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## FISCAL UPDATE Article

Fiscal Services Division

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Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

### COVID-19 — GOVERNOR'S PROCLAMATIONS — FEBRUARY 5, 2021

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 February 5, 2021, the Governor issued an additional [Proclamation of Disaster Emergency](#) in response to the COVID-19 pandemic. This Proclamation, in addition to encouraging all vulnerable Iowans to limit activities outside the home, orders the following measures:

- Businesses remaining open with in-person operations are strongly encouraged to take 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).
- Gathering organizers or hosts are strongly encouraged to 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.
- 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 personal protective equipment (PPE); and the dentist has a plan to conserve PPE consistent with guidance from the Centers for Disease Control and Prevention (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 safely provide in-person instruction throughout the school year. These efforts must 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, waiving the requirement to provide an opportunity for full-time in-person instruction 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.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code regarding education workforce licensure relief continue to be suspended.
- Regulatory provisions of the Iowa Code requiring the repayment or reduction of an Iowa Public Employees' Retirement System (IPERS) 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 requiring that assessments for remote learning be proctored are temporarily suspended, to the extent that a parent or guardian selects the remote learning opportunity provided by a school and the school implements testing procedures required by the Department of Education.
- 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

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with the exception of Iowa Code chapter [80B](#) regarding professional certifications for the Iowa Law Enforcement Academy.

- 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 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 veterans 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 continue to be 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 [441 IAC 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

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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 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 two 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.

LSA Staff Contact: Maria Wagenhofer (515.281.5270) [maria.wagenhofer@legis.iowa.gov](mailto:maria.wagenhofer@legis.iowa.gov)

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