

IOWA DEPARTMENT OF PUBLIC HEALTH

STATEWIDE STANDING ORDER FOR COVID-19 TESTING

Pursuant to the authority contained in Iowa Code section 135.144(3) and (5), I, David Stilley, M.D., hereby issue the following Standing Order for COVID-19 Testing (Order):

I. Purpose

This Order is intended to increase the level of testing for COVID-19 in Iowa and enhance the ability of Iowans to access COVID-19 testing. This Order is intended to provide authorization for COVID-19 testing which is not otherwise ordered through a treating health care provider, long term care facility medical director, or occupational health provider. This Order is intended to supplement and not supplant such existing testing.

II. Legal Authority

The Governor of the State of Iowa issued a proclamation of public health disaster emergency on March 17, 2020, in response to the COVID-19 global pandemic. Pursuant to Iowa Code section 135.144(5), the Department of Public Health (Department) is authorized during a public health disaster to “order tests and collect specimens as necessary for the diagnosis and treatment of individuals, to be performed by any qualified person authorized to do so by the Department.” This Order authorizes qualified persons to conduct COVID-19 testing on eligible individuals and to submit such tests to a designated laboratory.

III. Definitions

For purpose of this Order, the following definitions shall apply:

“COVID-19 test” or “COVID-19 testing” means any SARS-CoV-2 PCR test including viral RNA and any serological test including antigen and antibody testing.

“Eligible individual” means an individual eligible for a COVID-19 test.

“Qualified person” means a person who is authorized to collect specimens for COVID-19 testing.

IV. Authorization

This Order authorizes a qualified person to perform COVID-19 testing on an eligible individual and to submit such test to a designated laboratory.

V. Collection of Specimen

A qualified person shall collect all specimens in accordance with the Centers for Disease Control and Prevention “Guidelines for Clinical Specimens” in effect at the time of collection.

VI. Storage of Specimen

All specimens shall be stored as recommended by the designated laboratory prior to shipping to the laboratory.

VII. Testing of Specimen

All specimens shall be submitted for testing to the State Hygienic Laboratory or national reference laboratory as appropriate.

VIII. Reporting of Test Results

All COVID-19 test results shall be reported as required by Iowa Code section 139A.3, 641 IAC chapter 1, and the Mandatory Reporting Order issued April 18, 2020, and any subsequent modification to such order.

IX. Contraindications

Specimens should not be collected and the individual should be directed to immediate medical evaluation if the eligible individual appears toxic, is struggling to breathe, or is moribund.

X. Medical Care

Individuals who test positive for COVID-19 should contact their health care provider for medical advice regarding their care, and individuals who do not have a health care provider should be encouraged to contact their local board of health for referral assistance. The issuance of this standing order does not establish a physician-patient relationship.

XI. Immunities

State Law. Iowa law contains immunity provisions protecting persons, corporations, and other legal entities, and employees and agents of such persons, corporations, and other legal entities who provide medical care or assistance in good faith under the direction of the Department of Public Health during a public health disaster. Iowa Code § 135.147.

A qualified person, health care provider, hospital, health care facility, testing site, laboratory, and any other person, corporation, or other legal entity or employee or agent of any such person, corporation, or entity conducting COVID-19 testing in compliance with this Order in good faith is acting at the request of and under the direction of the Iowa Department of Public Health for purposes of the immunity provisions of Iowa Code section 135.147.

Federal Law. Federal law contains immunity provisions under the PREP Act, which provides that covered persons are immune from suit and liability under state and federal law with respect to all claims for loss caused by, arising out of, relating to, or resulting from the administration to or the use by an individual of a covered countermeasure. 42 U.S.C. § 247d-6d(a)(1). On March 10, 2020, the Secretary of Health and Human Services issued a Declaration pursuant to the PREP Act which identified COVID-19 as a public health

emergency and classified COVID-19 tests covered countermeasures. With respect to the administration or use of a COVID-19 test, “covered persons” include licensed health professionals authorized to prescribe, administer, or dispense countermeasures under the law of the State in which the COVID-19 test was prescribed, administered, or dispensed. 42 U.S.C. § 247d-6d(i)(8).

XII. Effective date

This Order shall provide authorization for COVID-19 testing performed from the date of this Order, through the duration of the state of public health disaster emergency unless sooner terminated or modified by subsequent order of the Department.

Date: October 25, 2021

David Stilley, M.D.

