



Iowa Department of
INSPECTIONS & APPEALS

COVID-19

STATE HEALTH FACILITY WAIVERS

Updated 9/26/21

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
- Community Mental Health Centers
- Critical Access Hospitals
- End-Stage Renal Disease Facilities
- Home Health Agencies
- Hospices
- Hospitals
- Intermediate Care Facilities for Individuals with Intellectual Disabilities
- Nursing Facilities (Long-Term Care)
- Skilled Nursing Facilities (Long-Term Care)

State-Only Waivers

- Critical Access Hospitals
- Hospitals
- Nursing Facilities (Long-Term Care)
- Residential Care Facilities
- Intermediate Care Facilities for Individuals with Intellectual Disabilities
- Skilled Nursing Facilities (Long-Term Care)

How do I request a federal 1135 waiver?

On Jan. 11, 2021, CMS updated their federal waiver process in [QSO-21-11-ALL](#). Effective immediately, facilities wanting to request a federal 1135 waiver may do so [on CMS' new web-based portal](#). Training on the portal can be found on CMS' [YouTube channel](#). (1/11/21)

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. (4/7/20)

Contents

Ambulatory Surgery Centers.....	4
Community Mental Health Centers	4
End-Stage Renal Dialysis Facilities	4
Home Health Agencies.....	4
Hospices	4
Hospitals, Psychiatric Hospitals, and Critical Access Hospitals, including Cancer Centers and Long-Term Care Hospitals	4
Intermediate Care Facilities for Individuals with Intellectual Disabilities.....	6
Nursing and Skilled Nursing Facilities (Long-Term Care)	7
Residential Care Facilities	8

Ambulatory Surgery Centers

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

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

- **BACKGROUND CHECKS.** Iowa Code § 135B.34 and Iowa Administrative Code 481-51.41, requiring a hospital 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 program may employ an individual once that criminal history check is submitted, pending completion. The department 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. (3/26/2020)

- **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.
 - 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 christopher.dunn@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.);
 - Access to gasses and suction;
 - Connected to generator backup;
 - Bed increase above certificate of need, related to COVID-19 alternate site;
 - Security-controlled access plan;
 - Plan for coordination of communication/information e.g., EMS, parent hospital, IDPH, IDIA, LTC, home care, ambulatory care and families;
 - Plan to ensure staffing and adequate training for roles (i.e., OR RN functioning as med/surge RN);
 - 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 to address admission criteria, specific needs of at-risk populations, maintaining services for patients with chronic conditions requiring regular treatments e.g., dialysis patients and/or expectant mothers, or addressing significant change in condition (MET call, code, etc.);
 - Plan for nutritional support, pharmaceutical security, pharmacy provide oversight to medication/orders/medications not on-site, provision of lab and radiology services, environmental services, contaminated waste and decontamination area e.g., eye wash and shower, management plan for decedents; and

- Determine if visitation should be restricted or stopped if threat is too high for patients and staff. Provide patients and families with information about stress responses, resilience, and provide mental health counseling. (4/7/20)
- **HOSPITAL PROVIDER OUTPATIENT BASED DEPARTMENTS IN THE PATIENT’S HOME.** Prior to providing services in a patient’s home as part of a provider-based hospital department, provide the following information to DIA at christopher.dunn@dia.iowa.gov:
 - 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. (6/2/20)

- **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. (4/14/20)

Intermediate Care Facilities for Individuals with Intellectual Disabilities

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

STATE OF IOWA WAIVERS

- **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. (4/7/20)

Nursing & Skilled Nursing Facilities (Long-Term Care)

1135 BLANKET WAIVERS

[Listed in CMS document.](#)

STATE OF IOWA WAIVERS

- **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. (4/7/20)

Residential Care Facilities

1135 BLANKET WAIVERS

There are no 1135 blanket waivers that impact RCFs as they are State-licensed only. (4/7/20)

STATE OF IOWA WAIVERS

- **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. (4/7/20)
- **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. (4/7/20)