



Scott Harris, M.D., M.P.H.  
STATE HEALTH OFFICER

October 19, 2023

Kelley Mitchell, RNC, MSN  
Executive Director  
Assisted Living Association of Alabama  
P.O. Box 288  
Helena, AL 35080

Dear Ms. Mitchell:

This letter is in response to the Assisted Living Association of Alabama's request for a waiver of Ala. Admin. Code r. 420-5-4-.04(3)(a) - (b) and Ala. Admin. Code r. 420-5-20-.04(3)(a) - (b), which require new employees to have a physical examination and tuberculosis (TB) screening before having contact with residents. ALAA's request for a waiver is based on staffing shortages, employee turnover, and the financial burden on employees and employers in comparison to other inpatient providers in Alabama. The assisted living industry is currently the only healthcare provider that is required to screen employees with physical exams and TB evaluations before an employee can work in an assisted living facility (ALF) or specialty care assisted living facility (SCALF).

Upon review, this waiver is granted for Ala. Admin. Code r. 420-5-4-.04(3)(a) - (b) and Ala. Admin. Code r. 420-5-20-.04(3)(a) - (b) for physical examinations and TB screenings until the Department revises the administrative rules for ALFs and SCALFs. Unfortunately, the Department cannot change the time period for TB evaluations for new employees to be consistent with the requirements for residents in Ala. Admin Code r. 420-5-4-.06(2)(a) or Ala. Admin. Code r. 420-5-20-.06(2)(a). The Department cannot create new administrative rules through the waiver process, by changing the time period for evaluation of TB tests for employees. Any changes to administrative rules must be addressed through the rule making process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Harris".

Scott Harris, M.D., M.P.H.  
State Health Officer

SH/SH  
cc: Denise Milledge