

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 10A.104(3) and 135C.14, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 57, “Residential Care Facilities,” Chapter 58, “Nursing Facilities,” Chapter 62, “Residential Care Facilities for Persons with Mental Illness (RCF/PMI),” Chapter 63, “Residential Care Facilities for the Mentally Retarded,” and Chapter 65, “Intermediate Care Facilities for Persons with Mental Illness (ICF/PMI),” Iowa Administrative Code.

The proposed amendments make technical changes to correspond to the adoption of 481—Chapter 59, “Tuberculosis (TB) Screening.” Chapter 59 outlines requirements and procedures to conduct tuberculosis screenings for health care workers and residents of Iowa-licensed health care facilities, including the screening process to be used, the risk classifications, and who may conduct TB screenings.

The Department does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual. Rather, the proposed amendments provide uniformity in the requirements and procedures to conduct TB screenings for health care workers and residents.

The Board of Health reviewed the proposed amendments at its November 14, 2012, meeting.

Any interested person may make written suggestions or comments on the proposed amendments on or before January 2, 2013. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

The proposed amendments are intended to implement Iowa Code section 135C.14.

The following amendments are proposed.

ITEM 1. Amend subrule 57.11(3) as follows:

57.11(3) There shall be written personnel policies for each facility. Personnel policies shall include the following requirements:

- a. Employees shall have a physical examination ~~and tuberculin test~~ before employment. (I, II, III)
- b. Employees shall have a physical examination at least every four years, ~~including an assessment of tuberculosis status.~~ (I, II, III)
- c. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (I, II, III)

ITEM 2. Amend subrule 57.15(2) as follows:

57.15(2) Each resident admitted to a residential care facility shall have had a physical examination prior to admission. ~~If the resident is admitted directly from a hospital, a copy of the hospital admission physical and discharge summary may be part of the record in lieu of an additional physical examination. A record of the examination, signed by the physician, shall be a part of the resident’s record.~~ (II, III)

a. ~~Each resident admitted to a residential care facility shall have had a physical examination prior to admission.~~ If the resident is admitted directly from a hospital, a copy of the hospital admission physical and discharge summary may be a part of the record in lieu of an additional physical examination. A record of the examination, signed by the physician, shall be a part of the resident’s record. (II, III)

b. The record of the admission physical examination and medical history shall portray the current medical status of the resident and shall include the resident’s name, sex, age, medical history, tuberculosis

status, physical examination, diagnosis, statement of chief complaints, and results of any diagnostic procedures. (II, III)

c. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (I, II, III)

ITEM 3. Amend subrule 58.10(3) as follows:

58.10(3) There shall be written personnel policies for each facility. Personnel policies shall include the following requirements:

a. Employees shall have a physical examination ~~and tuberculin test~~ before employment; (I, II, III)

b. Employees shall have a physical examination at least every four years, ~~including an assessment of tuberculosis status.~~ (I, II, III)

c. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (I, II, III)

ITEM 4. Amend subrule 62.9(2), introductory paragraph, as follows:

62.9(2) The facility shall require regular health examinations for all personnel, and examinations shall be required at the commencement of employment and thereafter at least every four years. The examination shall include, at a minimum, the health ~~and tuberculosis status~~ of the employee. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (III)

ITEM 5. Amend subrule 62.11(1) as follows:

62.11(1) Each resident admitted shall have had a physical examination prior to admission and annually thereafter. (II, III)

a. If the resident is admitted directly from a hospital, a copy of the hospital admission physical and discharge summary may be part of the record in lieu of an additional physical examination. (II, III)

b. The record of the admission physical examination shall portray the current medical status of the resident and shall include the resident's name, sex, age, medical history, ~~tuberculosis status,~~ physical examination, diagnosis, statement of chief complaints, and results of any diagnostic procedure. (II, III)

c. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (II, III)

ITEM 6. Amend subrule 63.9(3) as follows:

63.9(3) There shall be written personnel policies for each facility. Personnel policies shall include the following requirements:

a. Employees shall have a physical examination ~~and tuberculin test~~ before employment. (I, II, III)

b. Employees shall have a physical examination at least every four years, ~~including an assessment of tuberculosis status.~~ (I, II, III)

c. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (I, II, III)

ITEM 7. Amend subrule 63.15(2) as follows:

63.15(2) Each resident admitted to a residential care facility for the mentally retarded shall have had a physical examination prior to admission. ~~If the resident is admitted directly from another health care facility, a copy of the admission physical and discharge summary may be part of the record in lieu of an additional physical examination. A record of the examination, signed by the physician, shall be part of the resident's record.~~ (II, III)

a. ~~Each resident admitted to a residential care facility shall have had a physical examination prior to admission.~~ If the resident is admitted directly from a hospital, a copy of the hospital admission physical and discharge summary may be a part of the record in lieu of an additional physical examination. A record of the examination, signed by the physician, shall be a part of the resident's record. (II, III)

b. The record of the admission physical examination and medical history shall portray the current medical status of the resident and shall include the resident's name, sex, age, medical history, ~~tuberculosis status,~~ physical examination, diagnosis, statement of chief complaints, and results of any diagnostic procedures. (II, III)

c. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (II, III)

ITEM 8. Amend subrule 65.9(2) as follows:

65.9(2) There shall be written personnel policies for each facility. ~~which~~ Personnel policies shall include the following requirements:

a. Employees shall have a physical examination ~~and tuberculin test~~ before employment. ~~At and at least every four years after beginning employment, employees shall have a physical examination and assessment of tuberculin status.~~ (III)

b. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (I, II, III)

~~*b. c.*~~ No one shall provide services in a facility if the person has a disease:

- (1) Which is transmissible through required workplace contact; (I, II, III)
- (2) Which presents a significant risk of infecting others; (I, II, III)
- (3) Which presents a substantial possibility of harming others; (I, II, III)
- (4) For which no reasonable accommodation can eliminate the risk. (I, II, III)

Refer to ~~Guidelines~~ Guideline for Infection Control in Hospital Personnel, 1998, Centers for Disease Control, U.S. Department of Health and Human Services, ~~PH85-923402~~ to determine (1), (2), (3) and (4).

e. d. There shall be written policies for emergency medical care for employees in case of sudden illness or accident. These policies shall include the administrative individuals to be contacted. (III)

~~*e.*~~ Health certificates for all employees shall be available for review by the department. (III)