
FISCAL UPDATE Article

Fiscal Services Division

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COVID-19 — GOVERNOR'S PROCLAMATIONS — APRIL 10, 2020

This article summarizes the Governor's proclamations regarding COVID-19.

Proclamation of Disaster Emergency, April 10, 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 17, 2020, establishing a State of Public Health Disaster Emergency. On April 10, 2020, the Governor issued an additional Proclamation of Disaster Emergency which included the following:

- Provided regulatory relief to Iowa's health care facilities temporarily suspending the regulatory provisions of the Iowa Code and Iowa Administrative Code that require the following:
 - That hospital inspectors be free of conflicts of interest.
 - That the statutory or regulatory definition of "doctors" or "medical staff" include licensure specifically within the State of Iowa rather than any other state.
 - That a hospital do a criminal history check prior to employment, to the extent that a hospital may employ an individual once the criminal history check is submitted.
 - Physical separation and distinction between a long-term acute care hospital located within a general hospital.
 - That written criteria be established for the granting of clinical privileges, to the extent that policies are not required to be rewritten to accommodate waivers by the State or the Centers for Medicare and Medicaid Services.
 - That hospitals adopt a statement of principles relating to patient rights and responsibilities, to the extent that policies are not required to be rewritten to accommodate waivers by the State or the Centers for Medicare and Medicaid Services.
 - Clear definition of authority, responsibility, and function of each nurse, to the extent that there is evidence that each nurse has been assessed competent in all areas in which the nurse functions.
 - Utilization of the codified nursing process, to the extent that it is not feasible to do so.
 - That all nurses employed in a hospital must hold an active Iowa license, hold an active license in another state and be recognized for licensure in Iowa pursuant to the Nurse Licensure Compact, or be qualified for employment in accordance with Section 37 of the Proclamation of Disaster Emergency issued on April 2, 2020.
 - That a nursing service is to have an adequate number of licensed registered nurses, licensed practical nurses, and other personnel to provide nursing care, to the extent that the hospital has made all reasonable efforts to maintain sufficient staffing levels.
 - That a hospital have written policies and procedures established for the administration and technical guidance of the personnel in the hospital, and that each employee be familiar with those policies and procedures.

- That hospitals maintain their medical records and reports and diet manuals as outlined by the Iowa Code, to the extent that they continue to comply with federal regulations and that diet manuals are maintained at surge capacity sites.
- That hospitals require procedures for authentication of verbal and standing orders, to the extent that they comply with federal regulations.
- That hospitals select, maintain, and utilize equipment as directed in the Iowa Code, to the extent that they continue to comply with federal regulations.
- That hospitals segregate patient beds, to the extent that hospitals take all reasonable precautions to provide for the prevention of cross-infections and the control of communicable diseases.
- That hospitals perform health assessments and screen employees for tuberculosis, in cases in which it is not feasible for the hospital to do so, to the extent that the hospital continues to assess new employees, workers, and residents for signs or symptoms of infectious or communicable diseases.
- That a hospital have written policies and procedures specifying the scope and conduct of patient care to be provided in the emergency service, to the extent that it is now necessary to rewrite policies to accommodate the current emergency.
- Minimum standards of construction for hospitals, to the extent that the Department of Inspections and Appeals (DIA) and the State Fire Marshal's Office have approved the location as one that sufficiently addresses the safety and comfort of patients and staff.
- That critical access hospitals maintain no more than 25 acute care beds.
- That critical access hospitals meet the codified Medicare conditions of participation, to the extent that waivers have been issued by the Centers for Medicare and Medicaid Services.
- That a nurse aide undergoes 20 hours of on-the-job training if the individual has not completed a State-approved 75-hour nurse's aide program, to the extent that the individual has completed at least 20 hours of training in a 75-hour State-approved nurse's aide program; and the requirement that certified nursing aides who have received other training than the State-approved program must pass a challenge examination.
- That a health care facility not use any person working in the facility as a nurse aide for more than four months unless that person has completed a training and competency evaluation program approved by the DIA.
- That the DIA remove certified nurse aides from the Iowa Direct Care Workers Registry if they have performed no nursing or nursing-related services for monetary compensation for a period of 24 consecutive months.
- Minimum standards for nurse aide training and competency evaluation programs the DIA may approve, to the extent that the program has been approved by the Center for Medicare and Medicaid Services.
- That a person who has written documentation of certification as a medication aide in another state complete a nurse aide competency examination and medication aide challenge examination approved by the Department of Public Health.
- That health care facilities receive on-site inspections.
- That a person who is subject to the mandatory reporting requirements of the Iowa Code complete a training provided by the Department of Human Services within six months of initial employment.
- Temporarily suspended the regulatory provisions of the Iowa Administrative Code to the extent that the provisions permit in-person visits in residential care facilities or with tenants in an adult day service.
- Temporarily suspended the regulatory provisions of the Iowa Code and Iowa Administrative Code requiring a food establishment to renew its license within 60 days of expiration.

- Temporarily suspended the regulatory provisions of the Iowa Code requiring in-person case review of a child receiving foster care.
- Temporarily suspended the regulatory provisions of the Iowa Code that require a forensic interview to be conducted face-to-face.
- Temporarily suspended the 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.
- Temporarily suspended the regulatory provisions of the 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. Suspension of these provisions shall apply during the duration of the Proclamation or any future extension.
- Temporarily suspended the regulatory provisions of the Iowa Administrative Code that set a minimum contact hour requirement for community college instruction during the duration of the Proclamation or any future extension.
- Temporarily suspended the regulatory provisions of the Iowa Code and Iowa Administrative Code requiring curriculum standards, completion of specific units of credit for completion of a high school program of study, and completion of a psychomotor course that leads to a certification in cardiopulmonary resuscitation for the high school graduating class of 2020.
- Temporarily suspended the regulatory provisions of the Iowa Administrative Code requiring each student participating in interscholastic athletics to present a certificate indicating that the student has been examined by an appropriate medical professional and determined to be able to safely engage in athletic competition.
- Temporarily suspended the regulatory provisions of the Iowa Code requiring a lawful custodian of public records to maintain office hours to receive in-person record requests, and temporarily suspended provisions requiring in-person examination or copying of public records to the extent that those records can be examined and copies can be provided by mail or electronic means.
- Temporarily suspended the regulatory provisions of the Iowa Code requiring a county attorney who collects delinquent court debt to satisfy applicable threshold amounts for the remainder of this fiscal year and requiring the State Court Administrator to send a notice for this fiscal year to a county attorney regarding continued eligibility in the county attorney collection program.
- Clarified previous Proclamations closing retail establishments to allow for online or telephone sales, delivery, or curbside pickup.

The provisions in the above summarized Proclamation are to remain active until April 30, 2020, at 11:59 p.m. unless sooner terminated or extended by written order of the Governor.

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