



Missouri Department of Health and Senior Services

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Randall W. Williams, MD, FACOG
Director



Michael L. Parson
Governor

April 17, 2020

IMPORTANT INFORMATION REGARDING STATE WAIVER IMPLEMENTATION FOR RESIDENTIAL CARE FACILITIES

Background:

On April 14, 2020 and April 16, 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 Residential Care Facilities (RCF). 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 (SLCR) will implement the Residential Care Facilities waivers. Questions related to these waivers can be emailed to RegulationUnit@health.mo.gov .

RESIDENT CARE AND ADMINISTRATION REQUIREMENTS

19 CSR 30-86.042(7) shall be waived to the extent the provisions require residential care facilities to only care for the number of residents for which the facilities are licensed. **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 30-86.042(17) shall be waived to the extent the provisions require residential care facilities to comply with the testing of residents and staff/employees for tuberculosis as set forth in 19 CSR 20-20.010 through 19 CSR 20-20.100. **Note: Facilities may employ individuals prior to completing tuberculin testing, however, they must complete an assessment for signs and symptoms of possible TB. Individuals showing signs and symptoms shall be instructed to see their physician or local public health department, prior to working in the facility. Once the waiver ends, employees or residents who required testing and were not tested, must be tested. SLCR expects the testing to be completed within a *reasonable* time period, *usually* within 30 days.**

19 CSR 30-86.042(18) shall be waived to the extent that the provisions require residential care facilities to comply with the screening/testing of residents and staff/employees for tuberculosis as set forth in 19 CSR 20-20.100. **Note: Facilities may employ individuals prior to completing tuberculin testing, however, they must complete an assessment for signs and symptoms of possible TB. Individuals showing signs and symptoms shall be instructed to see their physician or local public health department, prior to working in the facility. Once the waiver ends, employees or residents who**

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required testing and were not tested, must be tested. SLCR expects the testing to be completed within a *reasonable* time period, *usually* within 30 days.

19 CSR 30-86.042(21)(I) shall be waived to the extent the provisions require residential care facilities to maintain on the premises a written statement signed by a licensed physician or physician's designee indicating the facility employee can work in a long-term care facility and indicating any limitations. **Note: Statements shall be completed in a timely manner, typically within 30 days, after the state of emergency.**

19 CSR 30-86.042(37) shall be waived to the extent the provisions require residential care facilities to have documentation of the resident's current medical status and any special orders or procedures which should be followed obtained prior to admission be in the resident's file not later than ten (10) days after admission. This waiver allows for residential care facilities to have documentation of the resident's current medical status and any special orders or procedures which should be followed obtained prior to admission be in the resident's file not later than thirty (30) days after admission.

19 CSR 30-86.042(50) shall be waived to the extent that the provisions require insulin injections to be administered only by a physician, licensed nurse and certified medication technician or level I medication aide, who has successfully completed the state-approved course for insulin administration, in residential care 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 injections.*

19 CSR 30-86.042(51) shall be waived to the extent that the provisions require medications to be administered to residents of residential care facilities by a physician, licensed nurse, certified medication technician, and level I medication aide. 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 30-86.042(58) shall be waived to the extent that the provisions require residential care facilities to have a pharmacist or registered nurse review the medication regimen of each resident at least every three (3) months in a residential care facility. This waiver allows the pharmacist or registered nurse the ability to review the medication regimen of each resident at least every three (3) months at a location outside of the residential care facility.

***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.**