



COVID-19 Emergency Orders and Waivers for Comprehensive Care Facilities from ISDH
[Updated April 29, 2020]

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; CCFs 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 on CNA Employment</u> (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 on CNA Training</u> (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 .
March 21, 2020	<u>Waiver on Physician Visit Schedules</u> (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 on Activities Programming</u> (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 on Dining Assistant Requirements</u> (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 .

<p>March 21, 2020</p>	<p><u>Emergency Order on Temporary Personal Care Attendants (PCAs)</u></p>	<p>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.</p> <p>Please see the Amended Emergency Orders below.</p>	<p>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.</p>
<p>March 23, 2020</p>	<p><u>Waiver on Employee Physical Examinations (410 IAC 16.2-3.1-14(t))</u></p>	<p>CCFs are not required to obtain a physical examination of each employee one (1) month prior to employment.</p>	<p>The entirety of the Waiver can be found here.</p>
<p>March 26, 2020</p>	<p><u>Emergency Order on the Provision of Services in Alternative Settings</u></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 on Structural and/or Bed Changes (410</u></p>	<p>Any CCF that has:</p>	<p>The entirety of the Waiver can be found here.</p>

	IAC 16.2-3.1-2(d) and (e))	<p>(1) declared a COVID-19 facility emergency (there does not need to be a known COVID-19 case to do so); and</p> <p>(2) notified ISDH of the declaration may:</p> <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 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. 	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.
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 .

<p>April 2, 2020</p>	<p><u>Waiver on Resident Transfers and Discharges (Various Subdivisions of 410 IAC 16.2-3.1-12(a))</u></p>	<p>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.”</p>	<p>The entirety of the Waiver can be found here.</p>
<p>April 8, 2020</p>	<p><u>Emergency Order on Reporting COVID-19 Information</u></p>	<p>Effective April 10, 2020, all long-term care facilities are required to report the following within twenty-four (24) hours:</p> <ol style="list-style-type: none"> 1) Any resident who tests positive for COVID-19; 2) Any employee who tests positive for COVID-19; 3) Any confirmed positive COVID-19 related death OR suspected COVID-19 related death of a resident; and 4) Any confirmed positive COVID-19 related death OR suspected COVID-19 related death of an employee. <p>Confirmed or suspected deaths should be reported regardless of where the death occurred and within twenty-four (24) hours of a facility’s knowledge of the death.</p>	<p>The entirety of the Emergency Order can be found here, and the online survey tool to report the required information can be found here.</p> <p>Questions regarding the survey tool should be directed to: PROVIDERS@isdh.in.gov. However, this email address should not be used to make a report in place of the online survey tool.</p>
<p>April 8, 2020</p>	<p><u>Amended Emergency Order on PCAs</u></p>	<p>CCFs may train and subsequently utilize PCAs to perform resident care procedures that do not require the skill or training required of a CNA if the PCA is sixteen (16) or seventeen (17) years of age <u>continuing indefinitely</u>. All PCAs must complete the required eight (8) hour training and satisfy the requirements for “other unlicensed employees” as set forth in IC 16-28-13.</p>	<p>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.</p>

<p>April 14, 2020</p>	<p><u>ISDH Commissioner Order on the Relocation of LTC Facility Residents</u></p>	<p>LTC facilities are authorized to transfer, discharge, transport, or otherwise relocate residents in accordance with the plans and guidance of ISDH, including transfers within a facility, transfers between facilities (including to and from hospitals), and transfers across city or county boundaries. Any local health officer order or local health department order concerning the transfer, discharge, transport, or other relocation of LTC facility residents that are contrary or inconsistent are void.</p>	<p>The entirety of the ISDH Commissioner Order can be found here.</p>
<p>April 20, 2020</p>	<p><u>Emergency Order on Temporary CNAs (410 IAC 16.2-3.1-14(c))</u></p>	<p>CCFs may utilize the AHCA Temporary Nurse Aide Program to train temporary CNAs to assist with patient care. All temporary CNAs must complete the eight (8) hour online training through AHCA and complete the competency checklist. CCFs must maintain documentation showing the temporary CNA completed the AHCA Program, including passing the final assessment and competency checklist.</p>	<p>The entirety of the Emergency Order can be found here. Following any temporary CNA training, the Temporary Nurse Aide – Registry Spreadsheet should be completed and submitted to aides@isdh.in.gov.</p>
<p>April 20, 2020</p>	<p><u>Emergency Order on Former CNAs</u></p>	<p>CCFs may temporarily employ former CNAs whose certifications have expired or otherwise lapsed if the expiration or lapse occurred while the CNA was in good standing; the expiration or lapse occurred on or after January 1, 2019; the CNA worked at least forty (40) hours as a CNA during the one (1) year period immediately preceding the expiration or lapse; and the CCF ensures the former CNA provides competent CNA and other relevant nursing-related service.</p>	<p>The entirety of the Emergency Order can be found here. If a former CNA does not precisely meet these requirements, a CCF may request approval on a case-by-case basis from Jan Kulik at jkulik@isdh.IN.gov.</p>

<p>April 29, 2020</p>	<p><u>Guidance on Communication with Residents and Designated Representatives on COVID-19 Status</u></p> <p>**Please note, although these are termed guidelines, ISDH expects all LTC facilities to follow the requirements outlined.</p>	<p>Effective immediately, unless otherwise noted, ISDH is requiring LTC facilities to provide to residents and designated representatives the following:</p> <ul style="list-style-type: none"> • Briefings regarding how the facility is handling issues with care and any staff shortages; • General information about COVID-19; • The total number of residents who have tested positive for COVID-19 and the number of new positive cases of COVID-19 in the last 14 days; • The number of residents who have died due to the COVID-19; and • Facility mitigation actions implemented to reduce the risk of COVID-19 transmission. <p>ISDH also outlined more specific communication requirements, as follows:</p> <ul style="list-style-type: none"> • Facilities should assign a staff person in the unit or facility to be the contact person. • Effective May 4, 2020, facilities should send daily (at a minimum, Monday through Friday) group emails, automated voicemails, or other automated electronic communications to residents' designated representatives informing them of the total number of COVID-19 cases, new cases in the last 24 hours, deaths in the last 24 hours, and what actions are being taken to prevent further spread of COVID-19. • Facilities should complete the Facility Emergency Transfer Form weekly and email it to the local ombudsman every Friday. • The local ombudsman's contact information should be provided 	<p>The entirety of the Guidance can be found here.</p>
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