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, was extended on April 2, 2020, and such public health disaster continues to exist; and

WHEREAS, strict compliance with the provisions of Iowa Code § 135B.9(1)(a) requiring hospital inspectors be free of conflicts of interest would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the certain provisions of Iowa law requiring all doctors and medical staff be licensed to practice in this state would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 135B.34 and Iowa Admin Code rule 481-51.41, requiring a hospital to complete a criminal history check prior to employment of an individual, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.4, requiring physical separation and distinction between a long-term acute care hospital located within a general hospital would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.5(4), requiring written criteria for the granting of clinical privileges, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.6, requiring hospitals to adopt a statement of principles relating to patient rights and responsibilities, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.9(1), requiring the clear definition of authority, responsibility, and function of each nurse would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.9(2), requiring utilization of the nursing process would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.9(4) requiring all nurses employed in a hospital who practice nursing as a registered nurse or licensed practical nurse must hold an active Iowa license or an active license in another state and be recognized for licensure in this state pursuant to the nurse licensure compact in Iowa Code section 152E.1 would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.9(8), requiring the nursing service to have adequate numbers of licensed registered nurses, licensed practical nurses, and other personnel to provide nursing care would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.9(9), requiring written policies and procedures be established for the administrative and technical guidance of the personnel in the hospital and that each employee be familiar with those policies or procedures, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.12, requiring hospital medical record and report maintenance would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rules 481-51.14(3), 51.14(4), and 51.15, requiring procedures for authentication of verbal orders and standing orders would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rules 481-51.20(2)(d), requiring maintenance of a current diet manual would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.22, requiring hospital equipment be selected, maintained and utilized in accordance with the manufacturer's specifications would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.24(1), requiring segregation of patients' beds would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin. Code rule 481-51.24(3), requiring a hospital perform a health assessment and screen and test an employee for tuberculosis pursuant to 481-Chapter 59 if it is not feasible for a hospital to do so, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.30, requiring a hospital to have written policies and procedures specifying the scope and conduct of patient care to be provided in the emergency service would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.50, requiring minimum standards of construction for hospitals would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.53(4), requiring critical access hospitals maintain no more than 25 acute care inpatient beds would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-51.53(5), requiring critical access hospitals meet the Medicare conditions of participation as described in 42 CFR Part 485, Subpart F would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-58.11(1)(i), requiring a nurse aide who has not completed the state-approved 75-hour nurse's aide program be required to participate in a structured on-the-job training program of 20 hours' duration would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 481-58.11(1)(k), requiring that certified nurse aides who have received training other than the Iowa state-approved program must pass a challenge examination would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 441-81.13(19)(e)(2)(2), requiring that a 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 department of inspections and appeals, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 441-81.16(5)(b)(2)(3) and (5)(c)(5)(2), requiring that the department of inspections and appeals 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 would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rule 441-81.16(3), requiring minimum standards for nurse aide training and competency evaluation programs the department of inspections and appeals may approve would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin Code rules 481-57.19(2)(f), 58.21(6)(e), 64.4(9)(d), and 65.17(1)(e) requiring a person who has written documentation of certification as a medication aide in another state complete a department-approved nurse aide competency examination and medication aide challenge examination would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin. Code rules 481-57.26 and 67.3(6) permitting in-person visits in residential care facilities or with tenants in an adult day service would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code §§ 135C.16(1), 135C.38(1), and 135C.40(1)(a) requiring on-site inspections of health care facilities would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code §§ 232.69 and 235B.3, requiring a person who is subject to the mandatory reporting requirements of those provisions to complete a training provided by the Department of Human Services within six months of initial employment would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 137F.4 and Iowa Admin Code rule 481-30.3(6) requiring a food establishment renew its license within 60 days of

expiration would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 237.20(1)(a)(1)-(5) requiring in-person case review of a child receiving foster care would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa law requiring that a forensic interview be conducted face to face would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa law requiring an enforcement date of May 1, 2020, for the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011) would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin. Code rule 281-32.7(1), requiring an applicant to retake a high school equivalency degree test if he or she has not earned a high school equivalency degree within five years of taking the first subtest, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin. Code rule 281-21.2(12)(i)-(m), requiring minimum numbers of contact hours for hours of credit in community college courses, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code §§ 256.7(26)(a) and 256.11(5) and Iowa Admin. Code rule 281- 12.5(5), requiring curriculum standards and completion of specific units of credit for completion of a high school program of study, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 256.11(6)(c) and Iowa Admin. Code rule 281- 12.5(20), requiring each Iowa pupil physically able to do so to complete a psychomotor course that leads to certification in cardiopulmonary resuscitation (CPR) in order to graduate from high school, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Admin. Code rule 281-36.14(1), requiring each student participating in interscholastic athletics to present to the student's superintendent a certificate signed by a licensed physician and surgeon, osteopathic physician and surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner, to the effect that the student has been examined and may safely engage in athletic competition, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code §§ 22.2(1) and 22.3(1) imposing a requirement for the in-person examination or copying of public records would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 22.4 requiring a lawful custodian of records to maintain office hours to receive in-person record requests would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code §§ 602.8107(4)(c) and 602.8107(4)(f) regarding the county attorney collection program would 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:

HEALTH FACILITIES REGULATORY RELIEF

SECTION ONE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Code § 135B.9(1)(a) requiring hospital inspectors be free of conflicts of interest.

SECTION TWO. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I 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 Section 37 of the Proclamation of Disaster Emergency issued on April 2, 2020.

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 temporarily suspend the regulatory provisions of Iowa Code § 135B.34 and Iowa Admin Code rule 481-51.41, requiring a hospital to complete a criminal history check prior to employment of an individual, to the extent that a hospital may employ an individual once that criminal history check is submitted, pending completion.

SECTION FOUR. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.4, requiring physical separation and distinction between a long-term acute care hospital located within a general hospital, to the extent that it is not feasible for a hospital to do so.

SECTION FIVE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.5(4), requiring written criteria for the granting of clinical privileges, to the extent that policies shall not be required to be rewritten to accommodate waivers provided by the State or the Centers for Medicare and Medicaid Services.

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 temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.6, requiring hospitals to adopt a statement of principles relating to patient rights and responsibilities, to the extent that policies shall not be require to be rewritten to accommodate waivers provided by the State or the Centers for Medicare and Medicaid Services.

SECTION SEVEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.9(1), requiring the 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 any area where they function.

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 temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.9(2), requiring utilization of the nursing process, to the extent that it is not feasible to do so.

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 temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.9(4), to the extent that all nurses employed in a hospital who practice nursing as a registered nurse or licensed practical nurse must hold an active Iowa license, an active license in another state and be recognized for licensure in this state

pursuant to the nurse licensure compact in Iowa Code section 152E.1, or be qualified for employment in accordance with Section 37 of the Proclamation of Disaster Emergency issued on April 2, 2020.

SECTION TEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.9(8), requiring the nursing service to have adequate numbers 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.

SECTION ELEVEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.9(9), requiring written policies and procedures be established for the administrative and technical guidance of the personnel in the hospital and that each employee be familiar with those policies or procedures.

SECTION TWELVE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.12, requiring hospital medical record and report maintenance, to the extent that records shall continue to be maintained as required by federal regulation.

SECTION THIRTEEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rules 481-51.14(3), 51.14(4), and 51.15, requiring procedures for authentication of verbal orders and standing orders, to the extent that hospitals comply with federal regulation related to such orders.

SECTION FOURTEEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rules 481-51.20(2)(d), requiring maintenance of a current diet manual, to the extent those manuals would be maintained at surge capacity sites.

SECTION FIFTEEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.22, requiring hospital equipment be selected, maintained and utilized in accordance with the manufacturer's specifications, to the extent it is not feasible to do so.

SECTION SIXTEEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.24(1), requiring segregation of patients' beds, to the extent hospitals take all reasonable precautions to provide for the prevention of cross-infections and the control of communicable diseases.

SECTION SEVENTEEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin. Code rule 481-51.24(3), requiring a hospital perform a health assessment and screen and test an employee for tuberculosis pursuant to 481-Chapter 59 if it is not feasible for a hospital to do so, to the extent the hospital continues to assess new employees for infectious or communicable diseases and 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.

SECTION EIGHTEEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.30, requiring a hospital to have written policies and procedures specifying the scope and conduct of patient care to be provided in the emergency service, to the extent that policies shall not be required to be rewritten to accommodate this public health disaster emergency.

SECTION NINETEEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.50, requiring minimum standards of construction for hospitals, to the extent that the Department of Inspections and Appeals and State Fire Marshal's Office have approved the location as one that sufficiently addresses safety and comfort for patients and staff.

SECTION TWENTY. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.53(4), requiring critical access hospitals maintain no more than 25 acute care inpatient beds.

SECTION TWENTY-ONE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-51.53(5), requiring critical access hospitals meet the Medicare conditions of participation as described in 42 CFR Part 485, Subpart F, to the extent waivers have been issued by the Centers for Medicare and Medicaid Services.

SECTION TWENTY-TWO. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-58.11(1)(i), requiring a nurse aide who has not completed the state-approved 75-hour nurse's aide program be required to participate in a structured on-the-job training program of 20 hours' duration, to the extent that the individual has completed a comparable training course approved by the department of inspections and appeals or has completed at least 20 hours of the state-approved 75-hour nurse's aide program and the facility has documentation that it has implemented training and supervision measures to ensure the individual's competency in any tasks performed.

SECTION TWENTY-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 temporarily suspend the regulatory provisions of Iowa Admin Code rule 481-58.11(1)(k), requiring that certified nurse aides who have received training other than the Iowa state-approved program must pass a challenge examination, to the extent that the individual is able to demonstrate competency in skills and techniques necessary to care for residents' needs as required by 42 CFR § 483.35(c) and (d)(1)(i).

SECTION TWENTY-FOUR. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 441-81.13(19)(e)(2)(2), requiring that a 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 department of inspections and appeals, to the extent that the individual is able to demonstrate competency in skills and techniques necessary to care for residents' needs as required by 42 CFR § 483.35(c) and (d)(1)(i).

SECTION TWENTY-FIVE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rule 441-81.16(5)(b)(2)(3) and (5)(c)(5)(2), requiring that the department of inspections and appeals 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, to the extent that the individual is able to demonstrate competency in skills and techniques necessary to care for residents' needs as required by 42 CFR § 483.35(c) and (d)(1)(i).

SECTION TWENTY-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 temporarily suspend the regulatory provisions of Iowa Admin Code rule 441-81.16(3), requiring minimum standards for nurse aide training and competency evaluation programs the department of inspections and appeals may approve, to the extent that the program has been approved by the Centers for Medicare and Medicaid Services.

SECTION TWENTY-SEVEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Admin Code rules 481-57.19(2)(f), 58.21(6)(e), 64.4(9)(d), and 65.17(1)(e) requiring a person who has written documentation of certification as a medication aide in another state complete a department-approved nurse aide competency examination and medication aide challenge examination, to the extent the individual is able to demonstrate competency in safe medication administration.

SECTION TWENTY-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 temporarily suspend the regulatory provisions of Iowa Admin. Code rules 481-57.26 and 67.3(6), to the extent those provisions permit in-person visits in residential care facilities or with tenants in an adult day service.

SECTION TWENTY-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 temporarily suspend the regulatory provisions of Iowa Code §§ 135C.16(1), 135C.38(1), and 135C.40(1)(a) to the extent those provisions require on-site inspections of health care facilities.

SECTION THIRTY. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Code §§ 232.69 and 235B.3, and any provisions of the Iowa Administrative Code implementing those chapters, to the extent they require a person who is subject to the mandatory reporting requirements of those provisions to complete a training provided by the Department of Human Services within six months of initial employment. Suspension of these provisions does not affect the requirement that a person report cases of child or dependent adult abuse to the proper authorities.

FOOD ESTABLISHMENT LICENSURE RELIEF

SECTION THIRTY-ONE. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 137F.4 and Iowa Admin Code rule 481-30.3(6) requiring a food establishment renew its license within 60 days of expiration.

SUSPENSION OF IN-PERSON FOSTER CARE REVIEW

SECTION THIRTY-TWO. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Code § 237.20(1)(a)(1)-(5) to the extent those provisions require any in-person case review of a child receiving foster care.

SUSPENSION OF IN-PERSON CHILD HEALTH PROTECTION INTERVIEWS

SECTION THIRTY-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 temporarily suspend the regulatory provisions of Iowa Admin. Code rule 641—94.2, and any rule using the term "forensic interview" as defined in that provision, to the extent a forensic interview must be conducted face to face.

SUSPENSION OF NEW ELEVATOR STANDARDS

SECTION THIRTY-FOUR. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Admin. Code rules 875-72.10 and 73.1, to the extent they set an enforcement date of May 1, 2020, for the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011).

HIGH SCHOOL EQUIVALENCY TESTING

SECTION THIRTY-FIVE. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Admin. Code rule 281-32.7(1), requiring an applicant to retake a high school equivalency degree test if he or she 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 this Proclamation or any future extension of this suspension.

COMMUNITY COLLEGE INSTRUCTION HOURS

SECTION THIRTY-SIX. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Admin. Code rule 281-21.2(12)(i)-(m) which set minimum contact-hour requirements for community college instruction, but only to the extent that the community college notifies the Department of Education of any modification consistent with the Department's guidance . Suspension of these provisions shall apply during the duration of this Proclamation or any future extension of this suspension.

HIGH SCHOOL GRADUATION REQUIREMENTS

SECTION THIRTY-SEVEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 256.7(26)(a) and 256.11(5) and Iowa Admin. Code rule 281- 12.5(5), requiring curriculum standards and completion of specific units of credit for completion of a high school program of study, to the extent such provisions would hinder Iowa school districts in assisting the Iowa high school graduating class of 2020 in completing a course of study during this disaster emergency.

SECTION THIRTY-EIGHT. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 256.11(6)(c) and Iowa Admin. Code rule 281-12.5(20), requiring each Iowa pupil physically able to do so to complete a psychomotor course that leads to certification in cardiopulmonary resuscitation (CPR) in order to graduate from high school, to the extent such provisions would hinder Iowa school districts in assisting the Iowa high school graduating class of 2020 in completing a course of study during this disaster emergency.

ANNUAL SPORTS PHYSICAL REQUIREMENTS

SECTION THIRTY-NINE. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Admin. Code rule 281- 36.14(1), requiring each student participating in interscholastic athletics to present to the student's superintendent a certificate signed by a licensed physician and surgeon, osteopathic physician and surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner, to the effect that the student has been examined and may safely engage in athletic competition. Suspension of these provisions shall apply during the duration of this Proclamation or any future extension of this suspension.

IN-PERSON OPEN RECORDS EXAMINATION

SECTION FORTY. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), in conjunction with the Iowa Department of Public Health and at the request of the Iowa League of Cities on behalf of numerous local governmental bodies, I temporarily suspend the regulatory provisions of Iowa Code §§ 22.2(1) and 22.3(1) imposing a requirement for the in-person examination or copying of public records, to the extent those records can be examined and copies provided by mail or electronic means. Suspension of these provisions does not apply to searches of all 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 FORTY-ONE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), in conjunction with the Iowa Department of Public Health and at the request of the Iowa League of Cities on behalf of numerous local governmental bodies, I temporarily suspend the regulatory provisions of Iowa Code § 22.4 to the extent those provisions require a lawful custodian of records to maintain office hours to receive in-person record requests, so long as the custodian has posted clear direction for making requests in writing, by telephone, or by electronic means in a prominent place that is easily accessible to the public.

ELIGIBLITY REQUIREMENTS FOR COUNTY ATTORNEY COLLECT PROGRAM

SECTION FORTY-TWO. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 602.8107(4)(c) and 602.8107(4)(f) to the extent those provisions require a county attorney that collects delinquent court debt satisfy applicable threshold amounts for the remainder of this fiscal year and require 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.

CLARIFICATION REGARDING DELIVERY AND CURB-SIDE PICKUP

SECTION FORTY-THREE. Pursuant to Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I hereby order that the closures of retail establishments in section one of the Proclamation of Disaster Emergency issued on April 6, 2020, shall not be construed to limit service to the public through online or telephone sales, delivery, or curb-side pickup. This order does not supersede any other applicable federal or state law that regulate the sales or delivery of the goods or services.

IMPLEMENTATION AND INTERPRETATION

SECTION FORTY-FOUR. 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, 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 FORTY-FIVE. 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 FORTY-SIX. The provisions of this proclamation shall be effective immediately, unless otherwise noted. This proclamation shall not be construed to otherwise modify the proclamations issued on April 2, 2020 or April 6, 2020. This state of public health disaster emergency shall continue to expire on April 30, 2020, 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 10TH DAY OF APRIL IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE