

ARKANSAS DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION

SUBJECT: Rules Pertaining to Communicable Disease - Tuberculosis

DESCRIPTION: The proposed revisions reflect the new Centers for Disease Control (CDC) guidelines for screening and testing health care workers for tuberculosis (TB), including removing annual testing. The proposed revisions also remove annual testing as a requirement for other low-risk groups, such as employees of correctional facilities, inmates within correctional facilities, employees of homeless shelters, and employees of child and adult day care centers. Revisions include:

- Adding language allowing persons without documented prior TB exposure or latent TB infection (LTBI) to undergo an interferon-gamma release assay (IGRA) blood test as an alternative to a tuberculin skin test (TST);
- Removing the requirement for yearly TB testing after baseline and adding language indicating no routine follow-up testing is required in the absence of a known exposure or ongoing transmission;
- Requiring compliance with CDC guidelines on annual symptom screening for health care personnel with untreated LTBI and annual TB education of all health care personnel.

PUBLIC COMMENT: The public comment period expired on September 30, 2019. A public hearing was held on October 8, 2019. The agency indicated that it received no public comments.

The proposed effective date is January 1, 2020.

FINANCIAL IMPACT: The agency indicated that this amended rule does not have a financial impact and will, in fact, decrease costs to healthcare institutions, state government, and county government by reducing the materials and time expended on TB testing.

LEGAL AUTHORIZATION: The State Board of Health has authority to promulgate “all reasonable and necessary rules” to suppress, prevent, quarantine, and control communicable diseases within the state. *See* Ark. Code Ann. § 20-7-109(a)(1)(C). The Board also has the authority to promulgate rules necessary to protect public health and safety. *See* Ark. Code Ann. § 20-7-109(a)(1)(A). Finally, the Board has authority to promulgate rules that are necessary to enforce “quarantine, isolation, and control of such diseases[.]” *See* Ark. Code Ann. § 20-7-109(D). Tuberculosis is a communicable disease within the meaning of the statute. *See* Ark. Code Ann. § 20-15-701.