

DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION

SUBJECT: Reportable Disease

DESCRIPTION: The department proposes to revise the Rules and Regulations Pertaining to Communicable Disease – Communicable Disease Reporting List pursuant to the procedures of the Administrative Procedures Act process, by the authority of Act 434 of 1967 as amended. These Rules and Regulations Pertaining to Communicable Disease Control are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 96 of 1913 (Ark. Code Ann. § 20-7-101 et seq.).

These rules are being revised to update the Communicable Diseases – Communicable Disease Reporting List to ensure that public health officials in Arkansas have information needed to monitor the occurrence and spread of diseases.

Proposed Additions

The following additions are being proposed so that the list is consistent with the Council of State and Territorial Epidemiologists (CSTE) Nationally Notifiable Conditions List.

- Arboviral neuroinvasive and non-neuroinvasive diseases (California serogroup virus disease)
- *Anaplasma phagocytophila*
- Chagas Disease
- *Coccidioides immitis*
- Dengue (Dengue Fever, Dengue Hemorrhagic Fever, Dengue Shock Syndrome)
- *Vibriosis* – non cholera sp.
- Eastern equine encephalitis virus disease, Powassan virus disease, St. Louis encephalitis virus disease, West Nile virus disease, Western equine encephalitis virus disease)
- Babesiosis
- Novel Influenza A Virus Infections
- Trichinellosis (Trichinosis)

Wording Changes:

- Further defined Botulism to include “foodborne, infant, wound, other”
- Clarified “trachomatis” to Chlamydial Infection
- Changed Enterotoxigenic *E. coli* to “Shiga toxin producing *E coli*”
- Clarified types of Hepatitis (A, B, C, or E)
- Clarified “Hansens Disease” to Leprosy
- Consolidated Rabies to reflect human and animal
- Changed Rocky Mountain Spotted Fever to Spotted Fever Rickettsiosis
- Moved Congenital Rubella Syndrome to Rubella, including congenital infection
- Clarified Shigellosis to include all isolates, not just those outbreak-related or on request

- Changed Strep. Pneumoniae, Invasive, drug resistant to Invasive Streptococcus pneumonia, include antibiotic resistance profile if performed.
- Clarified Strep. Pneumonia, Invasive, not resistant to include all isolates
- Moved Congenital Syphilis to Syphilis, including congenital infection
- Changed Chemical Poisoning to Chemical Exposures
- Changed Pesticide Poisoning to Pesticide Exposures
- Changed “Venereal” to “Sexually Transmitted” Disease

Proposed Deletions:

- Rheumatic fever
- Kawasaki Disease
- Vancomycin resistant enterococci

Promotions from Routine to Immediate Reporting:

- Polio

Demotions from Immediate to Routine (in 24 hours) Reporting:

- Hepatitis A

Other Changes

- Change reporting of “Influenza deaths in persons < 18 years old” to reporting of “Influenza deaths in all persons”
- Require submission of all campylobacter and Shigella isolates, not just those that are outbreak-related or on request. Require submission of invasive Streptococcus pneumonia isolates.
- Add note under Section V.A.: “Certain Healthcare Associated Infections (HAIs) are required to be reported to the ADH via the National Healthcare Safety Network. Their omission above should not be interpreted as a release from this reporting requirement.”
- Phone numbers will be changed to reflect current appropriate numbers
- Because many of the reportable diseases described in these ‘Rules and Regulations Pertaining to Communicable Disease’ are not communicable, it is proposed that the name of the regulations will be changed to ‘Rules and Regulations Pertaining to Reportable Disease’
- Blood lead levels that are required to be reported were lowered as per national recommendations

PUBLIC COMMENT: A public hearing was held on this rule on April 22, 2014. The public comment period expired May 1, 2014. The Department received no public comments.

The proposed effective date for the rule is September 1, 2014.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact.

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.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Health
Center for Health Protection/Infectious Disease Branch/Communicable
DISEASION Disease-Immunization Section
DIVISION DIRECTOR Donnie Smith
CONTACT PERSON Dirk Haselow
ADDRESS 4815 West Markham, MS48, Little Rock, AR 72205
PHONE NO. 501-661-2142 FAX NO. 501-661-2300 MAIL Dirk.Haselow@Arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Robert Brech & Dirk Haselow
PRESENTER E-MAIL Robert.Brech@arkansas.gov & Dirk.Haselow@Arkansas.gov

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. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201**

- 1. What is the short title of this rule? Rules and Regulations Pertaining to Reportable Disease
 - 2. What is the subject of the proposed rule? Requirements and Listing of Reportable Disease
 - 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation. _____
 - 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? _____
- When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. _____

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule?

Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the 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? To update listing of and information related to reportable diseases

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.healthy.arkansas.gov

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: April 22, 2014

Time: 2:00 p.m.

Place: Arkansas Department of Health

Place: Room L173

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

May 1, 2014

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

September 1, 2014

12. Do you expect this rule to be controversial? Yes No

If yes, please explain. _____

13. 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.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Health
DIVISION Center for Health Protection/Infectious Disease Branch/Communicable Disease--
Immunization Section
PERSON COMPLETING THIS STATEMENT Dirk Haselow
TELEPHONE NO. 501-661-2142 **FAX NO.** 501-661-2300 **EMAIL:** Dirk.Haselow@Arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules and Regulations Pertaining to Communicable Disease

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

- (b) The reason for adoption of the more costly rule;

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ NA

\$ NA

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ NA

\$ NA

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:

(a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Governor Mike Beebe

Nathaniel Smith, MD, MPH, Director and State Health Officer

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

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