

Exhibit G

DEPARTMENT OF HEALTH, STI/HIV/Hepatitis C/TB SECTION

SUBJECT: Communicable Disease Section XXI Venereal Disease

DESCRIPTION: These revisions update the Communicable Disease Rules and Regulations Section XXI-Veneral Disease regarding 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 babies from the serious consequences of Syphilis if not treated.

The 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.

PUBLIC COMMENT: A public hearing was held on this rule on November 8, 2013. The public comment period expired November 8, 2013. The Department received no public comments.

Isaac Linam, an attorney with the Bureau of Legislative Research, asked the following question:

QUESTION: I see these treatment guidelines are dated 2010. Are these the most recent guidelines? If not, have the relevant sections of these guidelines been changed since 2010? **RESPONSE:** These are most recent ones.

The proposed effective date for the final rule is February 23, 2014.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: The cost is \$7 per test and is covered by insurance, including Medicaid.

LEGAL AUTHORIZATION: Ark. Code Ann. § 20-7-109 provides that the Department of Health promulgate reasonable rules to protect public health and safety and to suppress and prevent infectious, contagious, and communicable diseases.

The latest Centers for Disease Control guidelines relating to syphilis testing during pregnancy are found in the CDC's Morbidity and Mortality Weekly Report, December 17, 2010, Vol. 59, No. RR-12, pg. 35. The guidelines state that in areas with a high prevalence of syphilis and for high risk patients, serologic testing of syphilis should be performed early in the third trimester.

**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? November 24, 2013

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.

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.

