

Rulemaking Hearing Rules

Department of Health

Board for Licensing Health Care Facilities

Chapter 1200-08-10  
Standards for Ambulatory Surgical Treatment Centers

Amendments

Rule 1200-08-10-.04, Administration, is amended by deleting part (20)(c)3 in its entirety and substituting instead the following language, so that as amended, the new part (20)(c)3 shall read:

- (20) (c) 3. Written procedures governing the use of aseptic techniques and procedures in all areas of the facility, including adoption of a standardized central venous catheter insertion process which shall contain these key components:
- (i) Hand hygiene (as defined in 1200-08-10-.04(20)(g));
  - (ii) Maximal barrier precautions to include the use of sterile gowns, gloves, mask and hat, and large drape on patient;
  - (iii) Chlorhexidine skin antisepsis;
  - (iv) Optimal site selection;
  - (v) Daily review of line necessity; and
  - (vi) Development and utilization of a procedure checklist;

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 71-6-121.

Rule 1200-08-10-.04, Administration, is amended by deleting subparagraph (20)(f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (20)(f) shall read:

- (20) (f) The facility and its employees shall adopt and utilize standard precautions (per CDC) for preventing transmission of infections, HIV, and communicable diseases, including adherence to a hand hygiene program which shall include:
- 1. Use of alcohol-based hand rubs or use of non-antimicrobial or antimicrobial soap and water before and after each patient contact if hands are not visibly soiled;
  - 2. Use of gloves during each patient contact with blood or where other potentially infectious materials, mucous membranes, and non-intact skin could occur and gloves changed before and after each patient contact;
  - 3. Use of either a non-antimicrobial soap and water or an antimicrobial soap and water for visibly soiled hands; and
  - 4. Health care worker education programs which may include:
    - (i) Types of patient care activities that can result in hand contamination;

- (ii) Advantages and disadvantages of various methods used to clean hands;
- (iii) Potential risks of health care workers' colonization or infection caused by organisms acquired from patients; and
- (iv) Morbidity, mortality, and costs associated with health care associated infections.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 71-6-121.

Rule 1200-08-10-.04, Administration, is amended by adding the following language as new subparagraph (20)(f) and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (20)(f) shall read:

- (20) (f) The facility shall have an annual influenza vaccination program which shall include at least:
1. The offer of influenza vaccination to all staff and independent practitioners or accept documented evidence of vaccination from another vaccine source or facility;
  2. A signed declination statement on record from all who refuse the influenza vaccination for other than medical contraindications;
  3. Education of all direct care personnel about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  5. The requirements to complete vaccinations or declination statements are suspended by the Medical Director in the event of a vaccine shortage.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 71-6-121.

Rule 1200-08-10-.04, Administration, is amended by adding the following language as new subparagraph (21)(f), so that as amended, the new subparagraph (21)(f) shall read:

- (21) (f) The facility shall develop and implement a system for measuring improvements in adherence to the hand hygiene program, central venous catheter insertion process, and influenza vaccination program.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 71-6-121.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 11th day of October, 2007 and will become effective on the 25th day of December, 2007. (FS 10-10-07; DBID 2726)

## Addendum

### Regulatory Flexibility Analysis

The amendments to Rules 1200-08-10-.04 have no economic impact to small businesses.

- (1) Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Those businesses affected are Ambulatory Surgical Treatment Centers licensed in the state of Tennessee. As of September 30, 2007, Tennessee has one hundred sixty-three (163) licensed Ambulatory Surgical Treatment Centers.

- (2) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed amendments have no increased or new reporting, recordkeeping, or other administrative costs that are required for compliance.

- (3) Statement of the probable effect on impacted small businesses and consumers:

The proposed amendments shall have no effect on small businesses and consumers.

- (4) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

The Board does not believe there are less burdensome alternatives to the proposed rule amendments.

- (5) Comparison of the proposed rule with any federal or state counterparts:

The proposed rule amendments will be aligned with Communicable Disease Center (CDC) and JACHO standards/requirements.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

It is not possible to exempt small businesses from the requirements contained in the proposed rule because the rule amendments directly affects licensed Ambulatory Surgical Treatment Centers.