

IOWA DEPARTMENT OF

INSPECTIONS & APPEALS

COVID-19

STATE HEALTH FACILITY WAIVERS

Updated 09/01/20

How to use this waiver document

This document is designed to provide information about State waivers/exceptions that are automatically in place due to an existing governor’s proclamation, and how apply for other State waivers not listed here. As additional waiver information is revised or updated, it will be added to the document with the date the revision/update is made.

[View available federal waivers here.](#)

What facility types are eligible for waivers?

The State of Iowa and the Centers for Medicare and Medicaid Services (CMS) have made available several waivers to assist in managing patient or resident needs during the COVID-19 response. The waivers are available for the following facilities:

CMS 1135 Waivers

- Ambulatory Surgical Centers
- Critical Access Hospitals
- End-Stage Renal Disease Facilities
- Home Health Agencies
- Hospices
- Hospitals
- Intermediate Care Facilities for Individuals with Intellectual Disabilities
- Nursing Facilities
- Psychiatric Residential Treatment Facilities
- Rural Health Clinics
- Skilled Nursing Facilities

State-Only Waivers

- Adult Day Programs
- Assisted Living Programs
- Assisted Living Programs for People with Dementia
- Critical Access Hospitals
- Elder Group Homes
- Hospices
- Hospitals
- Nursing Facilities
- Psychiatric Medical Institutions for Children
- Residential Care Facilities
- Intermediate Care Facilities for Individuals with Intellectual Disabilities
- Skilled Nursing Facilities
- Sub-Acute Mental Health Facilities

How do I request a federal 1135 waiver?

To request an 1135 waiver, sending an email to ROCHISC@cms.hhs.gov and copy hfdwaivers@dia.iowa.gov. If you have questions about these waivers, email CMS directly at 1135waiver@cms.hhs.gov. The Centers for Medicare and Medicaid Services (CMS) issued a [list of 1135 blanket waivers](#) for multiple health care providers, retroactive to March 1, 2020, through the end of the federal emergency declaration. (04/07/20)

CMS maintains a [Waiver and Flexibility](#) website where their most current waiver information may be found, including provider-specific fact sheets.

How do I request a State waiver?

To submit request for a State-only waiver not listed here (covered by an existing governor’s proclamation), submit an email to hfdwaivers@dia.iowa.gov that includes the following information:

- Name, address, and type of facility;
- Rule(s) for which the waiver/variance is being requested;
- Briefly state why compliance with the rule(s) at would pose an undue hardship; and
- Briefly describe how the variance will not endanger the health, safety, or welfare of any resident or infringe upon the rights of any person. (04/07/20)

Looking for answers to frequently-asked questions about health facilities?
Please refer to the FAQ guide on the department’s [COVID-19 website](#).

Contents

Ambulatory Surgery Centers.....	4
Assisted Living Programs.....	4
Certified Nursing Assistants	5
Community Mental Health Centers	6
End-Stage Renal Dialysis Facilities	6
Home Health Agencies.....	6
Hospices	6
Hospitals, Psychiatric Hospitals, and Critical Access Hospitals, including Cancer Centers and Long-Term Care Hospitals	6
Intermediate Care Facilities for Individuals with Intellectual Disabilities.....	12
Intermediate Care Facilities for Persons with Mental Illness	12
Long-Term Care Facilities.....	13
Residential Care Facilities	15

Ambulatory Surgery Centers

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

Assisted Living Programs

1135 BLANKET WAIVERS

There are no 1135 blanket waivers that impact assisted living programs as they are State-certified only. (04/07/20)

STATE OF IOWA WAIVERS

- **BACKGROUND CHECKS.** Iowa Administrative Code rule 481—67.19(3) requires an assisted living program to complete a criminal history check prior to employment of an individual in a program. This regulatory provision is suspended to the extent that a program may employ an individual once that criminal history check is submitted, pending completion. The Department of Inspections and Appeals (DIA) suggests that facilities utilize a third-party vendor to conduct a comprehensive preliminary background check and provisionally employ the applicant pending completion of the required record checks through the single contact repository and evaluation by the Iowa Department of Human Services. (04/07/20)
- **FINES.** Fines for assisted living programs required by Iowa Administrative Code rule 67.17 are waived to the extent that such fines may be issued in suspension. (04/07/20)
- **UPDATING SERVICE PLANS.** Iowa Code § 231C.3(1)(c) and Iowa Administrative Code rule 481—69.22(2), requiring an assisted living program to update a tenant’s service plan within 30 days of occupancy, is suspended. (04/07/20)
- **INFORMATION AFTER EXIT CONFERENCE.** Iowa Code § 231C.8(1) and Iowa Administrative Code rule 481—67.13(1), requiring an assisted living program to submit any additional or rebuttal information to DIA within two working days of an exit interview at the conclusion of a monitoring evaluation or complaint investigation, is suspended. (04/07/20)
- **MEDICATION ADMINISTRATION.** Iowa Administrative Code rule 481—67.5(2), requiring a person administering medications in an assisted living program have, at a minimum, passed a medication manager course and examination, is suspended as of April 15, 2020, the date upon which that rule becomes effective. (04/07/20)
- **ASSISTED LIVING MANAGEMENT AND NURSING CLASSES.** Iowa Administrative Code rule 481—69.29(5) and (6), requiring a new program manager and delegating nurse in an assisted living program to complete an assisted living management class and/or an assisted living nursing class within six months of employment, is suspended. (04/07/20)

- **IN-PERSON VISITATION IN ASSISTED LIVING PROGRAMS.** Iowa Admin. Code rule 481—67.3(6) is suspended to the extent those provisions permit in-person visits with tenants in an assisted living program. (04/14/20)
- **CHAPTERS 67 AND 69 RULEMAKING EFFECTIVE APRIL 15, 2020 (ARC 4976c).** New and revised rules in chapters 67 and 69 originally scheduled for implementation on April 15, 2020, will now be implemented on Sept. 1, 2020. (04/20/20)

Certified Nursing Assistants

STATE OF IOWA WAIVERS

- **CERTIFIED NURSE AIDE TRAINING.** Iowa Admin Code rule 481—58.11(1)(i) provides that a nurse aide who has not completed the state-approved 75-hour nurse’s aide program shall be required to participate in a structured on-the-job training program of 20 hours’ duration. This regulatory provision is suspended to the extent that the individual has completed a comparable training course approved by the department of inspections and appeals or has completed at least 20 hours of the state-approved 75-hour nurse’s aide program and the facility has documentation that it has implemented training and supervision measures to ensure the individual’s competency in any tasks performed. (04/14/20)
- **CERTIFIED NURSE AIDE TRAINING—LICENSURE IN ANOTHER STATE.** Iowa Admin Code rule 481—58.11(1)(k), requiring that certified nurse aides who have received training other than the Iowa state-approved program must pass a challenge examination, is suspended to the extent that the individual is able to demonstrate competency in skills and techniques necessary to care for residents’ needs as required by 42 CFR § 483.35(c) and (d)(1)(i). (04/14/20)
- **CERTIFIED NURSE AIDE TRAINING—4 MONTH EMPLOYMENT LIMITATION.** Iowa Admin Code rule 441—81.13(19)(e)(2)(2) requires that a facility shall not use any person working in the facility as a nurse aide for more than four months unless that person has completed a training and competency evaluation program approved by the department of inspections and appeals. This provision is suspended to the extent that the individual is able to demonstrate competency in skills and techniques necessary to care for residents’ needs as required by 42 CFR § 483.35(c) and (d)(1)(i). (04/14/20)
- **CERTIFIED NURSE AIDE TRAINING—NURSE AIDE REGISTRY.** Iowa Admin Code rule 441—81.16(5)(b)(2)(3) and (5)(c)(5)(2), requiring that the department of inspections and appeals shall remove certified nurse aides from the Iowa Direct Care Workers Registry if they have performed no nursing or nursing-related services for monetary compensation for a period of 24 consecutive months, is suspended to the extent that the individual is able to demonstrate competency in skills and techniques necessary to care for residents’ needs as required by 42 CFR § 483.35(c) and (d)(1)(i). (04/14/20)
- **CERTIFIED NURSE AIDE TRAINING—NURSE AIDE TRAINING PROGRAMS.** Iowa Admin Code rule 441—81.16(3), requiring minimum standards for nurse aide training and competency evaluation programs the department of inspections and appeals may approve, is suspended to the extent

that the program has been approved by the Centers for Medicare and Medicaid Services.
(04/14/20)

Community Mental Health Centers

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

End-Stage Renal Dialysis Facilities

1135 BLANKET WAIVERS

- [Listed in CMS document.](#)

Home Health Agencies

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

Hospices

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

Hospitals, Psychiatric Hospitals, and Critical Access Hospitals, including Cancer Centers and Long-Term Care Hospitals

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

STATE OF IOWA WAIVERS

DIA is currently reviewing hospital rules/Chapter 51 for waiver. (04/07/20)

- **PHYSICAL ENVIRONMENT.** In order to comply with the 1135 blanket waiver approval, the alternative locations must be approved by the State. In order to be approved by the State, the following must be submitted:
 - Provide the following information to the State Fire Marshal's (SFM) at vasiljev@dps.state.ia.us:
 - Hospitals should consider utilizing buildings/venues that are protected by existing fire safety systems (sprinkler and/or fire alarm systems). These options should be used first if possible.

- Hospital name;
- Hospital CMS Certification Number (CCN);
- Proposed department(s) to relocate to the patient’s home;
- Approximate number of patients to be served in patient’s homes;
- Plan to meet infection control requirements, if the hospital intends to provide in-person care instead of tele-presence visits; and
- Plan to work with a Home Health Agency to determine the patient’s plan of care, if the patient is already receiving services from a Home Health Agency.

The hospital shall maintain a list of patients who receive services in their homes as part of a hospital outpatient department and which category of services they received (physical therapy, occupational therapy, speech therapy, diabetic education, etc.). This list shall be made available for DIA review, if requested. (06/02/20)

- **INSPECTOR QUALIFICATIONS.** Iowa Code § 135B.9(1)(a), requiring hospital inspectors be free of conflicts of interest, is suspended. (04/14/20)
- **LICENSURE OF DOCTORS AND MEDICAL STAFF.** Iowa Code § 135B.20(1) and Iowa Admin. Code rule 481—51.1, and any statute or rule using terms defined in those provisions, defining a “doctor” and “medical staff” as requiring all doctors and medical staff be licensed to practice in this state, is suspended to the extent that individual is licensed to practice in another state or in accordance with Section 37 of the Proclamation of Disaster Emergency issued on April 2, 2020.

Section 37 of the Proclamation of Disaster Emergency issued on April 2, 2020, suspends the regulatory provisions of Iowa Code § 147.10 and Iowa Admin. Code rules 653—9.13(6) and 9.14, rules 655—3.7(5), rules 645—261.8, and rules 645—326.9(8), and all other implementing administrative rules which prohibit the practice of medicine and surgery, osteopathic medicine and surgery, nursing, respiratory care, and practice as a physician assistant, by a licensee whose license is inactive or lapsed. Suspension of these provisions is limited to licenses which have lapsed or expired within the five (5) years prior to this Proclamation and is further limited to the provision of medical and nursing care and treatment of victims of this public health disaster emergency and solely for the duration of this Proclamation. (04/14/20)

- **BACKGROUND CHECKS IN HOSPITALS.** Iowa Code § 135B.34 and Iowa Admin Code rule 481—51.41 require a hospital to complete a criminal history check prior to employment of an individual in a hospital. These regulatory provisions are suspended to the extent that a hospital may employ an individual once that criminal history check is submitted, pending completion. (04/14/20)
- **PHYSICAL SEPARATION BETWEEN A LONG-TERM ACUTE CARE HOSPITAL LOCATED WITHIN A GENERAL HOSPITAL.** Iowa Admin Code rule 481—51.4, requiring physical separation and distinction between a long-term acute care hospital located within a general hospital, is suspended to the extent that it is not feasible to maintain such separation. (04/14/20)
- **CLINICAL PRIVILEGES POLICIES.** Iowa Admin Code rule 481—51.5(4), requiring written criteria for the granting of clinical privileges, is suspended to the extent that policies shall not be required to be

rewritten to accommodate waivers provided by the State or the Centers for Medicare and Medicaid Services. (04/14/20)

- **PATIENT RIGHTS AND RESPONSIBILITIES POLICIES.** Iowa Admin Code rule 481—51.6, requiring hospitals to adopt a statement of principles relating to patient rights and responsibilities, is suspended to the extent that policies shall not be required to be rewritten to accommodate waivers provided by the State or the Centers for Medicare and Medicaid Services. (04/14/20)
- **NURSING SERVICES – ORGANIZATION.** Iowa Admin Code rule 481—51.9(1), requiring the clear definition of authority, responsibility, and function of each nurse, is suspended to the extent that there is evidence that each nurse has been assessed competent in any area where they function. (04/14/20)
- **NURSING SERVICE – NURSING PROCESS.** Iowa Admin Code rule 481—51.9(2), requiring utilization of the nursing process, is suspended to the extent that it is not feasible to do so. (04/14/20)
- **NURSING SERVICES – LICENSURE OF NURSES.** Iowa Admin Code rule 481—51.9(4) requires all nurses employed in a hospital who practice nursing as a registered nurse or licensed practical nurse must hold an active Iowa license or an active license in another state and be recognized for licensure in this state pursuant to the nurse licensure compact in Iowa Code section 152E.1. These regulatory provisions are suspended to the extent that a nurse may also be employed if qualified for employment in accordance with Section 37 of the Proclamation of Disaster Emergency issued on April 2, 2020.

Section 37 of the Proclamation of Disaster Emergency issued on April 2, 2020, suspends the regulatory provisions of Iowa Code § 147.10 and Iowa Admin. Code rules 653—9.13(6) and 9.14, rules 655—3.7(5), rules 645—261.8, and rules 645—326.9(8), and all other implementing administrative rules which prohibit the practice of medicine and surgery, osteopathic medicine and surgery, nursing, respiratory care, and practice as a physician assistant, by a licensee whose license is inactive or lapsed. Suspension of these provisions is limited to licenses which have lapsed or expired within the five (5) years prior to this Proclamation and is further limited to the provision of medical and nursing care and treatment of victims of this public health disaster emergency and solely for the duration of this Proclamation. (04/14/20)

- **NURSING SERVICES – STAFFING LEVELS.** Iowa Admin Code rule 481—51.9(8), requiring the nursing service to have adequate numbers of licensed registered nurses, licensed practical nurses, and other personnel to provide nursing care, to the extent that the hospital has made all reasonable efforts to maintain sufficient staffing levels. (04/14/20)
- **NURSING SERVICES – PERSONNEL POLICIES.** Iowa Admin Code rule 481—51.9(9), requiring written policies and procedures be established for the administrative and technical guidance of the personnel in the hospital and that each employee be familiar with those policies or procedures, is suspended. (04/14/20)
- **HOSPITAL MEDICAL RECORDS.** Iowa Admin Code rule 481—51.12, requiring hospital medical record and report maintenance, is suspended to the extent that records shall continue to be maintained as required by federal regulation. (04/14/20)

- **VERBAL AND STANDING ORDERS.** Iowa Admin Code rules 481—51.14(3), 51.14(4), and 51.15, requiring procedures for authentication of verbal orders and standing orders, is suspended to the extent that hospitals comply with federal regulation related to such orders. (04/14/20)
- **DIET MANUALS.** Iowa Admin Code rules 481—51.20(2)(d), requiring maintenance of a current diet manual, is suspended to the extent those manuals would be maintained at surge capacity sites. (04/14/20)
- **HOSPITAL EQUIPMENT.** Iowa Admin Code rule 481—51.22, requiring hospital equipment be selected, maintained and utilized in accordance with the manufacturer’s specifications, is suspended to the extent it is not feasible to do so. (04/14/20)
- **SEGREGATION OF PATIENTS’ BEDS.** Iowa Admin Code rule 481—51.24(1), requiring segregation of patients’ beds, is suspended to the extent hospitals take all reasonable precautions to provide for the prevention of cross-infections and the control of communicable diseases. (04/14/20)
- **TB TESTING.** Iowa Admin. Code rule 481—51.24(3), requiring a hospital perform a health assessment and screen and test an employee for tuberculosis pursuant to 481—Chapter 59, is suspended if it is not feasible for a hospital to do so, to the extent the hospital continues to assess new employees for infectious or communicable diseases and perform and document sign/symptom review of new health care workers and residents and places the health care worker or resident on a callback list to test as soon as possible. (04/14/20)
- **EMERGENCY SERVICE POLICIES.** Iowa Admin Code rule 481—51.30, requiring a hospital to have written policies and procedures specifying the scope and conduct of patient care to be provided in the emergency service, is suspended to the extent that policies shall not be required to be rewritten to accommodate this public health disaster emergency. (04/14/20)
- **MINIMUM STANDARDS OF CONSTRUCTION.** Iowa Admin Code rule 481—51.50, requiring minimum standards of construction for hospitals, is suspended to the extent that the Department of Inspections and Appeals and State Fire Marshal’s Office have approved the location as one that sufficiently addresses safety and comfort for patients and staff. (04/14/20)
- **CRITICAL-ACCESS HOSPITALS – BED LIMIT.** Iowa Admin Code rule 481—51.53(4), requiring critical access hospitals maintain no more than 25 acute care inpatient beds, is suspended. (04/14/20)
- **CRITICAL-ACCESS HOSPITALS – MEDICARE COPS.** Iowa Admin Code rule 481—51.53(5), requiring critical access hospitals meet the Medicare conditions of participation as described in 42 CFR Part 485, Subpart F, is suspended to the extent waivers have been issued by the Centers for Medicare and Medicaid Services. (04/14/20)

Intermediate Care Facilities for Individuals with Intellectual Disabilities

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

STATE OF IOWA WAIVERS

- **BACKGROUND CHECKS.** Iowa Code § 135C.33 and Iowa Administrative Code rules 481—50.9(3) and (9) require intermediate care facilities for persons with an intellectual disability to complete a criminal history check prior to employment of an individual in a facility. These regulatory provisions are suspended to the extent that a facility may employ an individual once that criminal history check is submitted, pending completion. DIA suggests that facilities utilize a third-party vendor to conduct a comprehensive preliminary background check and provisionally employ the applicant pending completion of the required record checks through the single contact repository and the evaluation by the department of human services. (04/07/20)
- **FINES.** Fines for intermediate care facilities for persons with an intellectual disability required by Iowa Code § 135C.36 and Iowa Administrative Code rule 481—56.2 are waived to the extent that such fines may be issued in suspension. (04/07/20)
- **MEDICATION ADMINISTRATION.** Iowa Administrative Code rule 64.4(9)(b), requiring a person administering medications in an intermediate care facility for the intellectually disabled to complete a department-approved medication aide course and pass a department-approved medication aide exam, is suspended to the extent the person has successfully completed a state-approved medication manager course and passed a State-approved medication manager exam to administer medications. (04/07/20)
- **CERTIFIED MEDICATION AIDES IN ICF/IID.** Iowa Admin Code rule 481—64.4(9)(d), requiring a person who has written documentation of certification as a medication aide in another state complete a department-approved nurse aide competency examination and medication aide challenge examination, is suspended to the extent the individual is able to demonstrate competency in safe medication administration. (04/14/20)

Intermediate Care Facilities for Persons with Mental Illness

STATE OF IOWA WAIVERS

- **CERTIFIED MEDICATION AIDES IN ICF/PMI.** Iowa Admin Code rule 481—65.17(1)(e), requiring a person who has written documentation of certification as a medication aide in another state complete a department-approved nurse aide competency examination and medication aide challenge examination, is suspended to the extent the individual is able to demonstrate competency in safe medication administration. (04/14/20)

Long-Term Care Facilities

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

STATE OF IOWA WAIVERS

- **BACKGROUND CHECKS.** Iowa Code § 135C.33 and Iowa Administrative Code rules 481—50.9(3) and (9) require nursing facilities to complete a criminal history check prior to employment of an individual in a facility. These regulatory provisions are suspended to the extent that a facility may employ an individual once that criminal history check is submitted, pending completion. DIA suggests that facilities utilize a third-party vendor to conduct a comprehensive preliminary background check and provisionally employ the applicant pending completion of the required record checks through the single contact repository and the evaluation by the Iowa Department of Human Services. (04/07/20)
- **PHYSICAL ENVIRONMENT.** In order to comply with the 1135 blanket waiver approval, the alternative locations must be approved by the State. In order to be approved by the state, the following must be submitted:
 - Provide the following information to the State Fire Marshal's office (SFM) at vasiljev@dps.state.ia.us:
 - It's important for nursing homes to consider utilizing buildings/venues that are protected by existing fire safety systems (sprinkler and/or fire alarm systems). These options should be used first if possible.
 - The 1135 waiver request for buildings that don't meet life safety code requirements will need to have the following information provided to the SFM:
 - A layout of the building that shows important features such as exits, doorways, fire walls (if applicable), etc;
 - Information on installed sprinkler and/or fire alarm systems, as applicable (where installed, testing paperwork);
 - Confirmation of fire extinguishers on site and their locations;
 - Information on what will be used for emergency power (generator/battery back-up systems); and
 - Fire safety/evacuation plan for the proposed site (including evacuation procedures).
 - Provide the following information to DIA at mindla.white@dia.iowa.gov:
 - Type of service provided (e.g., COVID-19 positive, COVID-19 negative);
 - Location and type of space (e.g., hospital or non-hospital);
 - SFM review/approval of space;
 - Plan to address adequate space for patient, staff, equipment, and patient privacy. A floor plan if available. Adequate access to bathroom/necessities for ADLs (toilet, sinks, etc.);
 - Bed increase above certificate of need, related to COVID-19 alternate site;
 - Security-controlled access plan;
 - Plan for coordination of communication/information (e.g., with EMS, IDPH, DIA, and families);

- Plan to ensure staffing and adequate training for roles;
 - Plan to address supplies and materials are on hand before opening the site, adhering to infection-control practices; and continued process for maintaining supplies, materials and hand hygiene supplies;
 - Plan for nutritional support, pharmaceutical security, environmental services; and
 - Visitation guidelines/plans. (04/07/20)
- **FINES IN NURSING FACILITIES.** Fines for nursing facilities required by Iowa Code § 135C.36 and Iowa Administrative Code rule 481—56.2 are suspended to the extent that such fines may be issued in suspension. (04/07/20)
- **NURSING FACILITY RENEWAL APPLICATIONS.** Iowa Code § 135C.8 and Iowa Administrative Code rule 481—58.3(3)(a), requiring a nursing facility to submit renewal applications at least 30 days in advance of license expiration, are suspended. (04/07/20)
- **MEDICATION ADMINISTRATION BY NURSING STUDENTS IN NURSING FACILITIES.** Iowa Administrative Code rule 481—58.21(6)(d), requiring nursing students to administer medications in nursing facilities only after successful completion of a medication aide course or challenge exam, is suspended to the extent the nursing student meets the requirements of Iowa Administrative Code rules 481—58.21(6)(d)(1), (2), and (4), and the facility has documentation that it has implemented training and supervision measures to ensure the student’s competency in safe medication administration. (04/07/20)
- **REGULAR DENTAL SERVICES IN NURSING FACILITIES.** Iowa Administrative Code rule 481—58.23(1)(a), requiring nursing facilities assist residents to obtain regular and emergency dental services, is suspended to the extent those facilities continue to assist residents in obtaining emergency dental services. (04/07/20)
- **GROUP ACTIVITIES IN NURSING FACILITIES.** Iowa Administrative Code rule 481—58.26(1), requiring group activities provided by nursing facilities, is suspended. (04/07/20)
- **IN-PERSON VISITATION IN NURSING FACILITIES.** Iowa Administrative Code rule 481—58.47, permitting in-person visits with residents in nursing facilities, is suspended. (04/07/20)
- **INVOLUNTARY DISCHARGE FOR NON-PAYMENT IN NURSING FACILITIES.** Iowa Administrative Code rule 481—58.40(1)(c), permitting a nursing facility to involuntarily discharge or transfer a resident for nonpayment for the resident’s stay, is suspended. (04/07/20)
- **CERTIFIED NURSE AIDE TRAINING.** Iowa Admin Code rule 481—58.11(1)(i) provides that a nurse aide who has not completed the state-approved 75-hour nurse’s aide program shall be required to participate in a structured on-the-job training program of 20 hours’ duration. This provision is suspended to the extent that the individual has completed a comparable training course approved by the department of inspections and appeals or has completed at least 20 hours of the state-approved 75-hour nurse’s aide program and the facility has documentation that it has implemented training and supervision measures to ensure the individual’s competency in any tasks performed. (04/14/20)

- **CERTIFIED NURSE AIDE TRAINING – LICENSURE IN ANOTHER STATE.** Iowa Admin Code rule 481—58.11(1)(k), requiring that certified nurse aides who have received training other than the Iowa state-approved program must pass a challenge examination, is suspended to the extent that the individual is able to demonstrate competency in skills and techniques necessary to care for residents’ needs as required by 42 CFR § 483.35(c) and (d)(1)(i). (04/14/20)
- **CERTIFIED MEDICATION AIDES IN NURSING FACILITIES.** Iowa Admin Code rule 481—58.21(6)(e), requiring a person who has written documentation of certification as a medication aide in another state complete a department-approved nurse aide competency examination and medication aide challenge examination, is suspended to the extent the individual is able to demonstrate competency in safe medication administration. (04/14/20)

The full text of Governor Reynold’s March 26, 2020, proclamation may be viewed [here](#).

Residential Care Facilities

1135 BLANKET WAIVERS

There are no 1135 blanket waivers that impact residential care facilities as they are State-licensed only. (04/07/20)

STATE OF IOWA WAIVERS

- **BACKGROUND CHECKS.** Iowa Code § 135C.33 and Iowa Administrative Code rules 481—50.9(3) and (9) require residential care facilities to complete a criminal history check prior to employment of an individual in a facility. These regulatory provisions are suspended to the extent that a facility may employ an individual once that criminal history check is submitted, pending completion. DIA suggests that facilities utilize a third-party vendor to conduct a comprehensive preliminary background check and provisionally employ the applicant pending completion of the required record checks through the single contact repository and the evaluation by the Iowa Department of Human Services. (04/07/20)
- **FINES.** Fines for residential care facilities required by Iowa Code § 135C.36 and Iowa Administrative Code rule 481—56.2 are waived to the extent that such fines may be issued in suspension. (04/07/20)
- **REGULAR DENTAL SERVICES.** Iowa Administrative Code rule 481—57.20(1), requiring residential care facilities assist residents to obtain regular and emergency dental services, is suspended to the extent those facilities continue to assist residents in obtaining emergency dental services. (04/07/20)
- **GROUP ACTIVITIES.** Iowa Administrative Code rule 481—57.23(1), requiring group activities provided by residential care facilities, is suspended. (04/07/20)
- **UPDATING SERVICE PLANS.** Iowa Administrative Code rule 481—57.22(3), requiring a residential care facility to update a resident’s service plan within 30 days of admission, is suspended. (04/07/20)
- **PHYSICAL EXAMINATION PRIOR TO EMPLOYMENT.** Iowa Administrative Code rule 481—57.11(6), requiring a residential care facility employee have a physical examination no longer than 12

months prior to beginning employment, is suspended to the extent it is not feasible for a facility to obtain the required physical examination prior to beginning employment. (04/07/20)

- **TB TESTING.** Iowa Administrative Code rule 481—57.11(6), requiring a residential care facility screen and test an employee for tuberculosis pursuant to 481—Chapter 59, is suspended to the extent that it is not feasible for a residential care facility to perform the required testing and the facility continues to perform and document sign/symptom review of new health care workers and residents and places the health care worker or resident on a callback list to test as soon as possible. (04/07/20)
- **MEDICATION ADMINISTRATION.** Iowa Administrative Code rule 481—57.19(3)(c), requiring a person administering medications in a residential care facility to complete a department-approved medication aide course and pass a department-approved medication aide exam, is suspended to the extent the person has successfully completed a State-approved medication manager course and passed a State-approved medication manager exam to administer medications. (04/07/20)
- **ORIENTATION.** Iowa Administrative Code rule 481—57.22(1), requiring a residential care facility provide orientation within 24 hours of admission, is suspended to the extent the facility must continue to provide a review of the resident’s rights and the facility’s evacuation plan. (04/07/20)
- **INVOLUNTARY DISCHARGE FOR NON-PAYMENT.** Iowa Administrative Code rule 481—57.14(1)(e), permitting a residential care facility to involuntarily discharge or transfer a resident for nonpayment for the resident’s stay, is suspended. (04/07/20)
- **CERTIFIED MEDICATION AIDES IN RESIDENTIAL CARE FACILITIES.** Iowa Admin Code rule 481—57.19(2)(f), requiring a person who has written documentation of certification as a medication aide in another state complete a department-approved nurse aide competency examination and medication aide challenge examination, is suspended to the extent the individual is able to demonstrate competency in safe medication administration. (04/14/20)
- **IN-PERSON VISITATION IN RESIDENTIAL CARE FACILITIES.** Iowa Admin. Code rule 481—57.26 is suspended to the extent those provisions permit in-person visits in residential care facilities. (04/14/20)