Indiana State Department of Health
An Equal Opportunity Employer

Eric J. Holcomb
Governor

Kristina Box, MD, FACOG
State Health Commissioner

THIRD EMERGENCY ORDER GRANTING TEMPORARY BLANKET WAIVERS FOR RESIDENTIAL 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 licensed Indiana residential care facilities with portions of certain state rules is **WAIVED**, subject to the specified terms, conditions, and limits set forth below:

1. The requirements of 410 IAC 16.2-5-13 ("Dining assistants") are **waived** with modification as follows:

   An individual not otherwise permitted to perform dining assistant functions in accord with 410 IAC 16.2-5-13 may provide dining assistance to a facility's residents if the facility documents that:

   A. **The individual has been trained by a registered nurse, licensed practical nurse, dietician, occupational therapist, speech therapist, or speech language pathologist on the following:**
      1. **Feeding techniques appropriate to the individual resident(s);**
      2. **Special diets including physician ordered altered thickened liquid;**
      3. **Reporting food and fluid intake;**
      4. **Infection control;**
      5. **Safety/emergency procedures including the Heimlich maneuver; and**
      6. **Abuse, neglect and misappropriation of property, if such training has not already been given; and**

   B. **The individual is prohibited from (1) providing dining assistance to residents with known choking or swallowing difficulties, and (2) administering or overseeing tube or parenteral/IV feedings.**

2. The requirement under 410 IAC 16.2-5-7.1(b) that "[t]he facility shall provide and/or coordinate scheduled transportation to community-based activities" is **waived**.

3. 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

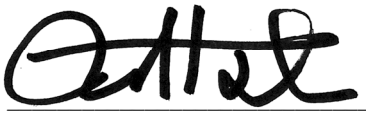
Emergency Order under IC 4-21.5-4-5(a)(3), including any extensions thereof, plus such additional time as the ISDH deems necessary to enable an orderly transition by facilities back to compliance with the rules or parts of rules herein waived.

4. 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.

5. 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 23, 2020