State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, the World Health Organization has reported an outbreak of thousands of cases of Novel Coronavirus 2019 (COVID-19) in multiple countries, causing illness and deaths; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency; and

WHEREAS, on March 9, 2020, a Proclamation of Disaster Emergency was issued to coordinate the State of Iowa's response to this outbreak and such disaster continues to exist; and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, a Proclamation of Public Health Disaster Emergency was issued to provide additional needed resources and measures to respond to this disaster, and such public health disaster continues to exist and should be extended until August 22, 2021; and

WHEREAS, strict compliance with many of the provisions of Iowa law previously suspended would continue to prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state.

NOW THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution, Art. IV, §§ 1, 8 and Iowa Code §§ 29C.6(1), 135.140(6), and 135.144 do hereby proclaim a **STATE OF PUBLIC HEALTH DISASTER EMERGENCY** continues to exist throughout the entire state of Iowa and do hereby **ORDER** and **DIRECT** the following:

INTERSCHOLASTIC ATHLETICS REQUIREMENTS

SECTION ONE. Pursuant to Iowa Code § 29C.6(6), I continue to temporarily suspend the regulatory provisions of Iowa Administrative Code rule 281-36.15(2), the scholarship rule for interscholastic athletics. When school resumes and athletic competitions resume, all student athletes will be deemed to be academically eligible. This suspension shall expire at midnight at the end of July 31, 2021.

REGULATORY RELIEF TO HEALTH CARE SYSTEM

SECTION TWO. Pursuant to Iowa Code § 29C.6 (6), I continue to temporarily suspend the regulatory provisions of Iowa Code §§ 135.61 through 135.73, and any other provisions of law, requiring an institutional health facility to obtain a certificate of need prior to operating additional bed capacity or to changing the type of institutional health facility or institutional health services offered. Suspension of these provisions is limited to the duration of this proclamation and is further limited to the provision of medical assistance and treatment of

victims of this public health emergency. Iowans should not expect this suspension to be extended beyond August 22, 2021.

SECTION THREE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I continue to temporarily suspend the regulatory provisions of any statute or administrative rule that impedes the implementation of a federal waiver issued by the Secretary of the Department of Health and Human Services and Centers for Medicare and Medicaid Services pursuant to section 1135 of the Social Security Act. Iowans should not expect this suspension to be extended beyond August 22, 2021.

SECTION FOUR. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), in conjunction with the Iowa Department of Public Health, I continue to temporarily suspend the regulatory provisions of Iowa Admin. Code rule 481-57.11(6) requiring a residential care facility screen and test an employee for tuberculosis pursuant to 481-Chapter 59 if it is not feasible for a facility to do so, to the extent the facility continues to perform and document sign/symptom review of new health care workers and residents and places the health care worker or resident on a callback list to test as soon as possible. Iowans should not expect this suspension to be extended beyond August 22, 2021.

SECTION FIVE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), in conjunction with the Iowa Department of Public Health, I continue to temporarily suspend the regulatory provisions of Iowa Admin. Code rules 481-57.19(3)(c) & 64.4(9)(b) requiring a person administering medications in a residential care facility and intermediate care facility for the intellectually disabled to complete a department-approved medication aide course and pass a department-approved medication aide exam, to the extent the person has successfully completed a state-approved medication manager course and passed a state-approved medication manager exam to administer medications. Iowans should not expect this suspension to be extended beyond August 22, 2021.

SECTION SIX. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I continue to temporarily suspend the regulatory provisions of Iowa Code § 135B.20(1) and Iowa Admin. Code rule 481-51.1, and any statute or rule using terms defined in those provisions, defining a "doctor" and "medical staff" as requiring all doctors and medical staff be licensed to practice in this state, to the extent that individual is licensed to practice in another state or in accordance with another section of this Proclamation of Disaster Emergency. Iowans should not expect this suspension to be extended beyond August 22, 2021.

SECTION SEVEN. Pursuant to Iowa Code § 29C.6(6), I continue to temporarily suspend the regulatory provisions of Iowa Admin. Code rules 650-11.2(2), 11.3(2), 11.5(2), 11.6(2),13.2(2), and 20.6(2)(b)(8) requiring an applicant for initial licensure in dentistry, dental hygiene, assisting, or for a faculty permit to attest to current certification in cardiopulmonary resuscitation. Iowans should not expect this suspension to be extended beyond August 22, 2021.

EMS PROVIDER TRAINING REGULATORY RELIEF

SECTION EIGHT. Pursuant to Iowa Code § 29C.6(6), and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I continue to temporarily suspend the regulatory provisions of Iowa Admin. Code rule 641-131.5(1) to the extent those provisions require in-person clinical experience, so long as alternative evaluation methods are used including but not limited to scenarios, case studies, or simulations. I hereby direct the Department to provide guidance to training programs regarding the effect of these suspensions. Iowans should not expect this suspension to be extended beyond August 22, 2021.

COMMUNITY COLLEGE MAXIMUM TEACHING LOAD

SECTION NINE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I continue to temporarily suspend the regulatory provisions of Iowa Code § 260C.48(2) and Iowa Admin. Code rule 281-24.5(2), providing a maximum teaching load for community college instructors, but only to the extent that a community college administration assigning an instructor a teaching load above the maximum credit load maintains written documentation that the instructor and community college administration mutually consented to the additional assignments. This suspension shall expire at midnight at the end of August 17, 2021.

OTHER REGULATORY RELIEF

SECTION TEN. Pursuant to Iowa Code § 29C.6(6), I continue to temporarily suspend the regulatory provisions of Iowa Admin. Code r. 281-21.31 to the extent it requires instructional courses for drinking drivers to be delivered in person rather than online. This suspension shall expire upon the effective date of ARC 5741C.

STATE AGENCY OPERATIONS

SECTION ELEVEN. As required by Iowa Code § 29C.6(1), (10) and 42 U.S.C. § 5170 in cases of Presidential Disaster Declarations, this Proclamation of Disaster Emergency continues to activate the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan and those additional response plans applicable to the counties affected by this disaster and authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster affected counties.

SECTION TWELVE. Pursuant to Iowa Code § 29C.6(1) and (10), I continue to activate the public health response and recovery aspects of the state disaster emergency plan applicable to this public health disaster and authorize the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary pursuant to those plans to assist those citizens located in the counties subject to this proclamation.

SECTION THIRTEEN. I continue to direct the Iowa Department of Public Health, in conjunction with whatever further direction I provide, to take those reasonable and necessary actions authorized by Iowa Code § 135.144 to address this public health disaster, including but not limited to mobilizing as many public health response teams as are necessary to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources, as allowed by Iowa Code § 135.143 and 641 Iowa Admin. Code 113.2(1), with the understanding that the registered members of those public health response teams providing assistance under this authority shall receive the protections and benefits of state employees as allowed by law.

SECTION FOURTEEN. Pursuant to Iowa Code § 29C.6(6), I continue to temporarily suspend the regulatory provisions of Iowa Admin. Code rule 11-53.11(3) prohibiting pay to those State of Iowa employees for hours worked in excess of 40 hours per workweek while present in the State's Emergency Operations Center or otherwise engaged in assigned disaster response missions or other activities. Iowans should not expect this suspension to be extended beyond August 22, 2021.

SECTION FIFTEEN. Pursuant to Iowa Code § 29C.6(8) and (10), I continue to order all state agencies to utilize such personnel, equipment, and facilities as necessary to assist the Iowa Department of Public Health and the Iowa Department of Homeland Security and Emergency Management in performing any and all activities necessary to prevent, contain, and mitigate the effects of the COVID-19 virus.

SECTION SIXTEEN. Pursuant to Iowa Code § 29C.6(6), I continue to temporarily suspend the regulatory provisions of Iowa Code § 8A.413(12) and Iowa Admin. Code rules 11-57.4 and 11-57.7 that limit the number of hours per fiscal year for temporary employees in state agencies, and the regulatory provisions of Iowa Code § 20.4(5) to the extent it limits the period of time a temporary employee may work in state agencies as an excluded public employee. Iowans should not expect this suspension to be extended beyond August 22, 2021.

SECTION SEVENTEEN. Pursuant to Iowa Code § 29C.6(6), I continue to temporarily suspend the regulatory provisions of Iowa Code chapters 8A and 8B, Iowa Code § 313.10, Iowa Admin. Code Chapters 11-117, 11-118, 129-10, 641-176, requiring the Iowa Department of Public Health, the Iowa Department of Homeland Security and Emergency Management, and other state agencies involved in the response to this disaster emergency to procure goods and services through a competitive selection process or to otherwise follow, adhere to, or obtain other procurement-related processes, procedures, approvals, or limitations. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to prevent, contain, or mitigate the effects of the COVID-19 virus, facilitate telework by state employees, and mitigate and respond to increased cyber-attacks and threats. Iowans should not expect this suspension to be extended beyond August 22, 2021.

IMPLEMENTATION AND INTERPRETATION

SECTION EIGHTEEN. The Iowa Department of Public Safety, Iowa Department of Public Health, Iowa Department of Education, Iowa Department of Homeland Security and Emergency Management, Iowa Department of Transportation, Iowa Alcoholic Beverages Division, Iowa Department of Inspections and Appeals, and other participating state agencies are hereby directed to monitor the operation and implementation of this proclamation to assure the public's health and safety.

SECTION NINETEEN. Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

SECTION TWENTY. The provisions of this proclamation shall be effective immediately, unless otherwise noted. This state of public health disaster emergency shall now expire on August 22, 2021, at 11:59 p.m., unless sooner terminated or extended in writing by me.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS TWENTY-THIRD DAY OF JULY IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-ONE.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE