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Simpson, Karin

From: Joe Mraz [JMraz@ptd.net]
Sent: Friday, August 01, 2008 8:42 AM
To: Simpson, Karin
Subject: Home Care Regulations.doc
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Karen'

Thanks for the opportunity to ask questions and make comments regarding the Home Care Regulations.

It is amazing that any regulations get adopted due to this lengthy and cumbersome process. Kudos to staff who write, rewrite and rewrite the regulations.

Joseph G. Mraz
Health Policy Board Member

8/18/2008

Page 27 611.51 (h)

If a criminal history is in error for a current employee and the criminal history is appealed, can the agency retain the employee during the appeal process?

Page 39 611.56(A)(1)

Using the Current CDC Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Settings, that the Individual is free from Active Mycobacterium Tuberculosis.

The CDC guidelines suggest a two-step program for the initial testing. The regulations state that the health evaluation must be conducted by a Qualified Health Professional. The two step would require the staff member to receive the first inject and then 48 to 72 hrs latter having the testing site observed for a positive or negative reaction. The next step is to have another injection a week or two latter and the site observed 48 to 72 hours latter. Under this scenario the staff member would have to see the qualified health professional 4 times. This can be very expensive and cost prohibitive for a worker who may be earning a low wage. It can also be cost prohibitive for the agency. In addition, missed appointments for reading the injected site can lead to multiple TST's which in turn can lead to false positives. Finally, CDC does not feel annual TST's are necessary in low risk situations.

(A possible solution would be to eliminate the annual health evaluation because the examination will be cursory in most circumstances. Thus. allow an RN to administer and read the two step.)

I have two questions about the \$100.00 fee regulation.

- 1) The fee for licenses will generate approx \$650,000. The first year's budget is estimated to be \$1,008,000. Where is the other \$358,000 coming from? Has an appropriate amount been budgeted?
- 2) The \$100.00 application/ renewal fee is a part of the regulation. Will this pose a regulatory problem if it needs to be adjusted in the future? Should the fee be listed in the regulation?

Page 26 611.51(e)

cannot retain an individual if the criminal background check reveals a prohibited conviction

Is the agency opening themselves to a liability issue if the worker has had a clean record for 10, 20, or more years and they have to be terminated because of the prohibited conviction?