Indiana State Department of Health
An Equal Opportunity Employer

Eric J. Holcomb
Governor

Kristina Box, MD, FACOG
State Health Commissioner

SIXTH 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 and as supplemented (the "Governor's Declaration"), and as authorized by IC 4-21.5-4-1, 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:

1. The "Temporary Nurse Aide" program offered by the American Health Care Association and the National Center for Assisted Living, and described and set forth at https://educate.ahcancal.org/products/temporary-nurse-aide#tab-product_tab_overview and accompanying site pages, is temporarily **approved** by ISDH as a nurse aide training program and competency evaluation program under 410 IAC 16.2-3.1-14.

2. 410 IAC 16.2-3.1-14(c), which sets out requirements for certified nurse aide ("CNA") training programs, is **waived**.

3. Former CNAs whose certifications expired or lapsed may be utilized by facilities as temporary CNAs under the following conditions:

    a. The expiration or lapse occurred while the CNA was in good standing, with no operative findings of abuse, neglect, or misappropriation against the CNA on the nurse aide registry.

    b. The expiration or lapse occurred on or after January 1, 2019.

    c. The CNA worked at least 40 hours as a CNA during the one (1) year period immediately preceding expiration or lapse of the certification.

    d. The facility ensures that the former CNA, once utilized, provides competent CNA and other relevant nursing-related services as required by 410 IAC 16.2-3.1-14(b)(1).

4. Facilities may request approval on a case-by-case basis to temporarily use former CNAs who do not precisely meet the requirements of paragraph 3 above. In such a case, the requesting facility must demonstrate to ISDH's satisfaction that the former CNA is competent to provide CNA and other relevant nursing-related services as required by 410

IAC 16.2-3.1-14(b)(1). Requests for such case-by-case approvals must be sent to Jan Kulik, Director of Survey Supports and Guidance, at jkulik@isdh.IN.gov.

5. No other state rule or portion of a state rule is affected by this Emergency Order or the waivers granted herein.

6. Each waiver granted herein is effective as of March 6, 2020, and shall expire upon the earliest of (a) expiration or withdrawal 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.

7. 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.

8. 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: April 18, 2020