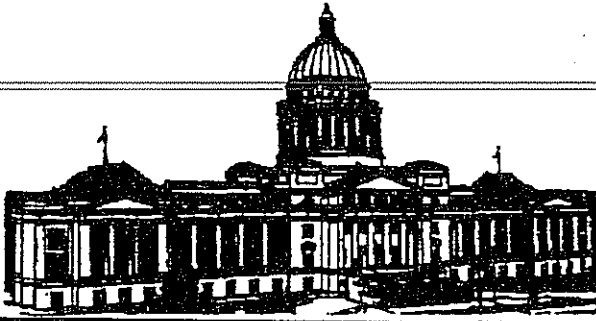


ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 026
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 8/28/00 Code Number 007.15.00-003

Name of Agency Arkansas Department of Health

Department Division of Communicable Disease/Immunization

Contact Person Charles Beets

Statutory Authority for Promulgating Rules Act 963 of 1997 Ark. Code Ann. 20-16-507

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>4/22/2000</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>5/22/2000</u>
<input type="checkbox"/> Other	Reviewed by Legislative Council	<u>5/18/2000</u>
	Adopted by State Agency	<u>7/27/2000</u>

CERTIFICATION OF AUTHORIZED OFFICER

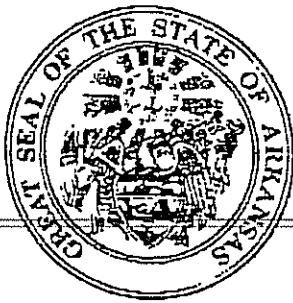
I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Rich D. Hogan
Signature

501 661 2252
Phone Number

General Counsel
Title

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AR. REGISTER DIV.
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SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS



Arkansas State Library

Agency Certification Form

For Depositing Final Rules and Regulations
at the Arkansas State Library

Documents Services • Arkansas State Library
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Telephone: (501) 682-2326 • FAX (501) 682-1532

For Office Use Only: Effective Date: _____ Classification Number: _____		
Name of Agency: Arkansas Department of Health		
Contact Person: Charles Beets		Telephone: 501-661-2784
Statutory Authority for Promulgating Rules: Act 963 of 1997 Ark. Code Ann. 20-16-507		
Title of Rule: Communicable Disease Law		
Rule Status:	Effective Date Status:	Effective Date
<input type="checkbox"/> New Rule/Regulation	<input type="checkbox"/> Emergency.....	
<input checked="" type="checkbox"/> Amended Rule/Regulation	<input checked="" type="checkbox"/> 10 Days after filing ...	
<input type="checkbox"/> Repealed Rule/Regulation	<input type="checkbox"/> Other	
<input type="checkbox"/> Order	<input type="checkbox"/> Repealed	
<input type="checkbox"/> Emergency Rule/Regulation	Adopted by State Agency	
<input type="checkbox"/> Rule above is proposed and will be replaced by final version.		
<input checked="" type="checkbox"/> Financial and/or Fiscal Impact Statement Attached		
Certification of Authorized Officer		
I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.		
Signature <u>Rich D. Hogan</u>		Date <u>8/15/00</u>
Title <u>General Counsel</u>		

ARKANSAS STATE BOARD OF HEALTH
BUREAU OF PUBLIC HEALTH PROGRAMS
DIVISION OF CD/IMMUNIZATION

RULES AND REGULATIONS
FOR
COMMUNICABLE DISEASE CONTROL

Promulgated Under the Authority of
Act 963 OF 1997

Effective September 1, 2000
This Revision Effective July 27, 2000
By the Arkansas Board of Health

Arkansas Department of Health
Little Rock, AR
Dr. Fay W. Boozman, Director

SECTION XXIII .	SEXUALLY TRANSMITTED DISEASES (STD), SYPHILIS, GONORRHEA, CHANCROID, LYMPHOGRANULOMA, VENERUM, GRANULOMA INGUINALE, OPHTHALMIA NEONATORUM, HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND HEPATITIS B
A.	PRENATAL EXAMINATION FOR SYPHILIS, HUMAN IMMUNODEFICIENCY VIRUS AND HEPATITIS B.....
B.	OPHTHALMIA NEONATORUM (GONORRHEA OPHTHALMIA).....
C.	NOTIFICATION.....
D.	DETENTION OF SUSPECTS.....
E.	ISOLATION OF INFECTIOUS CASES UNTIL RENDERED NONINFECTIOUS.....
F.	DUTY OF PHYSICIAN TO INFORM PATIENTS OF INFECTIOUS NATURE OF SAID DISEASES.....
G.	DUTY OF PHYSICIAN TO ADMINISTER ADEQUATE AND APPROPRIATE TREATMENT.....
H.	TREATMENT OF MINORS.....
I.	REPORTING BY LABORATORY - VENERAL DISEASE...
SECTION XXIV.	RABIES CONTROL.....
SECTION XXV.	SEVERABILITY.....
SECTION XXVI.	REPEAL.....

**SECTION XXIII. SEXUALLY TRANSMITTED DISEASES (STD), SYPHILIS,
GONORRHEA, CHANCROID, LYMPHOGRANULOMA VENEREUM, GRANULOMA
INGUINALE, HUMAN IMMUNODEFICIENCY (HIV) VIRUS, OPHTHALMIA
~~NEONATORUM, AND HEPATITIS B~~**

A. Prenatal Examination for syphilis, Human Immunodeficiency Virus and for Hepatitis B. Act 963 of 1997 "To revise and expand the scope of testing all pregnant women; and for other purposes."

1. **Section 1, Act 963 of 1997**, requires any physician and/or health care provider attending pregnant women, for conditions relating to their pregnancy, to test each of the women by venous blood sample for:
 - a) A standard serologic test for syphilis
 - b) A standard serologic test for Human Immunodeficiency Virus
 - c) A standard serologic test for hepatitis BSuch samples shall be submitted to an approved laboratory and all positive results reported to the Arkansas Department of Health.
2. **Section 2, Act 963 of 1997**, requires a standard serologic test for syphilis. A standard serologic test is defined as a test for syphilis approved by the State Health Officer. Such samples shall be submitted to an approved laboratory and all positive results reported to the Arkansas Department of Health.
3. **Section 3, Act 963 of 1997**, requires a standard serologic test for Human Immunodeficiency virus (HIV). A standard serologic test is defined as a test for HIV approved by the State Health Officer. Such samples shall be submitted to an approved laboratory and all positive results reported to the Arkansas Department of Health.
4. **Section 4, Act 963 of 1997**, requires a standard serologic test for Hepatitis B (HBsAg). A standard serologic test is defined as a test for Hepatitis B approved by the State Health Officer. Such samples shall be submitted to an approved laboratory and all positive results reported to the Arkansas Department of Health.
5. **Section 5, Act 963 of 1997**, requires if for any reason the pregnant woman is not tested for syphilis, Human Immunodeficiency Virus (HIV) or Hepatitis B (HBsAg), that fact shall be recorded in the patient(s) record(s), which, if based upon the refusal of the patient, shall relieve the physician and/or health care provider of any responsibility.


9/2000

6. **Section 6, Act 963 of 1997**, requires every physician and/or health care provider shall inform each pregnant woman, who he or she is attending, that syphilis, HIV, and Hep B ~~may be transmitted from an infected mother to the fetus or unborn child. These infections~~ may be prevented if the maternal infection is recognized and treated. Every physician and/or health care provider shall provide counseling and instruction for HIV in a manner prescribed by the Department of Health based upon contemporary state and federal standards.
7. **Section 7, Act 963 of 1997**, requires that all records, reports, data or other information collected or maintained shall be confidential provided that it shall not affect the reports required to be submitted to the Department of Health under laws and rules and regulations.
8. **Section 8, Act 963 of 1997**, requires physicians and others in reporting every birth and stillbirth to state on the certificate whether a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and the approximate time when the specimen was taken.

9/2000

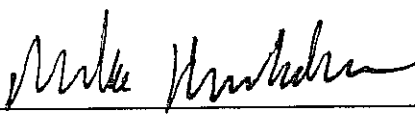
CERTIFICATION

This is to certify that the foregoing Rules and Regulations for the Testing of Pregnant women for Hepatitis B and Human Immunodeficiency Virus in Arkansas were adopted by the Arkansas State Board of Health, at a regular session of said Board held in Little rock, Arkansas, on the 27th day of July, 2000.



Fay W. Boezman
Director, Arkansas Department Of Health
Secretary of the Arkansas State Board

The forgoing Rules and Regulations, copy having been filed in my office, are hereby approved on the 27 day of August, 2000.



Mike Huckabee
Governor

FORMAT FOR COVER SUMMARY OF PROPOSED ADMINISTRATIVE RULES AND REGULATIONS

NOTE: See the *Administrative Procedures Process* instructions to determine which packets this cover summary accompanies.

Arkansas Department of Health

Cover Summary of Proposed Administrative Rules/Regulation

DIVISION Communicable Disease/Immunization
ADDRESS 4815 W Markham St Slot 48
CONTACT PERSON Charles Beets
PHONE NUMBER 501/661-2784

SHORT TITLE OF THIS RULE

1. The subject of the proposed rule is Prenatal testing requirements of pregnant women
2. ~~for sexually transmitted diseases~~
If this is a new rule or repeal or amendment of an existing rule? State specifically what is amended? Add Human Immunodeficiency Virus and Hepatitis B to the testing requirements
3. What State or Federal law or regulation grants the authority for this proposed rule? Act 963 of 1997
4. What is the purpose of this proposed rule? Why is it necessary? So that pregnant women may be tested for these diseases and treated as necessary
5. Will this proposed rule be controversial? If yes, explain nature of controversy. No
6. What is the financial impact of this proposed rule? Annual cost of the Arkansas Department of Health is approximately \$80,000
7. Was a public hearing held on this proposed rule? If yes, state the date, time and location of such hearing. If no, state the date the public comment period ends.
No May 22 8 a.m.
8. What is the proposed effective date of this proposed rule September 1, 2000

FILED
AR. REGISTER DIV.
00 AUG 18 PM 1:29
SHARON DAVIS
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

FORMAT FOR FINANCIAL IMPACT STATEMENT

Ark. Code Ann. § 25-15-204, 10-3-309 (e)(1) and Act 1104 of 1995 describe the financial statement:

Description:

The scope of the financial impact statement shall be determined by the agency but shall include, at a minimum, the estimated cost of complying with the Rule and the estimated cost for the agency to implement the Rule. If the agency has reason to believe that the development of a financial impact statement will be so speculative as to be cost prohibited, the agency shall submit a statement and explanation to that effect. If the purpose of a state agency Rule or Regulation is to implement a federal Rule or Regulation, the financial impact statement shall be limited to any incremental additional cost of the state Rule or Regulation as opposed to the federal Rule or Regulation

FINANCIAL IMPACT STATEMENT

DEPARTMENT Health
DIVISION Communicable Disease/Immunization
PERSON COMPLETING THIS STATEMENT Charles Beets
PHONE NUMBER 501/661-2784 FAX # 501/661-2300

SHORT TITLE OF THIS RULE Prenatal testing of pregnant women for sexually transmitted diseases

1. Does this proposed, amended, or repealed Rule or Regulation have a financial impact?

Yes X No

2. Please estimate the cost of compliance to regulated entities & others outside the department. Identify any financial impact on municipalities or counties. N/A

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain. N/A

4. If the purpose of this Rule or Regulation is to implement a federal Rule or Regulation, please give the incremental cost for implementing the Regulation. N/A

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CLERK OF THE
SECRETARY OF STATE
STATE OF ARKANSAS

2000/2001	<u>Fiscal Year</u>	2001/2002	<u>Fiscal Year</u>
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other	_____	Other	_____
Total	_____	Total	_____

5. What is the total estimated cost by fiscal year to any entity or individual subject to the proposed, amended, or repealed Rule or Regulation? N/A

2000/2001	<u>Fiscal Year</u>	2001/2002	<u>Fiscal Year</u>

6. What is the total estimated cost by fiscal year to the agency to implement this Regulation?

2000/2001	<u>Fiscal Year</u>	2001/2002	<u>Fiscal Year</u>
\$80,000		\$80,000	

7. Does the Proposed Rule impose a cost on state or local school districts? If yes, then file a fiscal impact statement. No

References: Act 884 of 1995, Ark. Code Ann. § 10-3-309
 Act 1104 of 1995, Ark. Code Ann. § 25-15-204
 Act 221 of 1977, Ark. Code Ann. § 19-1-302