Indiana State Department of Health
An Equal Opportunity Employer

Eric J. Holcomb
Governor

Kristina Box, MD, FACOG
State Health Commissioner

# EMERGENCY ORDER GRANTING TEMPORARY BLANKET WAIVERS FOR COMPREHENSIVE CARE FACILITIES

Pursuant to the "Declaration of Public Health Emergency for Coronavirus Disease 2019 Outbreak" issued by Governor Eric Holcomb on March 6, 2020 (the "Governor's Declaration") and IC 4-21.5-4-1, and as authorized by IC 16-28-1-10 and the September 18, 1991 resolution of the Executive Board of the Indiana State Department of Health ("ISDH"), the Indiana State Health Commissioner hereby **ORDERS** as follows:

Compliance by license Indiana comprehensive care facilities with the specified portions of 410 IAC 16.2-3.1-14 ("Personnel") and 410 IAC 16.2-3.1-18 ("Infection control program") is WAIVED, subject to the specific terms, conditions, and limits set forth below:

1. The requirement under 410 IAC 16.2-3.1-14(t)(1) that "[a]t the time of employment, or within one (1) month prior to employment, and at least annually thereafter, employees and nonpaid personnel of facilities shall be screened for tuberculosis" is waived with modification as follows: **Employees and nonpaid personnel shall be screened for tuberculosis within ninety (90) days after the start of employment or nonpaid work with the facility. Subsequent annual screenings are still required.**

2. The requirement under 410 IAC 16.2-3.1-18(c) that a "diagnostic chest x-ray completed no more than six (6) months prior to admission shall be required" is waived. Under this waiver, **no such x-rays are presently required for any resident.**

3. The requirement under 410 IAC 16.2-3.1-18(e) that "a tuberculin skin test shall be completed within three (3) months prior to admission or upon admission" is waived with modification as follows: **A tuberculin skin test shall be completed for each resident within ninety (90) days after the resident's admission.**

4. All other parts of 410 IAC 16.2-3.1-14 and 410 IAC 16.2-3.1-18 remain in effect as written, and are not affected by this Emergency Order or the waivers granted herein.

5. Each waiver granted herein is effective as of March 6, 2020, and shall expire upon the earliest of (a) expiration or revocation of the Governor's Declaration, including any extensions thereof; (b) revocation of this Emergency Order; or (c) expiration of this Emergency Order under IC 4-21.5-4-5(a)(3), including any extensions thereof, plus such additional time as the ISDH deems necessary to enable an orderly transition by facilities back to testing as required under the rules.

6. The waivers granted herein are unique to the present emergency, and are strictly limited in effect to this time and specific situation. No part of the waivers or their language, terms or conditions shall apply or have relevance to other waivers or situations. These waivers neither establish nor continue any precedent, policy, or approach for issuance of waivers individually or in general.

7. The ISDH has affirmatively determined that granting the waivers herein will not adversely affect the health, safety and welfare of any affected residents or patients.

SO ORDERED as of the date set forth below.

Kristina Box, MD, FACOG
State Health Commissioner

By: _____
Matthew Foster, Assistant Commissioner
Consumer Services & Health Care Regulation

Date: March 20, 2020