

State of Iowa COVID-19 Response

Below is a summary of Governor Reynolds' eighth Emergency Disaster Proclamation compiled by attorneys Tim Coonan and Sydney Gangestad.

Her actions are authorized by Iowa Code Chapter 29C, Emergency Management and Security.

	Admin/Code Sections Impacted	Summary
Health Facilities Regulatory Relief		
Section 1	Section 135B.9(1)(a)	Suspends provisions that require hospital inspectors to be free of conflicts of interest
Section 2	Section 135B.20(1) 481 IA Admin Code § 51.1	Suspends provisions that define "doctor" and "medical staff" as licensed to practice in this state, to the extent the person is licensed to practice in another state or in accordance with Section 37 of the 4/2 Proclamation .
Section 3	Section 135B.34 481 IA Admin Code § 51.41	Suspends provisions requiring hospitals to complete a criminal history check prior to employment; hospitals may employ an individual once criminal history check is submitted/pending completion
Section 4	481 IA Admin Code § 51.4	Suspends provisions that require physical separation and distinction between a long-term acute care hospital located within a general hospital (if not feasible)
Section 5	481 IA Admin Code § 51.5(4)	Suspends provisions that require written criteria for granting of clinical privileges, policies should not be rewritten to accommodate waivers provided by the State or CMS
Section 6	481 IA Admin Code § 51.6	Suspends provisions that require hospitals to adopt a statement of principles relating to patient rights and responsibilities, policies should not be rewritten to accommodate waivers provided by the State or CMS
Section 7	481 IA Admin Code § 51.9(1)	Suspends provisions requiring the clear definition of authority, responsibility, and function of each nurse, if nurse competent in any area
Section 8	481 IA Admin Code § 51.9(2)	Suspends provisions requiring utilization of nursing process, if it is not feasible to do so

Section 9	481 IA Admin Code § 51.9(4)	Suspends provisions that require all nurses practicing as a registered nurse or licensed practical nurse to hold an active Iowa license or an active license in another state recognized for licensure pursuant to the nurse licensure compact (section 152E.1), allowing nurses qualified for employment in accordance with Section 37 of the 4/2 Proclamation.
Section 10	481 IA Admin Code § 51.9(8)	Suspends provisions requiring nursing service to have adequate numbers of licensed registered nurses, practical nurses, and other personnel to provide nursing care, if hospital has made all reasonable efforts to maintain staffing levels
Section 11	481 IA Admin Code § 51.9(9)	Suspends provisions requiring written policies and procedures for guidance of personnel in hospital
Section 12	481 IA Admin Code § 51.12	Suspends provisions requiring hospital medical record and report maintenance, records must continue to be maintained as required by federal regulation
Section 13	481 IA Admin Code § 51.14(3), 51.14(4), and 51.15	Suspends provisions requiring procedures for authentication of verbal/standing orders, if hospitals comply with federal regulation
Section 14	481 IA Admin Code § 51.20(2)(d)	Suspends provisions requiring maintenance of a current diet manual
Section 15	481 IA Admin Code § 51.22	Suspends provisions requiring hospital equipment be selected, maintained, and utilized in accordance with manufacturer's specifications, if not feasible to do so
Section 16	481 IA Admin Code § 51.24(1)	Suspends provisions requiring segregation of patients' beds, if hospitals take all reasonable precautions to prevent cross-infections and control communicable diseases
Section 17	481 IA Admin Code § 51.24(3)	Suspends provisions requiring hospitals to perform health assessments and screen employees for tuberculosis, if not feasible to do so, as long as hospital continues to assess/document new employees for infections or communicable diseases and place them on a list to test as soon as possible

Section 18	481 IA Admin Code § 51.30	Suspends provisions requiring hospitals to have written policies and procedures specifying the scope/conduct of patient care to be provided in emergency services, policies should not be rewritten to accommodate proclamation
Section 19	481 IA Admin Code § 51.50	Suspends provisions requiring minimum standards of construction for hospitals, if DIA and State Fire Marshal have approved the location
Section 20	481 IA Admin Code § 51.53(4)	Suspends provisions requiring critical access hospitals maintain no more than 25 acute care inpatient beds
Section 21	481 IA Admin Code § 51.53(5)	Suspends provisions requiring critical access hospitals meet the Medicare conditions of participation as described in 42 CFR Part 485, Subpart F, if waivers have been issued by CMS
Section 22	481 IA Admin Code § 58.11(1)(i)	Suspends provisions requiring nurse aides who have not completed the state-approved 75-hour program to participate in structured on-the-job training, if the individual has completed a comparable training course approved by DIA or has completed 20-hours of the 75-hour program and the facility has training and supervision measures to ensure the individual's competency
Section 23	481 IA Admin Code § 58.11(1)(k)	Suspends provisions requiring that CNAs that have training other than the state-approved program must pass a challenge examination, if the individual demonstrates competency in skills and techniques necessary to care for residents' needs as required by 42 CFR § 483.35(c) and (d)(1)(i)
Section 24	481 IA Admin Code § 81.13(19)(e)(2)(2)	Suspends provisions requiring that a facility not use any person working as a nurse aide for more than four months unless they have completed a training/competency evaluation approved by the DIA, if the individual demonstrates competency in skills and techniques necessary to care for residents' needs as required by 42 CFR § 483.35(c) and (d)(1)(i)

Section 25	481 IA Admin Code § 81.16(5)(b)(2)(3), 81.16(5)(b)(5)(2)	Suspends provisions requiring DIA remove CNAs from the Iowa Direct Care Workers Registry if they have performed no nursing services for monetary compensation for a period of 24-consecutive months, if the individual demonstrates competency in skills and techniques necessary to care for residents' needs as required by 42 CFR § 483.35(c) and (d)(1)(i)
Section 26	481 IA Admin Code § 81.16(3)	Suspends provisions requiring minimum standards for nurse aid training and competency evaluation programs DIA may approve, if they have been approved by CMS
Section 27	481 IA Admin Code § 57.19(2)(f), 58.21(6)(e), 64.4(9)(d), and 65.17(1)(e)	Suspends provisions requiring a person who has written documentation of certification as a medication aide in another state complete a DIA approved nurse aide competency exam/medication aide challenge exam, if the individual demonstrates competency in safe medication administration
Section 28	Section 135.144(3) 481 IA Admin Code § 57.26, 67.3(6)	Suspends provisions that permit in-person visits in residential care facilities or with tenants in an adult day service
Section 29	Section 135C.16(1), 135C.38(1), 135C.40(1)	Suspends provisions that require on-site inspections of health care facilities
Section 30	Section 232.69, 235B.3 (Any Admin §§ that implement the above chapters)	Suspends provisions that require a person who is subject to mandatory reporting requirements to complete training provided by DHS within 6-months of initial employment; does not impact requirement to report cases of abuse to authorities
Food Establishment Licensure Relief		
Section 31	Section 137F.4 481 IA Admin Code § 30.3(6)	Suspends provisions requiring a food establishment to renew its license within 60-days of expiration
Suspension of In-Person Foster Care Review		
Section 32	Section 237.20(1)(a)(1)-(5)	Suspends provisions that require in-person case review of a child receiving foster care
Suspension of In-Person Child Health Protection Interviews		
Section 33	641 IA Admin Code § 94.2	Suspends provisions that require "forensic interviews" be conducted face to face

Suspension of New Elevator Standards		
Section 34	875 IA Admin Code § 72.10, 73.1	Suspends provisions that set an enforcement date of May 1, 2020, for the American Society of Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011)
High School Equivalency Testing		
Section 35	281 IA Admin Code § 32.7(1)	Suspends provisions that require applicants to retake a high school equivalency degree test if he/she has not earned a high school equivalency degree within 5-years of taking the first subtest; suspension applies during duration of this proclamation
Community College Instruction Hours		
Section 36	281 IA Admin Code § 21.2(12)(i)-(m)	Suspends provisions that set minimum contact-hour requirements for community college instruction, but only if the community college notifies the Department of Education of any modifications consistent with the Department's guidance; suspension applies during duration of this proclamation
High School Graduation Requirements		
Section 37	Section 256.7(26)(a) and 256.11(5) 281 IA Admin Code § 12.5(5)	Suspends provisions requiring curriculum standards and completion of specific units of credit for completion of a high school program of study, if these provisions would hinder Iowa school districts in assisting the graduating class of 2020 in completing a course of study during this disaster emergency
Section 38	Section 256.11(6)(c) 281 IA Admin Code § 12.5(20)	Suspends provisions requiring each Iowa pupil physically able to do so complete a CPR course to graduate from high school, if these provisions would hinder Iowa school districts in assisting the graduating class of 2020 in completing a course of study during this disaster emergency
Annual Sports Physical Requirements		
Section 39	281 IA Admin Code § 36.14(1)	Suspends provisions requiring students participating in interscholastic athletics provide certification that the student has been examined by a health professional and may engage in athletic competition;

		suspension applies during duration of this proclamation
In-Person Open Records Examination		
Section 40	Section 22.2(1), 22.3(1)	Suspends provisions imposing requirements for examination or copying of public records, if they can be examined/copies provided by mail or electronic means; does not apply to searches of indexes, general and specific, of the public records related or relating to documents, instruments and muniments of title, for the purpose of performing title searches, real property searches, or creating real property abstracts
Section 41	Section 22.4	Suspend provisions that require a lawful custodian of records maintain officer hours to receive in-person records requests, if the custodian has posted clear instructions for making a request in writing, by telephone, or by electronic means in a prominent place that is easily accessible to the public
Eligibility Requirements for County Attorney Collection Program		
Section 42	Section 602.8107(4)(c), 602.8107(4)(f)	Suspends provisions that require a county attorney that collects delinquent court debt to satisfy applicable threshold amounts for the remainder of the fiscal year and require the SCA send a notice for this fiscal year regarding continued eligibility in the county attorney collection program
Clarification Regarding Delivery and Curb-Side Pickup		
Section 43		Closures of retail establishments in Section 1 of the 4/6 proclamation shall not be construed to limit service to the public via online/telephone sales, delivery, or curb-side pickup; does not supersede any other applicable federal or state law that regulates the sale/delivery of goods or services
Implementation and Interpretation		
Section 44		DPS, DPH, DOE, Iowa Homeland Security, and DOT are directed to monitor operation and implementation of the proclamation

Section 45		Nothing shall be construed as an exemption from any other provision of the Iowa Code or Admin Code unless specifically identified
Section 46		Effective immediately and expires 4/30 at 11:59pm, unless sooner terminated or extended