
CLERK

No. \_\_\_\_\_

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**SUPREME COURT OF THE STATE OF WASHINGTON**

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SHYANNE COLVIN, SHANELL DUNCAN, TERRY KILL, LEONDIS  
BERRY, and THEODORE ROOSEVELT RHONE,

*Petitioners,*

v.

JAY INSLEE, Governor of the State of Washington, and STEPHEN  
SINCLAIR, Secretary of the Washington State Department of Corrections,

*Respondents.*

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**DECLARATION OF CASSIE SAUER**

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I, Cassie Sauer, declare under penalty of perjury under the laws of the United States of America that the following statements are true and correct to my best knowledge and belief:

1. I am over the age of 18 and am competent to testify as to the contents of this declaration.

2. I am the President and Chief Executive Officer of the Washington State Hospital Association.

3. As a part of my duties, I am tasked with building and maintaining relationships with our member hospitals, federal and state agencies, and other community partners.

4. During times of crises such as the present COVID-19 pandemic, my role is to help manage the tremendous expectations that our elected officials and the public place on hospitals. I do this by messaging, listening to hospital needs, and communicating with our elected officials and other governmental agencies. This way, hospitals can focus on care delivery and WSHA can assist in making sure they have the resources they need.

5. The number of COVID-19 cases in Washington is growing quickly. As of Friday, March 20, 2020, there were 1,524 positive / confirmed cases in Washington State and 83 deaths. This information is updated regularly and is available on the Washington State Department of

Health website ([doh.wa.gov/Emergencies/Coronavirus](https://doh.wa.gov/Emergencies/Coronavirus), updated on March 20, 2020, at 3:00 p.m.), as well as on WSHA's dashboard ([wsha.org/for-patients/coronavirus/coronavirus-tracker/](https://wsha.org/for-patients/coronavirus/coronavirus-tracker/)).

6. When there is threat of an illness that could cause a surge of patients, each individual hospital steps up its preparedness and coordination activities. In the case of COVID-19, hospitals around the state are working closely with the Centers for Disease Control, the Washington State Department of Health (DOH), and local public health agencies to coordinate response efforts.

7. Hospital care is a precious resource that needs to be reserved for those with the most serious needs. During disease outbreaks, hospitals and health systems need to care not just for those affected by the disease but for many other urgent and emergent patients with heart attacks, cancer, burns, mental health and stroke care.

8. However, the growing number of COVID-19 cases in Washington has already started to strain the hospital/health systems in the Puget Sound region, both because of the surge in the needs of patients and the decrease in our available workforce.

9. Many hospital and health care workers are already staying home, per public health recommendations, including due to their age, health condition, possible virus exposure, or as caregivers. Workers who

are 60 years and older make up a significant part of the workforce – about 15-20% in hospitals. Hospitals also have pregnant and immune-compromised workers who are not currently working. One hospital reported that if all schools were closed in King County, a conservative estimate is about 1,500 to 2,000 employees would not report to work (as seen in snowstorms with school closures). This is about 10-14% of our workforce.

10. At the same time our member hospitals are experiencing a decrease in their available workforce, we have seen an increase in the number of COVID-19 patients who need to be hospitalized. Each hospital is assessing their status, and all are canceling elective procedures to preserve capacity for increasing numbers of COVID-19 cases, as well as other emergency needs.

11. Hospitals and health care systems are also experiencing dire shortages in critical equipment, from ventilators to personal protective equipment for hospital workers. Some hospital staff have even taken to making their own protective equipment using materials purchased off-the-shelf, such as fabric masks and plastic face shields.

12. The demands on hospital and health care system resources are projected to potentially be so overwhelming that WSHA and other health care leaders in Washington State have begun preparing a triage

strategy to determine which patients may have to be denied complete medical care in the event that the health system becomes overwhelmed by the coronavirus in the coming weeks. These are decisions that no health care provider ever wants to have to make – yet it is necessary to have criteria in place should they become necessary.

13. In addition to the potential for the surge in patients from the general public, WSHA and our member hospitals are concerned about additional patients – and demand on hospital systems – that may come from the prisons and jails located around the state.

14. According to the Department of Corrections (DOC) website, there are approximately 17,800 people in their custody in 12 facilities across Washington State. Most of these facilities are located outside of large metropolitan areas and lack access to a hospital with capacity to provide appropriate care for a surge of patients with COVID-19 cases.

15. As congregate living facilities, prisons and jails are already places where, if an infectious disease takes hold, it is likely to spread very quickly. The question is not if, but when COVID-19 begins to spread in Washington's prisons and jails.

16. Moreover, with a high population of people at risk due to their age or chronic health conditions, prisons and jails, much like nursing

homes, are very likely to experience dramatic impacts if COVID-19 is present and allowed to spread. Highly vulnerable individuals are more likely to exhibit severe symptoms and to require more intensive care, including hospital care.

17. Ensuring public health requires that all people do their part to help stem the spread of COVID-19. For example, the community has been ordered by the Governor to take dramatic and unprecedented social distancing measures, including restaurant and school closures. There are other critical steps that government officials can and should take –to help alleviate the spread of COVID-19 in prisons and jails, which in turn, will help decrease the surge in demand on hospitals.

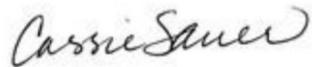
18. DOC should immediately institute protective measures within their facilities to protect inmates, its employees, and the public. These measures should follow state and local guidance aimed at protecting older adults and people with underlying severe chronic medical conditions; providing appropriate testing when available and health care; enabling social distancing; and other proactive measures to prevent spread.

19. DOC should work to identify their most vulnerable residents to secure their safety against a potential spread of COVID-19. These high-risk populations include older people and those with pre-existing conditions.

20. DOC should coordinate with hospitals so that DOC actions are best targeted toward decreasing demand on hospitals, both with regard to reducing a surge in the need for hospital care and so that critical staff, supplies, equipment are not diverted from hospitals.

21. Without action to prevent spread of COVID-19 in Washington's prisons and jails, a surge of prisoners and inmates with COVID-19 would contribute to hospital overwhelm which could lead to difficult decisions to ration care based on limited hospital resources. In turn, all Washingtonians will suffer a decreased ability to access to necessary health care.

Signed in Seattle, Washington, this 21st day of March 2020.



Cassie Sauer  
President & CEO, Washington State Hospital Association

# COLUMBIA LEGAL SERVICES, INSTITUTIONS PROJECT

March 24, 2020 - 7:14 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 98317-8  
**Appellate Court Case Title:** Shyanne Colvin et al. v. Jay Inslee et al.

### The following documents have been uploaded:

- 983178\_Other\_20200324191341SC724041\_5684.pdf  
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### Comments:

Declaration in Support of Petition for Mandamus

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