

April 2, 2020



Fifth ISDH Blanket Waiver for Comprehensive Care Facilities

The ISDH issued a Fifth Blanket Waiver for comprehensive care facilities, addressing the standard transfer and discharge procedure. This is in addition to the [Second Blanket Waiver](#) for comprehensive care facility that was issued by the ISDH on March 21, 2020, waiving the requirement of 410 IAC 16.2-3.1-12(a)(7) that notice be provided at least thirty (30) days prior to a transfer or discharge. Under the Second Blanket Waiver, a comprehensive care facilities must instead provide notice of transfer or discharge as soon as practicable.

The Fifth Blanket Waiver issued today on the transfer and discharge process impacts 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 Fifth Blanket Waiver also makes clear that a facility can use the emergency transfer and discharge provisions to either cohort or discharge patients to other facilities in light of the current public health emergency. Comprehensive care facilities may utilize 410 IAC 16.2-3.1-12(a)(8)(D) for emergency discharge for the purpose of implementing emergency response measures previously outlines by ISDH and CMS. Please ensure you download the ISDH Notice of Transfer and Discharge form from the ISDH’s website when conducting any transfers and discharges: <https://www.in.gov/isdh/20511.htm>.

Please review the entirety of the Fifth Blanket Waiver for comprehensive care facilities, which can be found in full [here](#).