

# EXHIBIT H

## FORMAT FOR QUESTIONNAIRE TO LEGISLATIVE COUNCIL'S SUBCOMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS AND THE HOUSE AND SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE, AND LABOR

### RULES & REGULATIONS QUESTIONNAIRE

#### QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS

DEPARTMENT/AGENCY Arkansas Department of Health  
DIVISION STI/HIV/Hepatitis C/TB Section  
DIVISION DIRECTOR Naveen Patil, MD Medical Director Ralph Wilmoth, Section Chief  
CONTACT PERSON Dr. Naveen Patil  
ADDRESS 4815 West Markham, Little Rock, Arkansas 72205  
PHONE NUMBER 501-661-2152 FAX # \_\_\_\_\_

#### INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. To the following two Committees, submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis Subcommittee on Administrative Rules and Regulations Arkansas Legislative Council Bureau of Legislative Research Room 315, State Capitol Little Rock, AR 72201	Phil Price House and Senate Interim Committees on Public Health, Welfare and Labor Arkansas Legislative Council Room 315, State Capitol Little Rock, AR 72201
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1. What is the short title of this Rule? Rules and Regulations Pertaining to Communicable Disease Section XXI Venereal Disease
2. What is the subject of the Proposed Rule? Congenital Syphilis

3. Is this Rule required to comply with federal statute or regulations?  
Yes \_\_\_\_\_ No X

If yes, please provide the federal regulation and/or statute citation.

4. Was this Rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes \_\_\_\_\_ No X

If yes, what is the effective date of the emergency Rule?

When does the emergency Rule expire? NA

Will this emergency Rule be promulgated under the regular provisions of the Administrative Procedure Act?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Is this a new Rule?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Amends an existing rule

Does this repeal an existing Rule?

Yes \_\_\_\_\_ No X

If yes, please provide a copy of the repealed Rule.

Is this an amendment to an existing Rule? If yes, please attach a markup showing the changes in the existing Rule and a summary of the substantive changes.

6. What state law grants the authority for this Proposed Rule? If codified, please give Arkansas Code citation. Act 96 of 1913, As Amended Ark. Code Ann. §§ 20-7-101 et seq.

7. What is the purpose of this Proposed Rule? Why is it necessary? These rules are being revised to update the Communicable Diseases Rules and Regulations Section XXI – Venereal Disease – Syphilis testing requirements during pregnancy to meet Centers for Disease Control and Prevention (CDC) Guidelines for communities and populations in which the prevalence of syphilis is high and for patients at high risk. Arkansas is ranked in the top five states for congenital syphilis. This change is necessary to protect women and their baby from the serious consequences of syphilis if not treated.

8. Will a public hearing be held on this Proposed Rule?  
Yes X No \_\_\_\_\_ June 19, 2013 10 am

If yes, please give the date, time, and place of the public hearing?

9. When does the public comment period expire? June 19, 2013

10. What is the proposed effective date of this Proposed Rule?

11. Do you expect this Rule to be controversial?  
Yes \_\_\_\_\_ No X

If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these Rules? Please provide their position (for or against) if known.

PLEASE ANSWER ALL QUESTIONS COMPLETELY

**FORMAT FOR FINANCIAL IMPACT STATEMENT**

*Ark. Code Ann. § 25-15-204, 10-3-309 (e)(1) and Act 1104 of 1995 describe the financial statement:*

**Description:**

*The scope of the financial impact statement shall be determined by the agency but shall include, at a minimum, the estimated cost of complying with the Rule and the estimated cost for the agency to implement the Rule. If the agency has reason to believe that the development of a financial impact statement will be so speculative as to be cost prohibited, the agency shall submit a statement and explanation to that effect. If the purpose of a state agency Rule or Regulation is to implement a federal Rule or Regulation, the financial impact statement shall be limited to any incremental additional cost of the state Rule or Regulation as opposed to the federal Rule or Regulation*

**FINANCIAL IMPACT STATEMENT**

DEPARTMENT Arkansas Department of Health  
DIVISION STI/HIV/HEP C TB Section  
PERSON COMPLETING THIS STATEMENT Dr. Naveen Patil  
PHONE NUMBER 501-661-2152 FAX # \_\_\_\_\_

**SHORT TITLE OF THIS RULE** Rules and Regulations Pertaining to communicable Disease Section XXI Venereal Disease

- 1. Does this proposed, amended, or repealed Rule or Regulation have a financial impact?  
Yes X No \_\_\_\_\_
- 2. Please estimate the cost of compliance to regulated entities & others outside the department. Identify any financial impact on municipalities or counties. What does the test cost?. It costs \$7 to obtain test at the PHL.
- 3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain.
- 4. If the purpose of this Rule or Regulation is to implement a federal Rule or Regulation, please give the incremental cost for implementing the Regulation.

<u>199 - 9 Fiscal Year</u>		<u>199 - 9 Fiscal Year</u>	
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other	_____	Other	_____
Total	_____	Total	_____

5. What is the total estimated cost by fiscal year to any entity or individual subject to the proposed, amended, or repealed Rule or Regulation?

<u>199 - 9 Fiscal Year</u>	<u>199 - 9 Fiscal Year</u>

6. What is the total estimated cost by fiscal year to the agency to implement this Regulation?

<u>199 - 9 Fiscal Year</u>	<u>199 - 9 Fiscal Year</u>

7. Does the Proposed Rule impose a cost on state or local school districts? If yes, then file a fiscal impact statement. No

References: Act 884 of 1995, Ark. Code Ann. § 10-3-309  
Act 1104 of 1995, Ark. Code Ann. § 25-15-204  
Act 221 of 1977, Ark. Code Ann. § 19-1-302



# Arkansas Department of Health

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Governor Mike Beebe

Paul K. Halverson, DrPH, FACHE, Director and State Health Officer

## **Summary of Proposed Changes to Rules and Regulations Pertaining to Communicable Disease**

It is proposed to revise the Rules and Regulations Pertaining to Communicable Disease Section XXI Venereal Disease pursuant to the procedures of the Administrative Procedures Act process, by the authority of Act 434 of 1967 as amended. These rules are adopted by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation Ark. Code Ann. §§20-15-109.

These rules are being revised to update the Communicable Diseases Rules and Regulations Section XXI – Venereal Disease – Syphilis testing requirements during pregnancy to meet Centers for Disease Control and Prevention (CDC) Guidelines for communities and populations in which the prevalence of syphilis is high and for patients at high risk. Arkansas is ranked in the top five states for congenital syphilis.

This change is necessary to protect women and their baby from the serious consequences of syphilis if not treated.

### Proposed Change

The proposed change will require that a second serologic test for Syphilis be performed on women during the third trimester ideally at 28 to 32 weeks' gestation.