

Department of Health  
Notice of Rulemaking Hearing  
Board for Licensing Health Care Facilities  
Division of Health Care Facilities

There will be a hearing before the Board for Licensing Health Care Facilities to consider the promulgation of amendment of rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 68-11-202 and 68-11-209. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Division of Health Care Facilities Conference Room on the fifth floor of the Heritage Place Metrocenter located at 227 French Landing, Suite 501, Nashville, TN at 11:00 a.m. (CST) on the 17<sup>th</sup> day of January, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Care Facilities to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Care Facilities, Fifth Floor, Heritage Place Metrocenter, 227 French Landing, Suite 501, Nashville, TN 37243, (615) 741-7598.

For a copy of the entire text of this notice of rulemaking hearing visit the Department of Health's web page on the Internet at [www.state.tn.us/health](http://www.state.tn.us/health) and click on "rulemaking hearings" or contact: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 227 French Landing, Suite 501, Heritage Place Metrocenter, Nashville, TN 37243, (615) 741-7598.

Substance of Proposed Rules

Chapter 1200-8-1  
Standards for Hospitals

Chapter 1200-8-2  
Standards for Prescribed Child Care Centers

Chapter 1200-8-6  
Standards for Nursing Homes

Chapter 1200-8-10  
Standards for Ambulatory Surgical Treatment Centers

Chapter 1200-8-11  
Standards for Homes for the Aged

Chapter 1200-8-15  
Standards for Residential Hospices

Chapter 1200-8-17  
Alcohol and other Drugs of Abuse Residential Rehabilitation Treatment Facilities

Chapter 1200-8-18  
Alcohol and other Drugs of Abuse Non-Residential Treatment Facilities

Chapter 1200-8-19  
Alcohol and other Drugs of Abuse DUI School Facilities

Chapter 1200-8-20  
Alcohol and other Drugs of Abuse Prevention Program Facilities

Chapter 1200-8-21  
Alcohol and other Drugs of Abuse Non-Residential Narcotic Treatment Facilities

Chapter 1200-8-22  
Alcohol and other Drugs of Abuse Halfway House Treatment Facilities

Chapter 1200-8-23  
Alcohol and other Drugs of Abuse Residential Detoxification Treatment Facilities

Chapter 1200-8-24  
Standards for Birthing Centers

Chapter 1200-8-25  
Standards for Assisted-Care Living Facilities

Chapter 1200-8-26  
Standards for Homecare Organizations Providing Home Health Services

Chapter 1200-8-27  
Standards for Homecare Organizations Providing Hospice Services

Chapter 1200-8-28  
Standards for HIV Supportive Living Facilities

Chapter 1200-8-29  
Standards for Homecare Organizations Providing Home Medical Equipment

Chapter 1200-8-32  
Standards for End Stage Renal Dialysis Clinics

Chapter 1200-8-34  
Standards for Homecare Organizations Providing Professional Support Services

Chapter 1200-8-35  
Standards for Outpatient Diagnostic Centers

#### Amendments

Rule 1200-8-1-.04, Administration, is amended by deleting subparagraph (10)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (10)(c), so that as amended, the new subparagraphs (10)(b) and (10)(c) shall read:

- (10)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

- (10)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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 1200-8-1-.06, Basic Hospital Functions, is amended by deleting parts (1)(b)3 and (1)(b)4 in their entirety and substituting instead the following language, and is further amended by adding the following language as new part (1)(b)5, and is further amended by deleting part (3)(b)3 in its entirety and substituting instead the following language, so that as amended, the new parts (1)(b)3, (1)(b)4, (1)(b)5, and (3)(b)3 shall read:

- (1)(b)3 All medical and surgical services performed in the hospital are evaluated as to the appropriateness of diagnosis and treatment;
- (1)(b)4 The competency of all staff is evaluated at least annually; and
- (1)(b)5 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.
- (3)(b)3 Written procedures governing the use of aseptic techniques and procedures in all areas of the hospital to include adoption of a standardized central venous catheter insertion process which shall contain these key components:
- (i) Hand hygiene (as defined in 1200-8-1-.06(3)(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, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-1-.06, Basic Hospital Functions, is amended by deleting subparagraph (3)(f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3)(f) shall read:

- (3)(f) The facility and its employees shall adopt and utilize standard precautions (per CDC) for preventing transmission of infections, HIV, and communicable diseases thru 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 other potentially infectious materials, mucous membranes, and non-intact skin could occur and 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, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-1-.06, Basic Hospital Functions, is amended by adding the following language as new subparagraph (3)(f) and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (3)(f) shall read:

- (3)(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.
  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, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-2-.04, Administration, is amended by adding the following language as new paragraph (9), so that as amended, the new paragraph (9) shall read:

- (9) All Health care facilities licensed pursuant to T.C.A. §68-11-201, et. seq. shall post on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height the following in the main public entrance:
- (a) a statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-234, and 71-6-121.

Rule 1200-8-6-.01, Definitions, is amended by adding the following language as new paragraph (37) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (37) shall read:

- (37) Medical Equipment. Equipment used for the diagnosis, treatment and monitoring of patients, including, but not limited to, oxygen care equipment and oxygen delivery systems, enteral and parenteral feeding pumps, and intravenous pumps.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-224, and 68-11-1802.

Rule 1200-8-6-.04, Administration, is amended by adding the following language as new paragraphs (19) and (20), so that as amended, the new paragraphs (19) and (20) shall read:

- (19) The nursing home shall carry out the following functions, all of which shall be documented in a written medical equipment management plan:
- (a) Develop and maintain a current itemized inventory of medical equipment used in the facility, that is owned or leased by the operator of the facility;
- (b) Develop and maintain a schedule for the maintenance, inspection and testing of medical equipment according to manufacturers' recommendations or other generally accepted standards. The schedule shall include the date and time such maintenance, inspection and testing was actually performed, and the name of the individual who performed such tasks; and
- (c) Ensure maintenance, inspection and testing were conducted by facility personnel adequately trained in such procedures or by a contractor qualified to perform such procedures.
- (20) All health care facilities licensed pursuant to T.C.A. §68-11-201, et. seq. shall post on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height the following in the main public entrance:
- (a) a statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-225, 68-11-256, 68-11-906, and 71-6-121.

Rule 1200-8-6-.06, Basic Services, is amended by deleting parts (1)(b)2 and (1)(b)3 in their entirety and substituting instead the following language, and is further amended by adding the following language as new part (1)(b)4, so that as amended, the new parts (1)(b)2, (1)(b)3, and (1)(b)4 shall read:

- (1)(b)2 Nosocomial infections and medication therapy are evaluated;
- (1)(b)3 All services performed in the facility are evaluated as to the appropriateness of diagnosis and treatment; and
- (1)(b)4 The facility shall develop and implement a system for measuring improvements in adherence to the hand hygiene program and influenza vaccination program.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-206, and 68-11-209.

Rule 1200-8-6-.06, Basic Services, is amended by deleting subparagraph (3)(f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3)(f) shall read:

- (3)(f) The facility and its employees shall adopt and utilize standard precautions (per CDC) for preventing transmission of infections, HIV, and communicable diseases thru 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 other potentially infectious materials, mucous membranes, and non-intact skin could occur and 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, 68-3-511, 68-11-202, 68-11-204, 68-11-206, and 68-11-209.

Rule 1200-8-6-.06, Basic Services, is amended by adding the following language as new subparagraph (3)(i) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (3)(i) shall read:

- (3)(i) 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.
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, 68-3-511, 68-11-202, 68-11-204, 68-11-206, and 68-11-209.

Rule 1200-8-10-.04, Administration, is amended by deleting subparagraph (24)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (24)(c), so that as amended, the new subparagraphs (24)(b) and (24)(c) shall read:

(24)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(24)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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 1200-8-11-.04, Administration, is amended by deleting subparagraph (7)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (7)(c), so that as amended, the new subparagraphs (7)(b) and (7)(c) shall read:

(7)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(7)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, and 71-6-121.

Rule 1200-8-15-.04, Administration, is amended by deleting subparagraph (18)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (18)(c), so that as amended, the new subparagraphs (18)(b) and (18)(c) shall read:

(18)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(18)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, and 71-6-121.

Rule 1200-8-17-.04, Administration, is amended by deleting subparagraph (7)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (7)(c), so that as amended, the new subparagraphs (7)(b) and (7)(c) shall read:

(7)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(7)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-18-.04, Administration, is amended by deleting subparagraph (7)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (7)(c), so that as amended, the new subparagraphs (7)(b) and (7)(c) shall read:

(7)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(7)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-19-.04, Administration, is amended by deleting subparagraph (6)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (6)(c), so that as amended, the new subparagraphs (6)(b) and (6)(c) shall read:

- (6)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and
- (6)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-20-.04, Administration, is amended by deleting subparagraph (6)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (6)(c), so that as amended, the new subparagraphs (6)(b) and (6)(c) shall read:

- (6)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and
- (6)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-21-.04, Administration, is amended by deleting subparagraph (6)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (6)(c), so that as amended, the new subparagraphs (6)(b) and (6)(c) shall read:

- (6)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and
- (6)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

Authority: T.C.A. §§4-5-202 through 4-5-206, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-210, 68-11-222, and 71-6-121.

Rule 1200-8-22-.04, Administration, is amended by deleting subparagraph (7)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (7)(c), so that as amended, the new subparagraphs (7)(b) and (7)(c) shall read:

(7)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(7)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-23-.04, Administration, is amended by deleting subparagraph (7)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (7)(c), so that as amended, the new subparagraphs (7)(b) and (7)(c) shall read:

(7)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(7)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

Authority: T.C.A. §§4-5-202 through 4-5-206, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-222, and 71-6-121.

Rule 1200-8-24-.04, Administration, is amended by deleting subparagraph (11)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (11)(c), so that as amended, the new subparagraphs (11)(b) and (11)(c) shall read:

(11)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(11)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-25-.04, Administration, is amended by deleting subparagraph (8)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (8)(c), and is further amended by adding the following language as new paragraphs (9), (10), and (11), so that as amended, the new subparagraphs (8)(b) and (8)(c) and new paragraphs (9),(10), and (11) shall read:

- (8)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and
- (8)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

- (9) The facility shall have an annual influenza vaccination program which shall include at least:
  - (a) The offer of influenza vaccination to all staff and independent practitioners or accept documented evidence of vaccination from another vaccine source or facility;
  - (b) A signed declination statement on record from all who refuse the influenza vaccination for other than medical contraindications;
  - (c) Education of all direct care personnel about the following:
    - 1. Flu vaccination,
    - 2. Non-vaccine control measures, and
    - 3. The diagnosis, transmission, and potential impact of influenza;
  - (d) An annual evaluation of the influenza vaccination program and reasons for non-participation.
  - (e) The requirements to complete vaccinations or declination statements are suspended by the administrator in the event of a vaccine shortage.
- (10) The facility and its employees shall adopt and utilize standard precautions (per CDC) for preventing transmission of infections, HIV, and communicable diseases thru adherence to a hand hygiene program which shall include:
  - (a) 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;

- (b) Use of gloves during each patient contact with blood or other potentially infectious materials, mucous membranes, and non-intact skin could occur and changed before and after each patient contact;
- (c) Use of either a non-antimicrobial soap and water or an antimicrobial soap and water for visibly soiled hands; and
- (d) Health care worker education programs which may include:
  1. Types of patient care activities that can result in hand contamination;
  2. Advantages and disadvantages of various methods used to clean hands;
  3. Potential risks of health care workers colonization or infection caused by organisms acquired from patients; and
  4. Morbidity, mortality, and costs associated with health care associated infections.

(11) The facility shall develop and implement a system for measuring improvements in adherence to the hand hygiene program 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, and 71-6-121.

Rule 1200-8-26-.04, Administration, is amended by deleting subparagraph (20)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (20)(c), so that as amended, the new subparagraphs (20)(b) and (20)(c) shall read:

- (20)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and
- (20)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-27-.04, Administration, is amended by deleting subparagraph (22)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (22)(c), so that as amended, the new subparagraphs (22)(b) and (22)(c) shall read:

- (22)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and
- (22)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-28-.04, Administration, is amended by deleting subparagraph (18)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (18)(c), so that as amended, the new subparagraphs (18)(b) and (18)(c) shall read:

(18)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(18)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, and 71-6-121.

Rule 1200-8-29-.04, Administration, is amended by deleting subparagraph (6)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (6)(c), so that as amended, the new subparagraphs (6)(b) and (6)(c) shall read:

(6)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(6)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, 68-11-222, and 71-6-121.

Rule 1200-8-32-.04, Administration, is amended by deleting subparagraph (17)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (17)(c), so that as amended, the new subparagraphs (17)(b) and (17)(c) shall read:

(17)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(17)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type,

for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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, and 71-6-121.

Rule 1200-8-34-.04, Administration, is amended by adding the following language as new paragraph (18), so that as amended, the new paragraph (18) shall read:

(18) All Health care facilities licensed pursuant to T.C.A. §68-11-201, et. seq. shall post on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height the following in the main public entrance:

(a) a statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-222, and 71-6-121.

Rule 1200-8-35-.04, Administration, is amended by deleting subparagraph (18)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (18)(c), and is further amended by deleting paragraph (19), so that as amended, the new subparagraphs (18)(b) and (18)(c) shall read:

(18)(b) A statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect and exploitation; and

(18)(c) A statement that any person, regardless of age, who may be the victim of domestic violence may call the nationwide domestic violence hotline, with that number printed in boldface type, for immediate assistance and posted on a sign no smaller than eight and one-half inches (8½") in width and eleven inches (11") in height.

Postings of (a) and (b) shall be on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

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

Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 227 French Landing, Suite 501, Heritage Place Metrocenter, Nashville, TN 37243, (615) 741-7598.

The notice of rulemaking set out herein was properly filed in the Department of State on the 7th day of November, 2006. (11-03-06)