



Missouri Department of Health and Senior Services

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Randall W. Williams, MD, FACOG
Director



Michael L. Parson
Governor

April 17, 2020 (Updates Effective 05/01/2021)

IMPORTANT INFORMATION REGARDING STATE WAIVER IMPLEMENTATION FOR ASSISTED LIVING FACILITIES

Background:

On April 14, 2020 and April 17, 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 Assisted Living Facilities (ALF). 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 Assisted Living Facility waivers. Questions related to these waivers can be emailed to RegulationUnit@health.mo.gov .

Administrative, Personnel and Resident Care Requirements

19 CSR 30-86.047(9) shall be waived to the extent that the provisions require assisted living 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 30-86.047(18) shall be waived to the extent that the provisions require assisted living 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. 05/01/2021: Facilities shall comply with this regulation, except for staff/employees or residents who need to delay baseline TB testing in accordance with <https://www.cdc.gov/vaccines/covid-19/info-by-product/clinical-considerations.html>.**

19 CSR 30-86.047(19) shall be waived to the extent that the provisions require assisted living facilities to comply with the screening/testing of residents and staff/employees for tuberculosis as set forth in 19

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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. 05/01/2021: Facilities shall comply with this regulation, except for staff/employees or residents who need to delay baseline TB testing in accordance with <https://www.cdc.gov/vaccines/covid-19/info-by-product/clinical-considerations.html>**

19 CSR 30-86.047(20)(I) shall be waived to the extent that the provisions require assisted living 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 30-86.047(26) shall be waived to the extent that the provisions require assisted living facilities to ensure that any documentation of a physical examination prior to admission be in the resident's file not later than ten (10) days after admission. This waiver allows assisted living facilities to ensure that any documentation of a physical examination prior to admission be in the resident's file not later than thirty (30) days after admission. **Waiver ends 05/01/2021.**

Section 198.073.4 and 19 CSR 30-86.047 (3) and (10) shall be waived to the extent that the provisions prohibit an assisted living facility from providing care to a resident who requires skilled nursing services. This waiver allows assisted living facilities who comply with the requirements set forth in 19 CSR 30-86.045 to care for residents who need skilled nursing services so long as sufficiently trained staff are present onsite at all times to provide the required services.

19 CSR 30-86.047(45) 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. This waiver allows nursing students in those facilities designated as a clinical training site for registered nurses/licensed practical nurses and those individuals, who have completed a nurse education program but have not yet taken the nurse exam, the ability to administer insulin injections, other than insulin.*

19 CSR 30-86.047(45) shall be waived to the extent that the provisions require injections, other than insulin, to be administered only by a physician or licensed nurse in assisted living facilities. This waiver allows nursing students in those facilities designated as a clinical training site for registered nurses/licensed practical nurses and those individuals, who have completed a nurse education program but have not yet taken the nurse exam, the ability to administer injections, other than insulin. Any injections, other than insulin, administered by a nursing student shall be performed in the presence of and under the direct supervision of a licensed nurse.*

19 CSR 30-86.047(46) shall be waived to the extent that the provisions require medications be administered in assisted living facilities by only physicians, licensed nurses, certified medication technicians or level 1 medication aides. This waiver allows nursing students in those facilities designated as a clinical training site for registered nurses/licensed practical nurses and 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 30-86.047(54) shall be waived to the extent that the provisions require assisted living facilities to have a physician, pharmacist or registered nurse review the medication regimen of each resident at least every other month in an assisted living facility. This waiver allows the physician, pharmacist or registered nurse the ability to review the medication regimen of each resident at least every other month at a location outside of the assisted 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.**