

APA-1  
11/96

**TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION**

Control 420 Alabama Department of Public Health

Rule Number 420-4-3-.07

Rule Title Review Practice and Procedure and Subpoena Forms

       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 *D. 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-.07, Review Practice and Procedure and Subpoena Forms


INTENDED ACTION: Amend 420-4-3-.07.

SUBSTANCE OF PROPOSED ACTION: Add Hepatitis C virus to 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.



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P. Brian Hale, Agency Secretary

**420-4-3-.07 Review Practice and Procedure and Subpoena Forms.**

(a) The ERP shall review the overall practice and procedures performed by the IHCW by considering:

- (1) the procedures performed by the IHCW;
- (2) the adherence to universal precautions by the IHCW;
- (3) the past history of the HCW of occupational injury while performing the invasive procedures;
- (4) any prior evidence of the HCW related to patient transmission of HIV, ~~or~~ HBV, HCV or other disease designated by the State Board of Health;
- (5) the presence of conditions such as dermatitis, dementia, neuropathy, or other conditions that may increase the risk of transmission of HIV, ~~or~~ HBV, HCV or other disease designated by the State Board of Health; and
- (6) current CDC guidelines on the management of IHCWs.

(b) The performance of invasive procedures alone shall not present sufficient cause to limit the practice of the IHCW.

(c) Subsequent recommendations shall be made to the SHO within 30 days of convening concerning:

- (1) limitations on the performance of invasive procedures by the IHCW; and
- (2) the need to notify patients who previously may have had an invasive procedure performed by the IHCW. The provider will be responsible for notifying such patients and will then certify to the Alabama Department of Public Health that such has been accomplished.

(d) Reviews by an ERP shall be conducted in an informal manner without the application of strict rules of evidence. The presiding officer shall have the responsibility for executing the procedures required to make a determination.

(e) Reviews before an ERP shall not be open to the public and the findings thereof shall be confidential.

(f) After reviewing the evidence the ERP shall make necessary findings of fact and recommendations to the SHO. Such recommendations shall be made by majority vote of the ERP. Each member of the ERP, including the representative from each affected institution, will have one vote. The concurring or dissenting opinions will be noted and reported with the reasons therefor.

(g) The majority finding and recommendation with all dissenting or concurring opinions shall be compiled and signed by the presiding officer noting the vote on such and reported to the SHO.

**Author:** John Wible, General Counsel, Alabama Department of Public Health, Mary G. McIntyre, 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.