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## FISCAL UPDATE Article

Fiscal Services Division

December 14, 2020



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### COVID-19 — GOVERNOR'S PROCLAMATIONS — DECEMBER 9, 2020

Governor Reynolds proclaimed a State of Disaster Emergency on March 9, 2020, in response to the outbreak of COVID-19 following a national public health emergency declaration issued by the United States Department of Health and Human Services on January 31, 2020, and multiple individuals within the State of Iowa testing presumptive positive for COVID-19. The Governor issued an additional Proclamation of Disaster Emergency on March 13, 2020, establishing a State of Public Health Disaster Emergency.

On December 9, 2020, the Governor issued an additional [Proclamation of Disaster Emergency](#) in response to the COVID-19 pandemic. This Proclamation is effective through January 8, 2021, unless otherwise noted, and in addition to encouraging all Iowans to avoid high-risk events not adhering to social distancing and mask recommendations and for all vulnerable Iowans to limit activities outside the home, orders the following measures:

- All employers in the State shall do the following:
  - Evaluate whether their employees can feasibly work remotely, and if so, take steps to enable such employees to do so.
  - Take reasonable precautions to ensure the health of their employees and members of the public, if the business is one with in-person operations.
- All people two years old or older must wear a mask or face covering when inside an indoor public space or inside a State government building, office, or facility under the control of the Executive Branch, and when within six feet of individuals who are not members of their household for 15 minutes or longer, except under the following circumstances:
  - Any person in a space under the control of the Legislative or Judicial branches.
  - Any person with a medical condition or disability that prevents wearing a mask or face covering.
  - Any person working alone or working in a space where six feet of distance can be maintained.
  - Any person consuming food or drink or sitting at a restaurant or bar to eat or drink.
  - Any athlete participating in a sporting or recreation event or any person engaged in physical exercise.
  - Any person giving a presentation or performance for an audience.
  - Any person participating in a service at a spiritual or religious gathering.
  - Any person who is deaf or hard of hearing, and any person communicating with an individual who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual difficult while wearing a mask or face covering.
  - Any person receiving or providing a service that requires the temporary removal of a mask or face covering.
  - Any person asked to remove a mask or face covering to verify an identity for lawful purposes.
  - Any public safety worker engaged in a public safety role where a mask or face covering would seriously interfere in the performance of the worker's responsibilities.

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- Through December 16, 2020, social, community, business, or leisure gatherings or events of more than 15 people indoors or more than 30 people outdoors are prohibited unless explicitly permitted by the Proclamation or all members gathering live in the same household. Gatherings that occur during the ordinary course of business or government between employees and the public are permitted.
  - Through December 16, 2020, all sporting or recreational gatherings, except for high school, collegiate, or professional sporting or recreational gatherings, must comply with the following requirements:
    - The organizer and all spectators must ensure six feet of physical distance from each group of spectators.
    - The organizer and spectators must ensure that the number of spectators is limited to no more than two spectators for each athlete or organizer staff participating in the gathering or in connection with the event, and spectators are present only during the time the athlete is participating in the event.
    - All participants over the age of two shall wear a mask or face covering, excluding participating athletes.
  - Through December 16, 2020, high school-sponsored sporting and extracurricular events must comply with the following requirements:
    - The organizer and all spectators must ensure six feet of physical distance from each group of spectators.
    - The organizer and spectators must ensure that the number of spectators is limited to no more than two spectators for each student athlete, performer, competitor, or staff member participating in the gathering or in connection with the event, and spectators are only present during the time the student is participating in the event.
    - All spectators over the age of two shall wear a mask or face covering.
  - Spiritual and religious gatherings are permitted; however, hosts shall implement reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health (IDPH).
  - Through December 16, 2020, restaurants and bars may reopen or remain open under the following requirements:
    - Establishments must not serve food or beverages for in-person consumption on its premises between 10:00 p.m. and 4:00 a.m.
    - Establishments must ensure at least six feet of space between groups and individuals dining alone unless those seated at booths are separated by a barrier of sufficient height, and all patrons must have a seat at a table, booth, or bar and must consume their food or beverage while seated.
    - Establishments must limit groups seated together to eight people unless all are members of the same household.
    - Establishments must not host private social gatherings larger than 15 people indoors or 30 people outdoors.
    - Establishments must require all customers to wear a mask or face covering while in the establishment unless seated and properly distanced, and must require all employees who interact with the public to wear a mask or face covering.
    - Establishments must take reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH and the Iowa Department of Inspections and Appeals (DIA).
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- Through December 16, 2020, fitness centers may reopen or remain open under the following requirements:
    - Establishments must ensure that all equipment is positioned so that there is six feet of physical space between individual patrons.
    - Group activities must limit the number of participants to ensure six feet of distance can be maintained between participants at all times, and the establishment must comply with the requirements for sporting and recreational gatherings.
    - Establishments must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH.
  - Through December 16, 2020, casinos and gaming facilities may reopen or remain open under the following requirements:
    - Establishments must ensure that gaming and wagering positions are placed so that there is at least six feet of physical space between patrons.
    - Establishments must comply with the same requirements placed on bars and restaurants with regard to the service of food and beverages. Food or beverage is not taken from the premises or delivered to customers off the premises if the food or beverage is consumed in any common area.
    - Establishments must require all customers to wear a mask or face covering unless seated at a properly distanced booth or table to eat or drink, and must require all employees who interact with the public to wear a mask or face covering.
    - Establishments must take reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH and DIA.
  - Senior citizen centers and adult daycare facilities may reopen if the establishment complies with social distancing, hygiene, and other public health measures issued by the IDPH.
  - Through December 16, 2020, salons, barbershops, massage therapy establishments as defined by Iowa Code section [152C.1\(3\)](#), tattoo establishments as regulated by Iowa Code section [135.37](#), and tanning facilities as defined by Iowa Code section [136D.2\(5\)](#) may reopen or remain open under the following requirements:
    - Establishments must ensure at least six feet of space between customers when employees are performing services.
    - Establishments must ensure that all customers and employees are wearing a mask or face covering, unless a service is being provided that requires the removal of the mask or face covering.
    - Establishments must take reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH.
  - Through December 16, 2020, bowling alleys, pool halls, bingo halls, arcades, indoor playgrounds, and children's play centers may reopen or remain open under the following requirements:
    - Establishments must close for in-person consumption of food and beverages on their premises, including any common areas of the establishment, between 10:00 p.m. and 6:00 a.m.
    - Establishments must ensure at least six feet of space between groups and individuals.
    - Establishments must limit groups seated together to eight people unless all are members of the same household.
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- Establishments must not host private social gatherings larger than 15 people indoors or 30 people outdoors, excluding organized bowling or pool leagues or tournaments.
  - Establishments must require all customers to wear a mask or face covering while in the establishment unless seated and properly distanced, and must require all employees who interact with the public to wear a mask or face covering.
  - Establishments must take reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH.
  - Through December 16, 2020, medical spas may reopen or remain open if the establishment complies with the requirements for performing outpatient procedures that utilize personal protective equipment (PPE).
  - Through December 16, 2020, theaters and performance venues may reopen or remain open under the following requirements:
    - Establishments must ensure at least six feet of space between groups or individuals when seated.
    - Establishments must comply with the same requirements placed on bars and restaurants with regard to the service of food and beverages. Food or beverage is not considered to be taken from the premises or delivered to customers off the premises if the food or beverage is consumed in any common area.
    - Establishments must take reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH and DIA.
  - Through December 16, 2020, racetracks may reopen or continue operations under the following requirements:
    - Establishments must ensure at least six feet of space between groups or individuals when seated.
    - Establishments must take reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH.
  - Through December 16, 2020, enclosed malls may reopen or remain open under the following requirements:
    - Play areas or playgrounds must remain closed.
    - Establishments must take reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH.
  - Through December 16, 2020, museums, aquariums, zoos, libraries, swimming pools, amusement parks, campgrounds, or retail establishments may reopen or remain open if the establishment takes reasonable social distancing, hygiene, and public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH.
  - A hospital, outpatient surgery provider, or outpatient procedure provider may conduct in-patient surgeries and procedures that, if further delayed, will pose a significant risk to quality of life, and any outpatient surgeries or procedures under the following requirements:
    - A hospital or provider must have adequate PPE to support continued operations and respond to an unexpected surge in a timely manner.
    - A hospital or provider has a plan to conserve PPE consistent with guidance from the Centers for Disease Control and Prevention (CDC) and the IDPH.
    - A hospital or provider must have a plan for timely COVID-19 testing of symptomatic patients and staff to rapidly mitigate potential clusters of infection and must comply with testing requirements
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issued by the IDPH, the CDC, or a provider's professional specialty society. Patients should have a negative COVID-19 test performed within 72 hours of a scheduled surgery. If a COVID-19 test is unavailable, hospitals should consider alternative methods to determine the patient's probability of having COVID-19 and postpone the surgery if the patient has symptoms of fever, cough, or low oxygen saturation.

- A hospital must continue to accept and treat COVID-19 patients and must not transfer COVID-19 patients to create capacity for elective procedures.
- A hospital must reserve at least 10.0% of intensive care beds and 10.0% of medical/surgical beds for COVID-19 patients.
- The total number of medical/surgical and observational beds used for an in-patient nonessential surgery or procedure must be no more than 75.0% of the number of such beds that were used on average during the month of September 2020.
- A hospital or provider that begins conducting surgeries or procedures as authorized by this Proclamation must cease conducting such surgeries or procedures if it at any time is no longer able to comply with the above described requirements.
- Except as provided above, all nonessential or elective surgeries and procedures that utilize PPE must not be conducted except those that, if further delayed, will pose a significant risk to quality of life.
- Each hospital or provider shall limit all nonessential individuals in areas where PPE is required.
- Each hospital or provider shall establish an internal governance structure to follow the above principles.
- Dentists and staff may resume providing dental services so long as the guidelines issued by the Iowa Dental Board on November 13, 2020, are followed, the dentist has adequate inventories of PPE, and the dentist has a plan to conserve PPE consistent with guidance from the CDC and the IDPH.
- All health care facilities must continue to screen staff at the beginning of their shift for fever or other COVID-19 symptoms.
- All State agencies, school districts, and other local government bodies and agencies are to take all efforts to prepare to return students to in-person instruction for the fall 2020 semester. These efforts shall also ensure that schools have flexibility to continue providing education remotely if it becomes necessary and that parents have the option to select a learning model that fits the needs of their family.
- Brick-and-mortar school districts and accredited nonpublic schools are to provide instruction primarily through remote learning opportunities only in the following circumstances:
  - If a parent or guardian voluntarily selects the remote learning opportunity from among multiple options provided by the school district or nonpublic school in accordance with its Return-to-Learn Plan.
  - If the Iowa Department of Education, in consultation with the IDPH, approves of the temporary move to primarily remote learning for an entire school building or district because of public health conditions in the building or district.
  - If the school district or accredited nonpublic school determines, in consultation with State and local public health departments, that individual students or classrooms, but not all the students in a school building, must temporarily move to primarily remote learning because of public health conditions in the building.
  - If the school district or accredited nonpublic school determines that an entire school building or district must temporarily move to primarily remote learning because of inclement weather for a period not exceeding five consecutive school days, unless the IDPH approves of a longer period. This includes the need for temporary remote learning due to damage caused by the derecho natural disaster.

- Regulatory provisions of the Iowa Administrative Code limiting the number of consecutive days and the total number of days in a 30-day period that a person may serve as a substitute teacher during one job assignment, excluding a driver's education classroom, continue to be temporarily suspended.
- Regulatory provisions of the Iowa Administrative Code requiring a baccalaureate degree or higher from a regionally accredited institution for an applicant to be issued a substitute authorization continue to be temporarily suspended, but only to the extent that the applicant instead has achieved an associate's degree or completed 60 semester hours of college coursework from a regionally accredited institution.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring an applicant for a teaching license to be at least 21 years of age continue to be temporarily suspended so that individuals who are at least 20 years of age may apply.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code limiting the holder of a paraeducator certificate with a substitute authorization appearing on the certificate to substituting only in the special education classroom in which the paraeducator is employed continue to be temporarily suspended. For the duration of the public health disaster proclamation, a paraeducator who holds or obtains a substitute authorization on a paraeducator certificate may substitute in any classroom except for driver's education.
- Regulatory provisions of the Iowa Administrative Code prohibiting the holder of a career and technical secondary authorization or initial career and technical secondary authorization who has completed at least one year of teaching experience employed by a school district from serving as a substitute teacher in any classroom without further authorization from the Board of Educational Examiners continue to be temporarily suspended, excluding substitution in a driver's education classroom.
- Regulatory provisions of the Iowa Code limiting compensation to a school board member if the member obtains part-time or temporary employment as a substitute employee are temporarily suspended.
- The Board of Educational Examiners is directed to provide guidance to school districts and individuals interested in serving as a substitute teacher in response to the above temporary Iowa Code suspensions.
- Regulatory provisions of the Iowa Code requiring the repayment or reduction of an Iowa Public Employees' Retirement System member's retirement allowance if the member is reemployed or returns to employment as a teacher or substitute teacher continue to be temporarily suspended.
- Provisions of the Iowa Code requiring an applicant for a one-year temporary teaching license to provide the Board of Educational Examiners proof of an offer of a teaching position from a school district that can show it has made every reasonable and good-faith effort to employ a teacher licensed under Iowa Code chapter [272](#) continue to be temporarily suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring teacher licensure candidates to have a minimum number of hours of field experience continue to be suspended if the higher education institution providing the practitioner preparation program determines that the candidate has completed sufficient field experience to determine that the candidate should be recommended for licensure.
- Regulatory provisions establishing any deadline for data submission regarding early childhood education, elementary education, or secondary education, excluding those required by federal law, to the Iowa Department of Education are temporarily suspended but only to the extent that the Iowa Department of Education grants an extension of the deadline for a period of up to two weeks to all school districts.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code pertaining to private educational instruction requiring face-to-face instruction continue to be temporarily suspended.
- Regulatory provisions of the Iowa Administrative Code regarding academic eligibility continue to be temporarily suspended so that all student athletes will be deemed to be academically eligible when school and athletic competitions resume.

- Regulatory provisions of the Iowa Administrative Code requiring a certain number of days of ineligibility for interscholastic activities following a transfer continue to be temporarily modified so that any day a school is closed shall be counted toward the minimum number of days of ineligibility.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code regarding relief to the health care system that were temporarily suspended in previous Proclamations continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring face-to-face interactions with health care providers and imposing requirements for residential and outpatient substance use disorder treatment, and provisions restricting the use of telehealth services through audio-only telephone transmission, continue to be suspended, and health carriers continue to be directed to reimburse health care professionals for covered services provided through telehealth practices.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code prohibiting pharmacists from practicing therapeutic substitution without prior consent by the prescriber continue to be suspended.
- Regulatory provisions of the Iowa Administrative Code permitting a residential care facility or nursing facility to involuntarily discharge or transfer a resident for nonpayment for the resident's stay continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code previously suspended regarding certain professional licensing examination requirements, expirations and renewals, practical and clinical hours, internship completion, and background checks continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring in-person clinical experience for emergency medical services (EMS) provider training, passage of the National Registry of Emergency Medical Technicians (NREMT) practical examination, and that a training program meet certain standards and guidelines continue to be suspended to the extent that alternative evaluation methods are used and the IDPH determines that the candidate has completed the cognitive examination and should be granted an emergency certification.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring a food establishment to renew its license within 60 days of expiration continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code regarding beer, wine, and liquor licenses and permits expiring one year from the date of issuance, as well as the provisions prohibiting refunds for short-term licenses or permits and prohibiting refunds on raffle license fees, continue to be suspended.
- Regulatory provisions of the Iowa Code requiring beer and wine permit holders to report gallons or barrels sold or pay to the Iowa Alcoholic Beverages Division the amount of tax due before the tenth day of each calendar month, including the associated penalty if the report is not filed or the tax is not paid, continue to be suspended until December 31, 2020.
- Regulatory provisions of the Iowa Code requiring a \$25 penalty for each month or fraction thereof that the registration for a swimming pool or spa is not received by the IDPH by April 30 continue to be temporarily suspended, and the IDPH is directed to refund penalties already paid for the registration period that began on May 1, 2020.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code previously suspended so that counties may expend allocations from the county commissions of veteran affairs to aid veterans in coping with the disaster continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring an executive director or administrator of a county commission of veteran affairs to complete veteran's staff certification training within one year of employment continue to be temporarily suspended.
- Regulatory provisions of the Iowa Code requiring governmental entities to distribute, receive, open, or record paper documents used under the Iowa Construction Bidding Act continue to be suspended.
- Regulatory provisions of the Iowa Code requiring a physical meeting of shareholders, policyholders, or members for corporate shareholder meetings are suspended to the extent a reasonable means of remote communication is provided.

- Regulatory provisions of the Iowa Code setting requirements for public meetings and hearings for a governmental body continue to be suspended to make allowances for electronic meetings and hearings, provided that a means for the public to participate is still available.
- Regulatory provisions of the Iowa Code requiring a lawful custodian of public records to maintain office hours to receive in-person record requests continue to be suspended to the extent the custodian has posted clear directions for making requests that are easily accessible to the public.
- Regulatory provisions of Iowa Administrative Code rule [441—7.8\(1\)](#) that require an in-person hearing at the request of an appellant are temporarily suspended so long as no federal law requires an in-person hearing, and the administrative law judge determines that an in-person hearing is not necessary.
- Regulatory provisions of the Iowa Code requiring physical presence for notarizations or the witnessing of certain legal documents continue to be suspended.
- Regulatory provisions of the Iowa Code requiring in-person case reviews of children receiving foster care continue to be suspended.
- Regulatory provisions of the Iowa Code that use the term “forensic interview” that require the interview to be conducted face-to-face continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code setting an enforcement date of May 1, 2020, for the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators continue to be suspended.
- Previously suspended provisions of the Iowa Code and Iowa Administrative Code restricting the movement of oversize and overweight loads and regulating hours of service when transporting certain goods continue to be suspended. The Iowa Department of Transportation continues to be directed to monitor the operation of this provision.
- Regulatory provisions of the Iowa Code prescribing that driver’s licenses issued to a person age 72 years old or older expire after two years and other licenses expire after eight years and a person with an expired license shall not operate a motor vehicle on the highways of the State continue to be temporarily suspended until January 8, 2021.
- Regulatory provisions of the Iowa Code regarding vehicle operation without registration plates for a period of 45 days after the date of delivery of the vehicle continue to be suspended to the extent that the vehicle is operated for a period of 90 days or less after delivery.
- Regulatory provisions of the Iowa Code requiring firearm permit applications be delivered in person continue to be suspended. Each sheriff’s office continues to be directed to establish drop-off, mail-in, or electronic submission to the extent practical. Permits to carry shall continue to not expire during the Proclamation.
- Regulatory provisions of the Iowa Code limiting the use of online instruction in determining contact hours for apprenticeship sponsors continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring an applicant to retake a high school equivalency degree test if the applicant has not earned a high school equivalency degree within five years of taking the first subtest continue to be suspended.
- Regulatory provisions of the Iowa Administrative Code that set a minimum contact hour requirement for community college instruction continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code providing a maximum teaching load for community college instructors continue to be temporarily suspended with the requirement that a community college administration assigning an instructor a teaching load above the maximum credit load maintains written documentation that the instructor and administration mutually consented to the additional assignments.
- Regulatory provisions of the Iowa Code requiring administration of the Iowa Youth Survey every 2 years to students in grades 6, 8, and 11 in Iowa’s public and nonpublic schools continue to be temporarily suspended.

- Regulatory provisions of the Iowa Code requiring instructional courses for drinking drivers to be delivered in person rather than online continue to be suspended.
- Regulatory provisions of the Iowa Code requiring an unattended fueling dispenser to provide a public phone continue to be suspended.
- Previously suspended provisions of the Iowa Code pertaining to pesticide applicators continue to be suspended.
- Regulatory provisions of the Iowa Code previously suspended so that retired State health care professionals, police officers, or fire fighters may return to work during this Public Health Disaster Emergency without receiving a reduction or being required to repay the retired employee's retirement allowance continue to be suspended.
- The disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's (HSEMD) Iowa Emergency Response Plan and any additional response plans activated by previous Proclamations continue to be active.
- Regulatory provisions of the Iowa Code prohibiting certain State employees from receiving overtime pay for hours worked in excess of 40 hours continue to be suspended.
- The order to all State agencies to utilize personnel, equipment, and facilities as necessary to assist the HSEMD and IDPH in performing any and all activities necessary to prevent, contain, and mitigate the effects of COVID-19 continues to be in place.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code regarding maximum hours a temporary employee may work for the State continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code regarding the processes, procedures, approvals, or limitations of the procurement of goods and services when those goods and services are necessary to prevent, contain, or mitigate the effects of COVID-19 continue to be suspended.

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