

EMERGENCY ORDER GRANTING TEMPORARY BLANKET WAIVERS FOR AMBULATORY OUTPATIENT SURGICAL CENTERS

Pursuant to the “Declaration of Public Health Emergency for Coronavirus Disease 2019 Outbreak” issued by Governor Eric Holcomb on March 6, 2020 and as supplemented (the “Governor’s Declaration”), and as authorized by IC 4-21.5-4-1, IC 16-28-1-10, and the September 18, 1991 resolution of the Executive Board of the Indiana State Department of Health (“ISDH”), the State Health Commissioner hereby **ORDERS** as follows:

1. All state rules governing Indiana-licensed ambulatory outpatient surgical centers (“ASCs”) as set forth at 410 IAC 15-2.1 through 410 IAC 15-2.7, and any application of the ISDH “Interpretive Guidelines” for ASCs (https://www.in.gov/isdh/files/410_iac_15-2.pdf), are **waived** for any ASC that is temporarily repurposed as a hospital in connection with the COVID-19 pandemic.

To qualify for this waiver, the ASC must [a] send timely notice to ISDH that it is temporarily being repurposed as a hospital, and [b] request approval in lieu of licensure to operate temporarily as a hospital under Indiana law. The notice and request under this paragraph need not be formal, and may be sent by email to any of the following:

Randall Snyder, Director of Acute & Continuing Care (RSnyder1@isdh.IN.gov)
John Lee, Deputy Director of Acute & Continuing Care (Jlee@isdh.IN.gov)
Jennifer Hembree, Hospital Survey Program Director (Jhembree@isdh.IN.gov)

2. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the requirement under 410 IAC 15-2.4-1(c)(5)(B) that employees “do not provide services in an adjacent office, clinic, hospital, or other facility at the same time” is **waived**.
3. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the “Guidance to Surveyors” accompanying 410 IAC 2.4-2(a)(3) in the ISDH “Interpretive Guidelines” for ASCs (https://www.in.gov/isdh/files/410_iac_15-2.pdf) is **waived** and shall not be applicable for the duration of this Order.
4. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the requirement under 410 IAC 15-2.5-1(f)(2)(D) that the infection control committee keep written reports of quarterly meetings is **waived**.
5. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the requirement under 410 IAC 15-2.5-1(f)(2)(E)(v) concerning reuse of disposables is **waived** with modification as follows: **The ASC may implement and follow alternate infection**

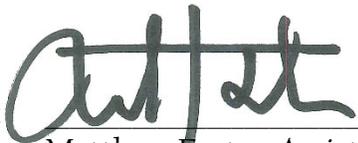
standards consistent with directives and guidance issued by the Centers for Medicare & Medicaid Services (“CMS”) and the Centers for Disease Prevention & Control (“CDC”) for use during the COVID-19 pandemic. The ASC must document its use of and adherence to the alternate standards.

6. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the requirement under 410 IAC 15-2.5-1(f)(2)(E)(vi) concerning patient isolation is waived with modification as follows: **The ASC may implement and follow alternate patient isolation standards consistent with directives and guidance issued by CMS or the CDC for use during the COVID-19 pandemic. The ASC must document its use of and adherence to the alternate standards.**
7. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the requirements under 410 IAC 15-2.5-1(g) concerning sterilization of equipment and supplies are waived with modification as follows: **The ASC may implement and follow alternate sterilization standards consistent with directives and guidance issued by CMS or the CDC for use during the COVID-19 pandemic. The ASC must document its use of and adherence to the alternate standards.**
8. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the requirements under 410 IAC 15-2.5-3(e)(2) that entries in each patient’s medical record be made “only by authorized individuals as specified in center and medical staff policies” are waived with modification as follows: **Entries in patient medical records must be made only by individuals authorized to do so by the ASC.**
9. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the first three sentences of 410 IAC 2.5-4(a) are waived with modification to read and require as follows: **The medical staff and other physicians providing services in the center are accountable to the governing body of the center. Physicians providing services in the center are responsible to the governing board for the quality of medical care and surgical services they provide to patients.**
10. For ACSs not repurposed as hospitals pursuant to paragraph 1 above, the requirements under 410 IAC 2.5-4(a)(3) that medical staff reappointments not exceed two (2) years is waived.
11. No other state rule or portion of a state rule is affected by this Emergency Order or any waiver granted herein.
12. Each waiver granted herein is effective as of March 6, 2020, and shall expire upon the earliest of (a) expiration or withdrawal of the Governor’s Declaration, including any extensions thereof; (b) revocation of this Emergency Order; or (c) expiration of this Emergency Order under IC 4-21.5-4-5(a)(3), including any extensions thereof, plus such additional time as the ISDH deems necessary to enable an orderly transition by facilities back to compliance with the rules or parts of rules herein waived.

13. The waivers granted herein are unique to the present emergency, and are strictly limited in effect to this time and specific situation. No part of the waivers or their language, terms or conditions shall apply or have relevance to other waivers or situations. These waivers neither establish nor continue any precedent, policy, or approach for issuance of waivers individually or in general.
14. The ISDH has affirmatively determined that granting the waivers herein will not adversely affect the health, safety and welfare of any affected residents or patients.

SO ORDERED as of the date set forth below

Kristina Box, MD, FACOG
State Health Commissioner

By: 
Matthew Foster, Assistant Commissioner
Consumer Services & Health Care Regulation

Date: April 14, 2020