

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-4-1-.10

Rule Title Victims Of Sexual Offense To Request And Receive HIV Test Results Of Convicted Offender

 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 Pamela Blue Date 6/16/2014

FORM APA2
11/96

STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-4-1-.10, Victims Of Sexual Offense To Request And Receive HIV Test Results Of Convicted Offender

INTENDED ACTION: Revision of Rule 420-4-1-.10.

SUBSTANCE OF PROPOSED ACTION: To amend terminology in the Notifiable Diseases Chapter 420-4-1 of the Alabama Administrative Code.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:00 a.m. July 29, 2014, 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 August 4, 2014. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Sherri Davidson, Analysis and Reporting Branch Manager, Epidemiology Division of the Bureau of Communicable Disease, Department of Public Health, 201 Monroe Street, Suite 1460, Montgomery, Alabama 36104. Telephone number (334) 206-2050.



Patricia E. Ivie, Agency Secretary

**420-4-1-.10 Victims Of Sexual Offense To Request And Receive
HIV Test Results Of Convicted Offender.**

(1) The victim of a sexual offense may request the results of any tests on the defendant convicted of such sexual offense, for the presence of HIV, the etiologic agent for acquired immune deficiency syndrome (AIDS). Such request shall be made in writing to the ~~Director of the Department's Division of HIV/AIDS Prevention & Control~~ and must include the victim's name and address, the Circuit court case number, and the date and location of conviction.

(2) Upon receipt of the victim's written request, the ~~Director~~Department will obtain the case action summary from the appropriate county Criminal Court Division to verify the nature of the sexual offense, date of conviction, victim name and address, defendant name, social security number, date of birth, and place of incarceration or confinement.

(3) Upon request of the State Health Officer, the Alabama Department of Corrections or the appropriate officials of any city or county jail shall provide in writing the results of any positive or negative test for HIV of a convicted sexual offender to the State Health Officer or his or her designee.

(4) Upon receipt of the required information, the Department shall release the results of the HIV test to the victim. At the same time, the Department shall provide the victim of such sexual offense counsel regarding HIV/AIDS disease, testing and referral for appropriate health care and support services in accordance with applicable law.

Author: Jane Cheeks, M.P.H., P. Brian Hale, J.D.

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-11A-17(a)-(c).

History: New Rule: Filed May 22, 1995; effective June 26, 1995.

Repealed and Replaced: Filed May 26, 2011, effective date June 30, 2011. **Repealed and Replaced:** Filed XXXX XX, 2014, effective date XXXX XX, 2014.