



Missouri Department of Health and Senior Services

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Director



Michael L. Parson
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April 22, 2020 (Updates Effective 05/01/2021)

IMPORTANT INFORMATION REGARDING STATE WAIVER IMPLEMENTATION FOR ADULT DAY CARE PROGRAMS

Background:

On April 22, 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 Adult Day Care (ADC) Programs. 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 ADC waivers. Questions related to these waivers can be emailed to RegulationUnit@health.mo.gov.

19 CSR 30-90.040(6) shall be waived to the extent the provisions require there to be at least two (2) direct care staff persons on duty at all times providing direct care to adult care participants when two (2) through sixteen (16) participants are present and one (1) additional direct care staff person to be present in adult day care centers when any portion of eight (8) additional participants are present. This waiver shall allow for one (1) direct care staff person to be on duty at all times providing direct care to up to eight (8) adult day care participants, as long as their care needs do not exceed the care that one person can provide, and one (1) additional direct care staff person shall be present when any portion of eight (8) additional participants are present in the adult day care center.

19 CSR 30-90.040(7) shall be waived to the extent the provisions require adult day care programs to comply with the screening/testing of staff/employees for tuberculosis as set forth in 19 CSR 20-20.010 through 19 CSR 20-20.100. **Note: Programs 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 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- Adult day programs shall comply with this regulation, except for staff/employees 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 30-90.040(18) shall be waived to the extent that the provisions require adult day care programs to provide at least quarterly in-service training to staff. This waiver allows adult day care programs thirty (30) days after the conclusion of the state of emergency to conduct necessary in-services.

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19 CSR 30-90.050(3) shall be waived to the extent the provisions require adult day care centers to have a medical assessment by an adult day care participant's physician or that physician's designated agent of the participant's medical condition prior to the first day of participation and signed by the physician or the physician's designated agent within five (5) working days of the first day of participation. This waiver shall allow adult day care centers to receive this medical assessment signed by the physician or the physician's designated agent within thirty (30) days of the first day of participation. **Note: Prior to admission into the ADC program, sufficient information related to the medical needs of the individual shall be obtained, to ensure the program is able to provide the care/services needed to provide for the health and safety of the participant.**

19 CSR 30-90.050(4) shall be waived to the extent the provisions require adult day care centers to develop a written individual plan of care for each adult day care participant within five (5) contact days following the entry of the participant into the adult day care program. This waiver shall allow adult day care centers to develop a written individual plan of care for each adult day care participant within thirty (30) contact days following the entry of the participant into the adult day care program. **Note: Sufficient care directives must be available to ADC employees, for each participant, to ensure care/services needed to ensure health and safety of the participant upon entry into the program.**

19 CSR 30-90.050(8)(D)3.C. shall be waived to the extent the provisions require orders concerning treatments and medications to be in effect for a specified number of days as indicated by the physician, which may not exceed sixty (60) days at adult day care centers. This waiver shall allow orders concerning treatments and medications which come due during the state of emergency, to be in effect for an additional thirty (30) days after the conclusion of the state of emergency, if authorized by the physician. **Note: Physician authorizations shall be documented in the participant record. Waiver ends 05/01/2021.**

19 CSR 30-90.070(2)(A) shall be waived to the extent the provisions require adult day care centers to obtain annual written approval from the appropriate local fire safety officials, certifying that the facility complies with local fire codes. This waiver shall allow adult day care centers up to two (2) months after the state of emergency has concluded to obtain the annual written approval from the appropriate local fire safety officials.* **Waiver ends 05/01/2021. Programs have until 07/01/2021 to attain necessary inspections.**

19 CSR 30-90.070(2)(E) shall be waived to the extent the provisions require adult day care centers to conduct fire drills coordinated with local fire safety authorities at least one (1) time per month and with sufficient frequency to familiarize staff and participants with the proper evacuation procedures. Any fire drills coordinated with local fire safety authorities may be delayed under this waiver and shall resume after the state of emergency has concluded. **Note: This waiver applies only to the coordination of fire drills with local fire safety authorities.**

19 CSR 30-90.070(2)(C) shall be waived to the extent that the provisions require fire extinguishers to be maintained in adult day care centers. This waiver allows the required maintenance of fire extinguishers by an outside vendor to be delayed. Adult day care centers have until two (2) months after the state of emergency has concluded to be current with the required maintenance of fire extinguishers.* **Waiver ends 05/01/2021. Programs have until 07/01/2021 to attain necessary inspections.**

***Note: These waivers apply to routine inspections and certifications. Upon discovery of a fault, with any fire safety system, the program must immediately correct the fault. Waivers end 05/01/2021. Programs have until 07/01/2021 to attain necessary inspections.**