

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-4-3-.02

Rule Title Definitions

 New XXXX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer F. R. Hale Date 2/18/2016

FORM APA2
11/96

STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-4-3-.02, Definitions

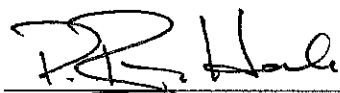
INTENDED ACTION: Amend 420-4-3-.02.

SUBSTANCE OF PROPOSED ACTION: Add Hepatitis C virus to the current rule.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held March 15, 2016, 9:00 a.m., at the Alabama Department of Public Health, RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on April 5, 2016. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Mary G. McIntyre, M.D., Assistant State Health Officer for Disease Control and Prevention, Department of Public Health, 201 Monroe Street, Suite 1400, Montgomery, Alabama 36104. Telephone number (334) 206-5325.



P. Brian Hale, Agency Secretary

420-4-3-.02 Definitions. When used herein, the following words and terms shall have the meanings respectively ascribed to them except where the content prohibits.

(a) "Affected institution: means any health care facility at which the infected health care worker routinely and commonly practices."

(b) "CDC" means the Centers for Disease Control and Prevention of the United States Public Health Service.

(c) "CDC Recommendations" means the July 21, 1991, CDC document (MMWR, Volume 40. No. RR-8) entitled "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" or equivalent guidelines developed by the Alabama Department of Public Health and approved by the CDC and any appropriate supplements or revisions thereto.

(d) "Department" means the Alabama Department of Public Health.

(e) "Expert review panel" (ERP) means a panel of experts in composition and function as defined in the CDC recommendations and appointed or approved by the Department.

(f) "Health Care Worker" (HCW) means any individual who provides or assists in the provision of medical, dental or nursing services regardless of whether that individual is formally licensed.

(g) "Hepatitis B Virus Infection" (HBV) means the presence of the hepatitis B virus as determined by the presence of hepatitis B e antigen for six months or longer or by other means as determined by the State Board of Health.

(h) "Hepatitis C Virus Infection" (HCV) means the presence of the HCV as determined by the presence of antibodies to HCV or by other means as determined by the rules of the State Board of Health.

~~(h)~~(i) "HIV Infection" (HIV) means the presence of antibodies to the Human Immunodeficiency Virus as determined by enzyme immunoassay and Western Blot, the presence of the Human Immunodeficiency Virus as determined by viral culture, or other means determined by the State Board of Health.

MD, Assistant State Health Officer for Disease Control and Prevention

Statutory Authority: Code of Ala. 1975, §§22-2-2 (6), 22-11A-2, 22-11A-7, 22-11A-13, 22-11A-14 (g), 22-11A-70.

History: New Rule: Filed November 18, 1994; effective December 23, 1994. **Amended:** Filed November 17, 1995; effective December 22, 1995.