

DIRECTOR'S JOURNAL ENTRY

VARIANCE FROM AND WAIVER TO CERTAIN NURSING HOME LICENSING REQUIREMENTS

On March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D, declaring a State of Emergency in Ohio due to the circumstances presented by COVID-19 and to assist with the State's COVID-19 response. The Executive Order allows state agencies to suspend rules during the time of the emergency. Pursuant to the authority granted to me by the Executive Order 2020-01D, I am suspending the following provision of Chapter 3701-61 of the Ohio Administrative Code:

- Rule 3701-61-08, relating to notices of room changes when moving a resident within a nursing home due to COVID-19.

Further, consistent with the authority granted to me in the Executive Order and under the authority granted to me by paragraph (A) of rule 3701-17-26 of the Ohio Administrative Code, I hereby grant a variance to the following provisions of Chapter 3701-17:

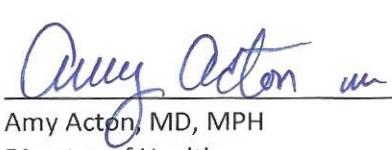
- Paragraph (C)(1) of rule 3701-17-13 to allow in-person physician visits to be done through tele-health when appropriate.

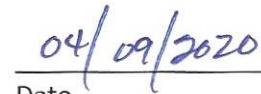
Additionally, under those same authorities, I hereby grant a waiver from the following provisions of Chapter 3701-17:

- Paragraphs (A) to (F) of rule 3701-17-10, relating to the timeliness of the comprehensive assessment, both initial and annual, and the periodic re-assessments; and
- Paragraph (A) of 3701-17-21 and paragraphs (A) to (D) of rule 3701-17-23, relating to dining, recreation and resident rooms, but only to the extent necessary to accommodate beds and residents for resident care in emergencies and situations needed to help with surge capacity associated with the COVID-19 response.

Further guidance will be given regarding statutory requirements that I am unable to waive.

I take this action because I believe that suspending this rule and the granting of this variance and these waivers protects the health and safety of both residents and staff. This journal entry is effective when signed and remains in effect until 60 days after Governor DeWine withdraws the state of emergency.


Amy Acton, MD, MPH
Director of Health


Date

I hereby certify this to be a true and correct copy of the Journal Entry of the Director of the Ohio Department of Health.

4-10-20



Date

Custodian of the Director's Journals
Ohio Department of Health