

March 26 Governor Proclamation

On March 26, Gov. Reynolds issued an additional proclamation continuing the Public Health Emergency Declaration, suspending elective and nonessential medical and dental procedures, extending and expanding retail business closures, ordering health care facilities and nursing homes to have advanced health care screenings, and removing legal barriers to ensure a strong response. Here is how this impacts hospitals and health care facilities.

Nonessential or Elective Surgeries and Procedures Suspended (Section 1)

Effective March 27 at 5:00 p.m. and continuing until the disaster proclamation expires on April 16.

- 1) All nonessential or elective surgeries and procedures that utilize protective equipment (PPE) must not be conducted at any hospital, outpatient surgery provider, or outpatient procedure provider, whether public, private, or nonprofit.
- 2) Non-essential Surgery or Procedure – Is one that can be delayed without undue risk to the current or future health of a patient, considering all appropriate factors including, but not limited to any:
 - a. Threat to a patient’s life if the surgery or procedure is not performed.
 - b. Threat of permanent dysfunction of an extremity or organ system.
 - c. Risk of metastasis or progression of staging; and
 - d. Risk of rapidly worsening to severe symptoms.
- 3) Each hospital, outpatient surgery provider, and outpatient procedure provider shall limit all nonessential individuals in surgery and procedure suites and patient care areas where PPE is required. Only individuals essential to conducting the surgery or procedure shall be present in such areas.
- 4) Each hospital, outpatient surgery provider, and outpatient procedure provider shall establish an internal governance structure to ensure that the principles outlined above are followed.

Telehealth Expansion and Payment Parity (Section 3)

- 1) The Governor has suspended the regulatory provision of Iowa Code chapters § 514C.34 to the extent that it excludes from the definition of telehealth the provision of services through audio-only telephone transmission.
- 2) The Insurance Commissioner is directed to ensure that any health carriers shall reimburse a health care professional for medically necessary, clinically appropriate covered services by telehealth, as defined in § 514C.34(1) or via audio-only telephone transmission, provided to a covered person, as defined in Iowa Code § 514J.102, on the same basis and at the same rate as the health carrier would apply to the same health care services provided to a covered person by the health care professional in person for the duration of this proclamation.
- 3) All Iowa businesses to take any necessary action to remove cost-sharing or other financial barriers to the use of telehealth in their health insurance plans.

Mandatory Screening of Health Facility Staff (Section 6)

All hospitals, nursing facilities, intermediate care facilities, residential care facilities, hospice programs, and assisted living programs are ordered to:

- 1) **Screen all staff** at the beginning of their shift for fever or respiratory symptoms, absence or shortness of breath, new or change in cough, or sore throat, take the employee's temperature,
- 2) **and take any preventative measures** based on that screening to prevent the spread of COVID-19 within the hospitals, nursing facilities, intermediate care facilities, hospice programs, residential care facilities, and assisted living programs.

Health Care Licensure Relief for Clinical Hours in Nursing (Section 7)

The Governor has suspended the regulatory provisions of Iowa Code § 152.5 and Iowa Admin. Code r. 655-2.10(7)(a), which limit the number of clinical hours that can be satisfied through simulation activities for nursing education programs. Suspension of this provision shall extend through the duration of this Proclamation and any future extension of this suspension. The Board of Nursing shall provide additional guidance on obtaining an emergency license pursuant to Section Three of the proclamation issued on March 22.

Health Facilities Regulatory Relief (Sections 9-23)

The Governor has suspended criminal history checks prior to employment, suspension of a requirement that nursing facilities submit renewal application 30 days in advance, and suspension requirements for nursing students in a nursing and immediate care facility to complete a medication aide course or challenge exam with appropriate training. The proclamation suspends requirements for residential care facilities and nursing facilities to obtain regular or emergency dental services for residents, it suspends group activities, and it suspends in person visits with residents in nursing facilities. The proclamation also suspends several regulations relating to assisted living programs.

Retired Public Disaster Responders Suspension of Retirement Allowance (Section 25)

The Governor has temporarily suspend the regulatory provisions of Iowa Code §§ 97B.48A and 97B.52A to the extent those provisions require the repayment or reduction of a member's retirement allowance if the member is reemployed or returns to employment during the pendency of this Disaster Emergency as a licensed health care professional employed by a hospital licensed pursuant to chapter 135B, any state or local government public health employee, any "protection occupation" as defined by Iowa Code § 97B.49B(1)(e), or any sheriff or deputy sheriff as defined by Iowa Code § 97B.49C(1)(b) or (c).

The full text of the proclamation can be found [here](#).