



Missouri Department of Health and Senior Services

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IMPORTANT INFORMATION REGARDING STATE WAIVER IMPLEMENTATION FOR INTERMEDIATE AND SKILLED NURSING CARE FACILITIES

Background:

On April 14 and April 15, 2020, Department of Health and Senior Services Director, Dr. Randall W Williams, MD, FACOG, signed an Executive Order to temporarily waive or suspend certain statutory requirements and administrative rules pertaining to Intermediate and Skilled Nursing Facilities. Complete orders may be viewed on the Department website: www.health.mo.gov

Until May 15, 2020, unless otherwise modified by the Department, the following regulations have been modified and guidance is being provided on how DHSS- Section for Long-Term Care Regulation will implement the Intermediate and Skilled Nursing Facilities waivers. Questions related to these waivers can be emailed to RegulationUnit@health.mo.gov .

Administrative and Resident Care Requirements

19 CSR 30-85.042(7) shall be waived to the extent that the provisions require new and existing intermediate care and skilled nursing facilities to have to enter into written agreements when outside resources are used to provide services to the residents.

19 CSR 30-85.042(9) shall be waived to the extent that the provisions require new and existing intermediate care and skilled nursing facilities to only care for the number of residents for which the facilities are licensed. **Note: Prior to admitting residents over the licensed capacity of the facility, contact Shay.Patterson@health.mo.gov to provide details related to the number of individuals you are requesting to serve and where they will be housed in the facility.**

19 CSR 30-85.042(11) shall be waived to the extent that the provisions require new and existing intermediate care and skilled nursing facilities to provide regular daily visiting hours and allow relatives or guardians and clergy the ability to see critically ill residents at any time, if requested. **Note: Facilities should continue to adhere to the March 13, 2020 guidelines issued by DHSS and CMS related to COVID-19 visitor restrictions.**

19 CSR 30-85.042(20) shall be waived to the extent that the provisions require new and existing intermediate care and skilled nursing facilities to prohibit nursing assistants from providing direct resident care until the nursing assistants have successfully completed the sixteen (16)-hour orientation module and at least twelve (12) hours of supervised practical orientation from the state-approved training program. Under this waiver, nursing assistants shall be allowed to provide direct resident care

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after completing at least twelve (12) hours of supervised practical orientation, which may be specific to the nursing assistant's duties and responsibilities rather than from the state-approved training program. **Note: Individuals are not required to complete the sixteen-hour orientation module prior to providing direct resident care. Individuals are required to complete at least 12 hours of supervised practical orientation prior to providing direct resident care. Documentation of supervised practical orientation shall be maintained in accordance with state regulations.**

19 CSR 30-85.042(21) shall be waived to the extent that the provisions require new and existing intermediate care and skilled nursing facilities to conduct a comprehensive orientation program within sixty (60) days of employment with nursing assistants who have not successfully completed the state-approved training program. This waiver allows new and existing intermediate care and skilled nursing facilities to conduct a comprehensive orientation program within ninety (90) days of employment with nursing assistants who have not successfully completed the state-approved training program. **Note: Prior to providing direct care, nursing assistants must, at a minimum, be provided sufficient information/training on communicable disease, handwashing and infection control procedures, resident rights, emergency protocols, job responsibilities and lines of authority, to ensure resident health and safety.**

19 CSR 30-85.042(33) shall be waived to the extent that the provisions require new and existing intermediate care and skilled nursing facilities to employ nurses that are currently licensed in Missouri. This waiver shall allow the facilities to employ nurses who hold a multistate license through the nurse licensure compact in which Missouri is not their home state as those terms are defined in the nurse licensure compact in section 335.365, RSMo. **Note: Documentation of individual licensing shall be maintained in accordance with state regulations.**

19 CSR 30-85.042(35)(B) shall be waived to allow a registered nurse to be on duty eight consecutive hours each day rather than specifically on the day shift. **Note: This exception removes the day shift requirement for the RN. This is in alignment with the current Federal regulations for certified SNFs. It does not eliminate the requirement for nursing (licensed or registered) to be onsite 24 hours a day.**

Section 198.082, RSMo, and 19 CSR 30-85.042(39) shall be waived to the extent that the provisions require nursing assistants employed by new and existing intermediate care and skilled nursing facilities to have successfully completed the nursing assistant training program approved by the Department within one (1) year for licensed-only facilities or within four (4) months of employment with a federally certified facility in order to remain employed in the facility as a nursing assistant. **Note: Nurse Assistant Training Program waivers issued April 7, 2020 extended the deadline to complete the approved nurse aide training program until ninety (90) days after the declared state of emergency has concluded.**

19 CSR 30-85.042(40) shall be waived to the extent that the provisions prohibit nursing personnel in any new and existing intermediate care and skilled nursing facilities with more than twenty (20) residents from being able to perform non-nursing duties.

19 CSR 30-85.042(49) shall be waived to the extent that the provisions require medications be administered in new and existing intermediate care and skilled nursing facilities by only licensed physicians, licensed nurses, and medication technicians who have successfully completed the state-approved course for medication administration. This waiver allows those individuals, who have completed a nurse education program but have not yet taken the nurse exam, the ability to administer medications to residents.*

19 CSR 30-85.042(50) shall be waived to the extent that the provisions require insulin injection medications to be administered only by a licensed physician, licensed nurse and certified medication technician, who has successfully completed the state-approved course for insulin administration, in new and existing intermediate care and skilled nursing facilities. This waiver allows those individuals, who have completed a nurse education program but have not yet taken the nurse exam, the ability to administer insulin injection medications.*

***Note: Long-term care facilities are required to maintain a safe and effective system of medication administration. Any long-term care facility-utilizing individuals to pass medications under this waiver shall have a system in place to determine competency of the individual passing medications and maintain the appropriate documentation in the facility's records. Documentation shall be maintained in accordance with state regulations.**

Dietary Requirements

19 CSR 30-85.052(14) shall be waived to the extent that the provisions require sufficient personnel properly training in their duties to assure adequate preparation and serving of food in new and existing intermediate care and skilled nursing facilities. This waiver allows a facility to train individuals on the spot due to provide adequate preparation and serving of food.

19 CSR 30-85.052(16) shall be waived to the extent that the provisions require menus for special prescribed diets to be reviewed and approved in writing by either a qualified dietician, a registered nurse or a physician in new and existing intermediate care and skilled nursing facilities. This waiver allows for the facility to obtain verbal orders from the qualified dietician, registered nurse or physician of the special prescribed diets. **Note: The facility shall maintain documentation of the verbal orders in the resident record.**

19 CSR 30-85.052(21) shall be waived to the extent that the provisions require new and existing intermediate care and skilled nursing facilities to plan menus at least two (2) weeks in advance.

Fire Safety and Emergency Preparedness Standards

19 CSR 30-85.022(8) shall be waived to the extent that the provisions require fire extinguishers be maintained in new and existing intermediate care and skilled nursing facilities. This waiver allows the required maintenance of fire extinguishers by an outside vendor to be delayed. Facilities have until two

(2) months after the state of emergency has concluded to be current with the required maintenance of fire extinguishers.*

19 CSR 30-85.022(9) shall be waived to the extent that the provisions require the range hood extinguishing system to be tested and maintained and the range hood to be certified at least twice annually in new and existing intermediate care and skilled nursing facilities. This waiver allows the required maintenance and certification by an outside vendor to be delayed. Facilities have until two (2) months after the state of emergency has concluded to be current with the required maintenance and certification of range hood extinguishing systems.*

19 CSR 30-85.022(10)(C) shall be waived to the extent that the provisions require inspections and written certifications of the complete fire alarm system to be completed by an approved qualified service representative, at least annually, in new and existing intermediate care and skilled nursing facilities. This waiver allows the required inspections and certifications to be delayed. Facilities have until two (2) months after the end of the state of emergency to be current on the required inspections and written certifications for complete fire alarm systems.*

19 CSR 30-85.022(11)(A) shall be waived to the extent that the provisions require inspections and written certifications of the sprinkler system to be completed by an approved qualified service representative, at least annually, in new and existing intermediate care and skilled nursing facilities. This waiver allows the required inspections and certifications to be delayed. Facilities have until two (2) months after the end of the state of emergency to be current on the required inspections and certifications of the sprinkler system.*

19 CSR 30-85.022(33)(D) shall be waived to the extent that the provisions require new and existing intermediate care and skilled nursing facilities to conduct unannounced fire drills and a simulated resident evacuation that involves the local fire department or emergency service at least once a year. This waiver allows all fire drills during the state of emergency to be announced. This waiver also allows facilities to delay the simulated resident evacuation. Facilities have until two (2) months after the end of the state emergency to be current on the simulated resident evacuation.

***These waivers apply to routine inspections and certifications. Upon discovery of a fault, with any fire safety system, the facility must immediately correct the fault and implement a fire watch, when required by the regulations.**