

COVID-19 Emergency Orders and Waivers for Comprehensive Care Facilities from ISDH

Date	Emergency Order or Waiver	Summary	Link
March 20, 2020	<u>Waiver</u> on Tuberculosis (TB) Screenings for Staff (410 IAC 16.2-3.1-14(t)(1))	Comprehensive care facilities (CCFs) are not required to screen employees and nonpaid personnel for TB within ninety (90) days of their employment. Subsequent annual screenings are still required.	The entirety of the Waiver can be found here .
March 20, 2020	<u>Waiver</u> on Resident X-Rays (410 IAC 16.2-3.1-18(c))	CCFs are not required to obtain a diagnostic chest X-ray for residents within six (6) months prior to admission.	The entirety of the Waiver can be found here .
March 20, 2020	<u>Waiver</u> on Tuberculin Skin Tests for Residents (410 IAC 16.2-3.1-18(e))	CCFs are not required to complete a tuberculin skin test for residents three (3) months prior to admission; CCFs must instead complete a tuberculin skin test for residents within ninety (90) days of a resident's admission.	The entirety of the Waiver can be found here .
March 21, 2020	<u>Waiver</u> on Living Arrangement Requirements (410 IAC 16.2-3.1-10)	CCFs are not required to adhere to the living arrangement requirements contained in 410 IAC 16.2-3.1-10 (i.e., a resident has the right to share a room with his or her spouse) in order to facilitate necessary resident moves on a rapid basis.	The entirety of the Waiver can be found here .
March 21, 2020	<u>Waiver</u> on Transfer and Discharge Rights (410 IAC 16.2-3.1-12(a)(7))	CCFs are not required to provide notice of transfer or discharge at least thirty (30) days prior; a CCF must instead provide notice of transfer or discharge as soon as practicable.	The entirety of the Waiver can be found here .
March 21, 2020	<u>Waiver</u> on CNA Employment (410 IAC 16.2-3.1-14(b))	CCFs may employ certified nurse aides (CNAs) prior to completion of training and testing for up to eight (8) months, (Current regulation only allows employment for up to four (4) months).	The entirety of the Waiver can be found here .
March 21, 2020	<u>Waiver</u> on CNA Training (410 IAC 16.2-3.1-14(c)(1))	Each CCF's CNA training program shall include thirty (30) hours of classroom instruction within two hundred forty (240) days of employment (Current regulation requires thirty (30) hours of classroom instruction within one hundred twenty (120) days of employment).	The entirety of the Waiver can be found here .

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March 21, 2020	<u>Waiver</u> on Physician Visit Schedules (410 IAC 16.2-3.1-22(d))	The requirement that a physician visit a CCF resident at least once every thirty (30) days for the first ninety (90) days after admission, and at least every sixty (60) days thereafter, is waived to facilitate telemedicine and other means of physician contact and oversight.	The entirety of the Waiver can be found here .
March 21, 2020	<u>Waiver</u> on Activities Programming (410 IAC 16.2-3.1-33(b)(1-7) and (9))	CCFs are not required to plan the following: 1) Group social activities; 2) Indoor and outdoor activities; 3) Activities away from the facility; 4) Spiritual programs and attendance at houses of worship; 5) Opportunities for resident involvement in the planning and implementation of the activities program; 6) Creative activities such as arts and crafts; 7) Exercise activities; and 8) Promotion of facility/community interaction. CCFs are still required to plan one (1) to one (1) attention.	The entirety of the Waiver can be found here .
March 21, 2020	<u>Waiver</u> on Dining Assistant Requirements (410 IAC 16.2-3.1-53)	CCFs may permit an individual to perform dining assistant functions if the facility documents that the individual has completed certain training, although such individuals may not provide dining assistance to residents with known choking or swallowing difficulties or administer tube / IV feedings.	The entirety of the Waiver and training requirements can be found here .
March 21, 2020	<u>Emergency Order</u> on Temporary Personal Care Attendants (PCAs)	CCFs may train and subsequently utilize temporary PCAs to perform resident care procedures that do not require the skill or training required of a CNA, if the PCA is eighteen (18) years of age, completes the required eight (8) hour training, and satisfies the requirements for “other unlicensed employees” as set forth in IC 16-28-13. Please see the Amended Emergency Order issued on April 2, 2020, below.	The entirety of the Emergency Order and training requirements can be found here . Following any PCA training, the spreadsheet linked here should be completed and submitted to aides@isdh.in.gov .
March 23, 2020	<u>Waiver</u> on Employee Physical Examinations (410 IAC 16.2-3.1-14(t))	CCFs are not required to obtain a physical examination of each employee one (1) month prior to employment.	The entirety of the Waiver can be found here .

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<p>March 26, 2020</p>	<p><u>Emergency Order</u> on the Provision of Services in Alternative Settings</p>	<p>Any CCF that has:</p> <ul style="list-style-type: none"> (1) declared a COVID-19 facility emergency (there does not need to be a known COVID-19 case to do so); and (2) notified ISDH of the declaration may: <ul style="list-style-type: none"> (a) render care and services to a resident in any resident bed or room within the CCF, without regard to whether the bed or room is certified or otherwise approved for a particular category of residents or reimbursement (i.e., Medicaid); and/or (b) render care and services to a resident relocated to unlicensed space within the CCF, or to a different unlicensed facility, provided that the relocating CCF immediately gives notice to ISDH, provides full details of the relocation, continues meeting all of the resident’s care and safety needs, and notifies ISDH when the resident returns to the CCF. 	<p>The entirety of the Emergency Order can be found here.</p>
<p>March 26, 2020</p>	<p><u>Waiver</u> on Structural and/or Bed Changes (410 IAC 16.2-3.1-2(d) and (e))</p>	<p>Any CCF that has:</p> <ul style="list-style-type: none"> (1) declared a COVID-19 facility emergency (there does not need to be a known COVID-19 case to do so); and (2) notified ISDH of the declaration may: <ul style="list-style-type: none"> (a) remodel or make other structural changes if the CCF notifies ISDH of the change within three (3) days, provides ISDH with drawings and supporting narrative to show and describe what changes have been or will be made, and requests temporary approval from ISDH; and/or (b) relocate, convert, and reclassify beds and renumber rooms if the CCF notifies ISDH of the 	<p>The entirety of the Waiver can be found here.</p> <p>Please note, the Waiver also details the steps that need to be taken following the public health emergency if these changes are going to be rolled-back or made permanent.</p>

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March 26, 2020	<u>Waiver</u> on Access and Visitation Rights (410 IAC 16.2-3.1-8)	CCFs are not required to adhere to access and visitation rights outlined in 410 IAC 16.2-3.1-8, including providing reasonable visiting hours at least nine (9) hours a day, in order to comply with CMS and ISDH guidance to restrict visitors.	The entirety of the Waiver can be found here .
April 2, 2020	<u>Amended Emergency Order</u> on PCAs	CCFs may train and subsequently utilize temporary PCAs to perform resident care procedures that do not require the skill or training required of a CNA if the PCA is at least sixteen (16) years of age or older (an Emergency Order from March 21 st only permitted PCAs eighteen (18) years of age or older). All PCAs must still complete the required eight (8) hour training and satisfy the requirements for “other unlicensed employees” as set forth in IC 16-28-13.	The entirety of the Amended Emergency Order can be found here . Following any PCA training, the spreadsheet linked here should be completed and submitted to aides@isdh.in.gov .
April 2, 2020	<u>Waiver</u> on Resident Transfers and Discharges (Various Subdivisions of 410 IAC 16.2-3.1-12(a))	The Waiver amends the transfer and discharge process as it relates to the required appeals notice and timing of a requested appeals hearing, including modifying the twenty-three (23) day timeframe to “as soon as the ISDH deems practical after expiration or withdrawal of the Governor’s declaration of the public health emergency.”	The entirety of the Waiver can be found here .