



Fourth ISDH Blanket Waiver for Residential Care Facilities

The ISDH issued a Fourth Blanket Waiver for residential care facilities, waiving and modifying provisions related to resident rights, health screens, licenses, and resident transfer and discharge procedures, as follows:

- 410 IAC 16.2-5-1.2(o) and (bb-ff) (Resident Rights) are waived to the full extent necessary to be in accord with restrictions and limitations imposed or suggested by CMS, ISDH, or any Executive Orders issued related to the public health emergency. The resident rights waived in this section include the right of a resident to form a resident council; to have immediate access to certain individuals (i.e., individuals representing state agencies, the resident's physician, the long term care ombudsman, relatives, etc.); to choose with whom they associate and have at least twelve (12) visiting hours a day; to have access to an entity or individual that provides health, social, legal, and other services; to have the state ombudsman examine the resident's clinical records; and to participate in social, religious, and community activities.
- 410 IAC 16.2-5-1.4(f), requiring a health screen to be conducted for each employee prior to resident contact, is modified to instead require a health screen within ninety (90) days after the start of such employment.
- 410 IAC 16.2-5-1.1(d-e), which require a residential care facility to submit certain documents to the ISDH for a license to change the structure of the facility or relocate or reclassify beds, are waived for any residential care facility that has declared a COVID-19 facility emergency and notified the ISDH of its declaration, and the requirements are modified as follows:
 - A residential care facility may remodel or make other structural changes that vary from a previously approved building or floor plan if within three (3) days the facility notifies ISDH of the change; supplies ISDH with drawings and supporting narrative sufficient to describe what changes have been or will be made; and requests temporary approval, with retroactive effect if needed. Please review the entirety of the Waiver for the steps required if the structural changes are going to be rolled-back or made permanent following the public health emergency.
 - A residential care facility may relocate, convert, and reclassify beds and renumber rooms if within three (3) days the facility notifies ISDH of any changes; supplies ISDH with drawings and supporting narrative sufficient to describe what changes have been or will be made; and requests temporary approval, with retroactive effect if needed. Please review the entirety of the Waiver for the steps required if the bed changes are going to be rolled-back or made permanent following the public health emergency.

The Fourth Blanket Waiver also addresses the standard transfer and discharge procedure. This is in addition to the [Second Blanket Waiver](#) for residential care facilities issued by the ISDH on March 21, 2020, waiving the requirement of 410 IAC 16.2-5-1.2(r)(7) that notice be provided at least thirty (30)

days prior to transfer or discharge. Under the Second Blanket Waiver, a residential care facility must instead provide notice of transfer or discharge as soon as practicable.

The Fourth 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.”

To most quickly implement a residential care facility reorganization to either cohort or discharge patients to other facilities in light of the current public health emergency, the ISDH has made clear residential care facilities may utilize 410 IAC 16.2-5-1.2(r)(8)(D) for emergency discharge. 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 Fourth Blanket Waiver for residential care facilities, which can be found in full [here](#).