

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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Name of Rule \_\_\_\_\_

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Location and Time of Public Meeting \_\_\_\_\_

## **NOTICE OF PUBLIC COMMENT PERIOD**

The Arkansas Department of Health (ADH) is accepting public comments on the Rules Pertaining to Reportable Diseases from 10/20/2022 to 11/19/2022. The comment period is provided to allow interested parties and the public to provide any comments. The proposed changes update the rule to current licensing law and revise deadlines for licensing renewals. The proposed rule revision with a summary of changes can be viewed online at <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules> or you may request a copy from our office at 501-537-8969.

Comments on the proposed changes can also be mailed to Arkansas Department of Health, Comments/Slot 48, 4815 West Markham, Little Rock Arkansas, 72205, or emailed to [ADH.ORSNurses@arkansas.gov](mailto:ADH.ORSNurses@arkansas.gov).



# Arkansas Department of Health

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**Governor Asa Hutchinson**

**Renee Mallory, RN, BSN, Interim Secretary of Health**

**Jennifer Dillaha, MD, Director**

## **Rules Pertaining to Reportable Diseases**

**August 3, 2022**

### **PURPOSE**

The Arkansas Department of Health (Department) is seeking Governor Hutchinson's review of proposed amendments to the Rules Pertaining to Reportable Diseases.

### **BACKGROUND**

The purpose of the Rules Pertaining to Reportable Diseases is to provide for the prevention and control of communicable diseases and to protect the public health, welfare and safety of the citizens of Arkansas.

### **KEY POINTS**

These changes are intended to harmonize our reporting rules with the nationally notifiable disease list recommended by the Council of State and Territorial Epidemiologists (CSTE) and practices among other state health departments.

### **DISCUSSION**

It is proposed to modify the Rules Pertaining to Reportable Diseases as follows:

#### **Nationally notifiable conditions added:**

Leptospirosis (added nationally in 2014, was removed off AR list and needs to be added back)

#### **Conditions newly defined nationally:**

*Non-pestis Yersiniosis (includes species in addition to enterocolitica)*

*Cryptococcosis: Cryptococcus is a ubiquitous fungal pathogen that causes meningitis or pneumonia. It has been associated with outbreaks in the Northwest United States and in Arkansas. A consensus case definition was recently developed by CSTE.*

#### **Conditions newly proposed to be added at the state level:**

*Acute Flaccid Myelitis: Uncommon but serious neurologic condition that causes muscle weakness, sometimes leading to permanent paralysis. This is not nationally notifiable,*

*but CDC relies on clinician recognition and health department reporting of suspected AFM cases to learn more about AFM and what causes it.*

*Alpha-Gal Syndrome: This is an emerging health issue in the Southern United States that presents as a delayed allergic reaction to ingestion of mammalian meats. It appears to be potentiated by bites of the lone star tick (the most common tick in Arkansas). A consensus case definition was recently developed by CSTE.*

*Animal Bites: This is necessary to assess the burden of bites as well as monitor and assure appropriate rabies testing of the biting animals and prophylaxis of both the animals and humans. Animal bites are mandated to be reported in most states and in another area of Arkansas Rules. It is proposed to be added here for consistency and searchability.*

*Monkeypox : This is an emerging infectious disease that is spread mostly through close, intimate contacts with someone who has monkeypox.; it currently is spreading across several countries that don't normally report monkeypox, including the United States.*

*Multisystem inflammatory syndrome (MIS) is a rare but serious condition associated with COVID-19 in which different body parts become inflamed, including the heart, lungs, kidneys, brain, skin, eyes, or gastrointestinal organs. It can affect children (MIS-C) and adults (MIS-A).*

*Multisystem Inflammatory Syndrome in Children (MIS-C): Multisystem inflammatory syndrome in children (MIS-C) is a rare but severe condition in children and adolescents infected with SARS-CoV-2, the virus that causes COVID-19. This is not nationally notifiable, but CDC relies on clinician recognition and health department reporting of suspected MIS-C cases to learn more about it.*

*Multisystem Inflammatory Syndrome in Adults (MIS-A): Like children, adults who have been infected with the virus that causes COVID-19 can develop symptoms of MIS-A days to weeks after getting sick.*

### **Conditions that need modification based on CDC recommendations:**

**Blood Lead:** The health department follows the U.S. Centers for Disease Control and Protection (CDC's) recommended blood lead level (BLL) values to treat children with blood lead levels that are higher than most U.S. children's levels. CDC has updated its [blood lead reference value \(BLRV\)](#) from 5 micrograms per deciliter (µg/dL) to 3.5 µg/dL in response to the Lead Exposure Prevention and Advisory Committee (LEPAC) recommendation made on May 14, 2021.

The BLRV is based on the 97.5th percentile of the blood lead level (BLL) distribution among children 1-5 years old in the U.S. from the two most recent cycles of data from the [National Health and Nutrition Examination Survey \(NHANES\)](#). Thus, based on NHANES data from 2015-2018, CDC accepted the LEPAC recommendation to update the BLRV to 3.5 µg/dL.

Since CDC encourages local and state officials to help communities use the lowered reference value to determine the BLL required for case management and

environmental investigation in Arkansas, we request this update be reflected in the ADH Reportable Disease list.

**Conditions that need modification based on changes in testing/reporting:**

Carbapenem resistant Enterobacterales (CRE): Proposing that carbapenem resistant Enterobacterales (CRE) is updated to infections caused by carbapenemase producing organisms (CPO). Right now, our rules and regs is only CRE which doesn't encompass all the CPOs that could be encountered. This change would also reflect how CSTE is updating the case definition for CRE and would require facilities to report carbapenem-resistant Enterobacterales (CRE), carbapenemase-resistant *Pseudomonas aeruginosa* (CRPA), and carbapenem-resistant *Acinetobacter baumannii* (CRAB).

This shouldn't negatively impact facilities or reference laboratories. The State Public Health Lab (SPHL) and regional AR Lab Network have the capacity to perform carbapenemase testing for no charge. The reference labs are already forwarding potential CPOs (Enterobacterales, *Pseudomonas*, and *Acinetobacter*) to our SPHL for testing and the same can be said about most hospitals. This change would align to what they are already doing. Also, if a new carbapenemase would be identified, then it would be on our reportable disease without making additional changes.

*Candida auris*: Proposing that we drop *Candida haemulonii* from the condition list. For *C. auris*, *C. haemulonii* was commonly misidentified for *C. auris*. Since MALDI-TOF databases have been updated and this is not a current issue. Most hospitals are sending isolates to the State Public Health Lab for rule out currently at no charge for testing. As of right now, we are getting few reports of potential *C. auris*/ *C. haemulonii* and have not identified *C. auris* in Arkansas.

Carbapenemase producing organisms (CPO) was listed on part A of Section V. Disease and Conditions Section but needs to be listed in this section as infections caused by Carbapenemase producing organisms and then listed as Carbapenemase producing organisms in section V part D.

Coronavirus Disease 2019 (COVID-19 caused by SARS-CoV-2): Proposing we specify this disease separately as reportable; previously listed on reportable disease list as novel Coronavirus.

*Coccidioides immitis* was listed on part A of Section V. Disease and Conditions Section but needs to be listed as the disease in this section as Coccidioidomycosis (caused by *Coccidioides*).

*Cryptococcus* was listed on part A of Section V. Disease and Conditions Section but needs to be listed as the disease in this section as Cryptococcosis.

Glanders was currently listed on Section V. Disease and Conditions, part D, which instructs submitting isolates of the agent but needs to be listed on part A. Notifiable Disease and Condition.

Melioidosis was listed on both part A and D of Section V. Disease and Conditions.  
Removed from part D which instructs regarding isolate submission.

**Other changes:**

Change in reporting instructions to include preferred electronic reporting using a HL7 feed or reporting portal, phone call with updated numbers, and a fax with updated reporting form.

**ARKANSAS STATE BOARD OF HEALTH**  
**RULES ~~AND REGULATIONS~~**  
**PERTAINING TO REPORTABLE DISEASES**



**Promulgated Under the Authority of**  
Act 96 of 1913, As Amended  
Ark. Code Ann. §§ 20-7-101 et seq.

**Effective ~~January 1, 2019~~** \_\_\_\_\_

**~~By the Arkansas State Board of Health~~**

**Arkansas Department of Health**  
**Little Rock, Arkansas**

**~~Nathaniel Smith, MD, MPH~~ Renee Mallory, RN, BSN,**  
**Interim Secretary of Health**

**Jennifer Dillaha, MD**  
**Director and State Health Officer**

# **RULES ~~AND REGULATIONS~~ PERTAINING TO REPORTABLE DISEASES**

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## AUTHORITY

These Rules ~~and Regulations~~ Pertaining to Reportable Diseases ~~Control~~ are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, ~~Act 96 of 1913~~ (Ark. Code Ann. § 20-7-101 et seq.).

## PURPOSE

The purpose of the Rules ~~and Regulations~~ Pertaining to ~~the Control of~~ Reportable Diseases is to provide for the prevention and control of communicable diseases and to protect the public health, welfare and safety of the citizens of Arkansas.

## SECTION I. DEFINITIONS:

A. **Board** means the Arkansas State Board of Health.

B. **Complete quarantine** means the limitation of freedom of movement of such well persons or domestic animals as have been exposed to a communicable disease, for a period of time not longer than the longest usual incubation period of the disease, in such manner as to prevent effective contact with those not so exposed.

C. ~~Director~~ Secretary means the ~~Director~~ Secretary of the Arkansas Department of Health.

D. **Department** means the Arkansas Department of Health.

E. **Emergency response employee** means firefighters, law enforcement officers, emergency medical technicians, first responders, and other individuals including employees of volunteer organizations without regard to whether such employees receive compensation who, in the performance of professional duties, respond to emergencies in the State of Arkansas.

F. **Isolation** means the separation for special consideration, control or observation of some part of a group of persons or domestic animals from the others to facilitate control of a communicable disease (e.g., establishments of a sanitary boundary to protect uninfected from infected portions of a population.)

~~F.~~ G. **Medical provider** means any hospital, physician, nurse, hospital employee, nursing home, nursing home employee, or other health care provider.

~~G.~~ H. **Modified quarantine** means a selective, partial limitation of freedom of movement of persons or domestic animals, commonly on the basis of known or presumed differences in susceptibility, but sometimes because of danger of disease transmission. It may be designed to meet particular situations. Examples are exclusion of children from school; exemption of immune persons from provisions required of susceptible persons (e.g., contacts acting as food handlers); restriction of military populations to the post or quarters.

~~H.~~ I. **Personal surveillance** means the practice of close medical or other supervision of contacts in order to promote prompt recognition of infection or illness, but without restricting their movements.

~~I.~~ ~~**Segregation** means the separation for special consideration, control or observation of some part of a group of persons or domestic animals from the others to facilitate control of a communicable~~

~~disease (e.g., removal of susceptible children to homes of immune persons, or establishments of a sanitary boundary to protect uninfected from infected portions of a population.)~~

## SECTION II. GENERAL MEASURES FOR THE CONTROL OF COMMUNICABLE DISEASES.

The current edition of "Control of Communicable Diseases ~~in~~ Manual," published by the American Public Health Association, will generally be accepted for applying control measures for communicable diseases.

## SECTION III. RESPONSIBILITY FOR REPORTING.

A. It shall be the duty of every physician, practitioner, nurse; every superintendent or manager of a dispensary, hospital, clinic, nursing or extended care home; any clinical or private laboratory; any person in attendance on a case of any of the diseases or conditions declared notifiable; or the local health department to report the disease or condition to the Department ~~utilizing the Toll-Free Disease Reporting System (1-800-482-8888) within twenty-four (24) hours~~ as provided in Section III(D).

B. Any person who determines by laboratory examination that a specimen derived from the human body yields evidence suggestive of a reportable disease shall report microscopical, cultural or other evidence of the presence of any of the diseases declared notifiable; within twenty-four (24) hours, to the Department ~~on the Toll-Free Disease Reporting System~~ as provided in Section III(D), ~~microscopical, cultural or other evidence of the presence of any of the diseases declared notifiable.~~

C. It shall be the duty of every superintendent of a public school district or such person(s) he designated by the superintendent of the public school districts, to report immediately to the Department any outbreak of three (3) or more cases of any of the conditions declared notifiable ~~on the Toll-Free Disease Reporting System~~ as provided in Section III(D) ~~any outbreak of three (3) or more cases of any of the conditions declared notifiable.~~

D. Each report made under this Section, or as provided in these Rules, shall be made utilizing one of the following methods:

1. The preferred electronic reporting portal using the HL7 feed or other reporting portal provided by the Department;
2. Direct calls, preferred for unusual cases or cluster information, to 1-501-280-4115 during the normal business hours of 8:00 a.m. to 4:30 p.m. CST, or to 1-800-554-5738 outside normal business hours, with the information available as provided in the Surveillance Reporting Form as provided herein; or,
3. Faxes using the Surveillance Reporting Form herein along with any pertinent lab information and notes to 1-501-661-2428.

~~C.~~ The Surveillance Reporting Form may be found at  
<https://www.healthy.arkansas.gov/images/uploads/pdf/CommunicableDiseaseReportingForm.pdf>

~~D.E.~~

## SECTION IV. NOTIFIABLE DISEASES AND CONDITIONS

A. Notifiable diseases and conditions are to be reported [within 24 hours of diagnosis](#) to the Department ~~utilizing the Toll Free Disease Reporting System (1-800-482-8888)~~ [as provided in Section III\(D\)](#) ~~within 24 hours of diagnosis~~. Reports should include:

1. The reporter's name, location and phone number.
2. The name of the disease reported and the onset date.
3. The patient's name, ~~DOB~~ [date of birth](#), address [including county of residence](#), phone number, age, sex and race. (PLEASE spell the patient's name.)
4. The attending physician's name, location and phone number.
5. Any treatment information, if known.
6. Any pertinent laboratory or other information used in the diagnosis.

B. Additional disease-specific information may be requested. Any person desiring to further discuss reportable diseases may ~~phone-call~~ the Division of Epidemiology at (501) ~~537-8969~~ [280-4115](#) during normal business hours or 1-800-554-5738 after hours, holidays and weekends.

## SECTION V. DISEASES AND CONDITIONS

### A. NOTIFIABLE DISEASES AND CONDITIONS

[Acute Flaccid Myelitis \(AFM\)](#)

[Alpha-Gal Syndrome](#)

*Anaplasma phagocytophila*

[Animal Bites](#)

Anthrax\*\*

Arboviral neuroinvasive and non-neuroinvasive diseases

Babesiosis

*Bacillus cereus* or *Bacillus* species that cannot be ruled out as *B. anthracis* or *B. cereus by anthracis*

Blastomycosis

Botulism\*\* (foodborne, infant, wound, other)

Brucellosis

CD4+ T-Lymphocyte Count

Campylobacteriosis (includes all isolates, not just those outbreak-related or on request)

*Candida* ~~*a*~~ [Auris](#) (~~*Candida haemulonii*~~) [infection](#)

~~Carbapenem-resistant Enterobacteriaceae (CRE)~~

Infections caused by Carbapenemase producing organisms (CPO)

Chagas Disease

Chancroid

Chikungunya

Chlamydial infections

Cholera

Coccidioidomycosis (caused by *Coccidioides*) ~~immitis~~

Coronavirus Disease 2019 (COVID-19 caused by SARS-CoV-2)

Creutzfeld-Jakob Disease

~~Cryptococcus~~ Cryptococcosis

Cryptosporidiosis

Cyclosporiasis

Dengue (Dengue Fever, Dengue Hemorrhagic Fever, Dengue Shock Syndrome)

Diphtheria

Ehrlichiosis

Emerging threat agents

Encephalitis caused by: California serogroup virus, Eastern equine encephalitis virus, Powassan virus, St. Louis encephalitis virus, West Nile virus, Western equine encephalitis virus ~~Ehrlichiosis~~

Encephalitis, all types

*E. coli* (Shiga toxin producing)

Food Poisoning, all types

Giardiasis

Glanders

Gonorrhea

Haemophilus influenzae Invasive Disease

Hansens Disease (Leprosy)

Hantavirus Pulmonary Syndrome

Hemolytic-Uremic Syndrome

Hepatitis (Type A, B, C, or E)

Histoplasmosis

HIV (Human Immunodeficiency Virus)\* (Qualitative, Quantitative, and Genotyping tests included even if no virus is detected)

Influenza (Indicate viral type if known) all fatal cases and all ~~regardless~~ hospitalizations regardless of age ~~and hospitalizations~~

Legionellosis

Leptospirosis

Listeriosis

Lyme Disease

Malaria

Measles (Rubeola)

Melioidosis

Meningitis, all types

Meningococcal Infections\*\*

Middle Eastern Respiratory Syndrome (MERS) caused by MERS-CoV\*\*

Monkeypox

Multisystem Inflammatory Syndrome in Children (MIS-C)

Multisystem Inflammatory Syndrome in Adults (MIS-A)

Mumps

Neonatal Opioid Withdrawal Syndrome

Novel Coronavirus\*\* ~~(Middle Eastern Respiratory Syndrome or Severe Acute Respiratory Syndrome virus)\*\*~~

Novel Influenza A Virus Infections\*\*

Pertussis (Whooping Cough)

Plague\*\* (Yersinia pestis)

Poliomyelitis\*\*

Psittacosis

Opioid-related deaths

Q Fever\*\*

Rabies, hHuman and animal

Spotted Fever Rickettsiosis

Rubella, including congenital infection

Severe Acute Respiratory Syndrome virus (SARS) caused by SARS-CoV-1\*\* ~~SARS\*\*~~

Salmonellosis (~~i~~ncluding Typhoid)

Shigellosis (includes all isolates, not just those outbreak-related or on request)

Streptococcal Disease, Invasive Group A

*Streptococcus pneumoniae*, Invasive disease, include antibiotic resistance profile if performed

Syphilis\*, including congenital infection

Tetanus

Toxic Shock Syndrome

Toxoplasmosis

Trichinellosis (Trichinosis)

Tuberculosis

Tularemia\*\*

Typhus\*\*

Vancomycin-intermediate *Staphylococcus aureus* and Vancomycin-resistant *Staphylococcus aureus*

Varicella (Chickenpox) disease or death

Variola\*\* (Smallpox)

*Vibrios* – non cholera sp.

Viral Hemorrhagic Fevers\*\* (Crimean-Congo, Ebola, Lassa, Lujo, Marburg, New World Arenavirus, Guanarito, Junin, Machupo, Sabia)

West Nile Virus

Yellow Fever

~~*Yersinia enterocolitica*~~

*Yersiniosis (non-pestis; any species including enterocolitica)*

Zika

\* Any woman infected with AIDS, HIV or Syphilis, who is pregnant, must be so reported indicating the trimester of pregnancy. This applies each time the woman becomes pregnant.

\*\* These diseases (suspected or confirmed) must be reported immediately to the Arkansas Department of Health. These diseases are of special importance or may indicate a bioterrorism event. ~~If it is a local call or you are in Pulaski County, report to (501) 537-8969~~ To report these diseases (suspected or confirmed), please call (501) 537-8969/280-4115 between the hours of 8:00 AM – 4:30 PM, or 1-800-554-5738 after hours, holidays and weekends. ~~All other suspected or confirmed cases must be reported to (800) 554-5738. This line is available twenty four hours a day.~~ Further, any isolates from these organisms must be submitted to the Arkansas Department of Health Laboratory.

Note: “Certain Healthcare Associated Infections (HAIs) are required to be reported to the ADH via the National Healthcare Safety Network. Their omission above should not be interpreted as a release from this reporting requirement.”

## B. REPORTABLE OCCUPATIONAL DISEASES AND OTHER ENVIRONMENTAL EXPOSURES

Asbestosis

Blood Heavy Metal Levels\*

Blood Lead Levels\*\*

Byssinosis

Chemical Exposures, All Types \*\*\*

Clinical Radiation Adverse Event

Pesticide Exposures

Pneumoconiosis (Coal Workers)

Mesothelioma

Silicosis

Suspected Unintentional Radiation Exposure

\* Any elevated blood level of mercury, arsenic, cadmium or other heavy metal

\*\* Blood lead levels ~~over 5~~ 3.5 µg/dl or higher for patients 72 months old or younger, and levels ~~over~~ 10 µg/dl or higher for patients ≥ 73 months of age

\*\*\* Includes chemical agents of terrorism

C. REPORT ANY UNUSUAL DISEASES OR OUTBREAKS THAT MAY REQUIRE PUBLIC HEALTH ASSISTANCE. Any unusual disease or outbreak must be reported immediately to the Department. To report these diseases (suspected or confirmed), please call (501) 280-4115 between the hours of 8:00 AM – 4:30 PM, or 1-800-554-5738 after hours, holidays and weekends. ~~If it is a local call or you are in Pulaski County, report to (501) 537-8969 between the hours of 8:00 AM – 4:30 PM. All other suspected or confirmed cases must be reported to (800) 554-5738. This line is available twenty-four hours a day.~~

D. Clinical samples or isolates containing the disease agents listed in this section must be submitted to the Department laboratory for further identification testing. This may include viral or bacterial isolates or human tissue or blood samples containing the agent. In the case of stool testing, if no isolate containing the live pathogen is available, then the raw stool should be submitted.

*Bacillus cereus* *by anthracis* or *Bacillus* species that cannot be ruled out as *B. anthracis* or *B. cereus by anthracis*)

Brucellosis



[Burkholderia mallei](#)

[Burkholderia pseudomallei](#)

[Campylobacter species](#)

*Candida [glabrata](#)* (*Candida haemulonii*)

[Carbapenemase producing organisms \(CPO\)](#)

Chemical agents of terrorism

Emerging threat agents

~~Glanders (*Burkholderia mallei*)~~

*Haemophilus influenza*, invasive isolates

[Listeria species](#)

~~Melioidosis (*Burkholderia pseudomallei*)~~

*Neisseria meningitidis*

*Salmonella* [species](#)

*Shiga toxin producing E. coli*

*Shigella* [species](#)

Vancomycin resistant *Staphylococcus aureus*

*Vibrio cholerae*

~~*Vibrio*~~ *parahaemolyticus*

~~*Vibrio*~~ *vulnificus*

## SECTION VI. OTHER DISEASES.

All outbreaks of diseases on the list (or other emerging diseases not specifically mentioned on the list) should be reported immediately (within 4 hours) ~~via phone to the department~~ ADH. To report these diseases (suspected or confirmed), please call (501) 280-4115 between the hours of 8:00 AM – 4:30 PM, or 1-800-554-5738 after hours, holidays and weekends.

All unusually drug resistant infections should be reported within 24 hours to the ~~dDepartment~~ ADH.

Other diseases not named in these lists may at any time be declared notifiable as the necessity and public health demand, and these ~~regulations~~ rules shall apply when so ordered by the ~~Director~~ Secretary.

## SECTION VII. RESPONSIBILITY OF THE ~~DIRECTOR~~SECRETARY.

When the ~~Secretary~~Director has knowledge, or is informed of the existence of a suspected case or outbreak of a communicable disease:

- A. The ~~Secretary~~Director shall take whatever steps necessary for the investigation and control of the disease, as authorized by Acts of the Arkansas General Assembly under Title 20 of the Arkansas Code, et al.
- B. If the ~~Secretary~~Director finds that the nature of the disease and the circumstances of the case or outbreak warrant such action, the ~~Secretary~~Director shall make, or cause to be made, an examination of the patient in order to verify the diagnosis, make an investigation to determine the source of the infection, and take appropriate steps to prevent or control spread of the disease.

## SECTION VIII. CEASE AND DESIST ORDERS.

If the ~~Secretary~~Director has reasonable cause to suspect that any person who is HIV positive is intentionally engaging in conduct that is likely to cause the transmission of the virus, the ~~Secretary~~Director may issue an order to said person to cease and desist such conduct. Failure to comply immediately shall constitute a violation of these rules ~~and regulations~~. Such violation shall be promptly reported to the prosecuting attorney in the county where the person resides for appropriate action.

## SECTION IX. ISOLATION.

It shall be the duty of the attending physician or other attending medical provider, immediately upon discovering a disease requiring isolation, to cause the patient to be isolated pending official action by the ~~Secretary~~Director. Such ~~physician~~medical provider also shall advise other members of the household regarding precautions to be taken to prevent further spread of the disease, and shall inform them as to appropriate, specific, preventive measures. ~~He~~The medical provider shall, in addition, furnish the patient's attendant with such detailed instructions regarding the disinfection and disposal of infective secretions and excretions as may be prescribed by the ~~Secretary~~Director of the Arkansas Department of Health.

## SECTION X. STATE AND LOCAL QUARANTINE

- A. The ~~Secretary~~Director shall impose such quarantine restrictions and regulations upon commerce and travel by railway, common carriers, or any other means, and upon all individuals as in his judgment, as the Governor-appointed and Arkansas Senate-confirmed public health officer for the State, may be necessary to prevent the introduction of communicable disease into the State, or from one place to another within the State.
- B. No quarantine regulations of commerce or travel shall be instituted or operated by any place, city, town or county against another place or county in this or in any other State except by authority of the ~~Secretary~~Director, as delineated by Act of the Arkansas General Assembly and codified in Title 20 of the Arkansas Code.

C. No person shall interfere with any health authority having jurisdiction, or carry or remove from one building to another, or from one locality to another within or without the State, any patient affected with a communicable disease dangerous to the public health except as provided under the rules governing the transportation of same.

#### SECTION XI. TERMINAL DISINFECTION.

Each person released from quarantine or isolation shall take such measures as are required by the Department for that particular disease. The area of isolation shall be disinfected according to the instructions of the Department.

#### SECTION XII. IDENTIFICATION OF THE BODY OF A DECEASED PERSON WHO HAS BEEN INFECTED BY A COMMUNICABLE DISEASE

Any physician or any other person who has reason to believe that a deceased person may have been infected by Creutzfeldt-Jakob Disease (CJD) shall immediately after death attach to the large digit of the right foot, a red indicator measuring no less than 3 inches by 5 inches, which clearly states that the patient may have been infected with Creutzfeldt-Jakob Disease (CJD). If the body is wrapped in plastic sheets or other covering material and the toe tag is not visible, a duplicate clearly visible tag shall be applied to the outside covering material.

#### SECTION XIII. PROTECTION OF EMERGENCY RESPONSE EMPLOYEES

A. Any emergency response employee who fears that he or she has been exposed to a communicable disease may notify the Department. Upon notification, the Department shall determine if the exposure requires additional investigation. In the event that it is determined that the exposure is one which should not create the risk of transmission of a communicable disease, the emergency response employee shall be so notified. If requested, he or she will be instructed as to additional steps that may be taken to confirm that no exposure to actual disease has occurred. If the Department determines that the exposure was one that could have caused the transmission of a communicable disease, the Department shall immediately contact the treating physician to determine if the patient was infected with a communicable disease. If it is determined that the individual was infected with a communicable disease, the emergency response employee shall be contacted immediately by the Department and counseled concerning the recommended course of action.

B. Any medical provider who has knowledge that an emergency response employee has been exposed to a communicable disease shall notify the Department immediately. The Department shall contact the emergency response employee immediately and provide appropriate counseling concerning the appropriate course of action.

C. Any medical provider who has knowledge that a patient with a communicable disease is being transferred, transported or treated by an emergency response employee shall, prior to said transfer,

transportation or treatment notify the emergency response employee of the patient's communicable condition.

#### SECTION XIV. EXCLUSION AND READMISSION TO SCHOOL OR CHILD CARE FACILITIES.

~~It~~ Under these duly promulgated Rules, it shall be the duty of the principal or other person in charge of any public or private schools, or child care facilities, at the direction of the Department, to exclude therefrom any child, teacher or employee affected with a communicable disease until the individual is certified free of disease, by written notice from a physician, school nurse, public health nurse or the Department.

#### SECTION XV. TUBERCULOSIS.

Refer to the ~~Amendment to the Rules and Regulations~~ Pertaining to the Control of Communicable Diseases - Tuberculosis, Arkansas State Board of Health, ~~filed with the Secretary of State March 10, 1994~~ as last amended.

#### SECTION XVI. PUBLIC FOOD HANDLERS

No person known to be infected with a communicable disease, or suspected of being infected with a communicable disease, or who has been found to be a carrier of disease-producing organisms, shall engage in the commercial handling of food, or be employed on a dairy or on premises handling milk or milk products, until he is determined by the Department to be free of such disease, or incapable of transmitting the infection.

#### SECTION XVII. COMMUNICABLE DISEASES IN DAIRIES

A. When the Department has good cause to believe that a milk supply is suspected to be the source of infection for any one of the communicable diseases known to be transmitted through milk, the Department shall prohibit the use, sale, or disposal of such milk except by a method approved by the ~~Director~~ Secretary until such time as ~~he~~ the Secretary ~~Director~~ deems it to be safe for human consumption.

B. When a case of Typhoid Fever, Salmonella infection, Brucellosis, Shigellosis, ~~Respiratory~~ Pulmonary Streptococcal infection, Diphtheria, or any other disease capable of being transmitted through milk is ~~confirmed~~ confirmed on the premises where a dairy is maintained, the Department shall prohibit the use, sale or disposal of such milk except by a method approved by the Secretary ~~Director~~ until he is satisfied that such is safe for human consumption.

## SECTION XVIII. LABORATORY TESTS FOR THE RELEASE OF CASES OR CARRIERS OF COMMUNICABLE DISEASES

When laboratory tests are required for the release of cases, or carriers, the tests shall be performed by the Public Health Laboratory or by another laboratory approved by the State Epidemiologist. A specimen may be sent to a laboratory not so approved, provided that it is divided and a portion of the specimen is sent to an approved laboratory. Release shall be considered on the basis of the report of the approved laboratory only.

## SECTION XIX. DIPHTHERIA LABORATORY SPECIMENS FOR DIAGNOSIS AND RELEASE

A. Cultures should be obtained separately from the nose and throat by means of sterile swab and test tube as provided by the Department for aid in diagnosis.

B. A case or carrier of Diphtheria shall not be released until two cultures from the throat and two from the nose, taken not less than twenty-four (24) hours apart, fail to show the presence of Diphtheria bacilli. The first of such cultures shall be taken not less than one week from the day of the onset of the disease. A virulence test should be made in any case where positive cultures are reported three weeks or longer after the onset of the disease or discovery of a carrier. If the organisms are non-virulent, the patient may be released.

## SECTION XX. TYPHOID FEVER

### A. Laboratory Specimens for Diagnosis of Cases and Release

1. Samples of feces and whole blood submitted to the Public Health Laboratory for culture within the first week of the suspected case of Typhoid Fever give the greatest probability of obtaining a positive result insofar as the culture is concerned. Such cultures when positive are the only proof of diagnosis of Typhoid Fever.
2. All patients testing positive for Typhoid Fever should undergo additional testing to determine if they are a carrier. Carrier testing involves submission of successive stool samples at least one month apart until three negative samples are obtained.
3. Patients who have been determined to have Typhoid Fever shall be isolated or excluded for such period as required, and shall be released from isolation and from supervision only by the health authority. If the person is continent and does not work in food-handling then they do not have to be excluded. If the person is incontinent or a food-handler then they will be required to be excluded from job duties and followed by the department until they have three negative stool samples at least one month apart and are cleared through the Arkansas Department of Health.

### B. Typhoid Carriers

1. Any person who has recovered from Typhoid Fever and in whose feces or urine Typhoid bacilli are present one year or longer after such recovery shall be declared to be a chronic

carrier. Any person who has recently recovered from Typhoid Fever and from whose feces or urine Typhoid organisms are cultured by the Public Health Laboratory during the first year from such recovery shall be considered a convalescent, or temporary carrier, and shall conform to all the ~~Regulations~~ Rules regarding the control of Typhoid carriers. Any person found in the investigation of a case or cases of Typhoid Fever from whose feces or urine Typhoid bacilli are cultured by the Public Health Laboratory shall be declared to be a chronic carrier except that such person be one who has recently recovered from Typhoid Fever.

## 2. Control of Typhoid Carriers

- a) The urine and feces of a Typhoid carrier shall be disposed of in such a manner that they will not endanger any public or private water supply, or be accessible to flies.
- b) No Typhoid carrier shall prepare or handle any food or drink to be consumed by persons other than members of the household with whom he resides.
- c) No Typhoid carrier shall conduct or be employed in any restaurant, hotel or boarding house, or conduct a lodging house in which, prior to taking lodgers, a separate toilet and bathroom have not been installed for the use solely of the Typhoid carrier. Said toilet shall be located in a part of the house separate from any part that may be occupied by a lodger.
- d) Any person determined to be a Typhoid carrier as defined in these ~~Regulations~~ Rules shall sign an AGREEMENT, to be witnessed by at least two persons. Said AGREEMENT shall read as follows:

### TYPHOID CARRIER AGREEMENT

*In view of the fact that I have been proven to be a Typhoid carrier, I do solemnly swear to abide by the following ~~regulations~~ rules as long as I remain a Typhoid carrier, which I understand will probably be for the remainder of my life:*

- 1. Under no circumstances will I handle milk or milk products such as cream, ice cream, butter or cheese, nor any other foodstuffs, nor will I do any cooking of food except for my own individual consumption and for those members of my immediate family who have been immunized against typhoid fever within the past three years.*
- 2. Following each visit to the toilet I will wash my hands thoroughly with soap and water.*
- 3. I will inform the Arkansas Department of Health, Outbreak Response Section, 4815 West Markham Street, Little Rock, Arkansas 72205-3867, by phone at 1-501-537-8969, in advance of any change in address from that listed below.*

*Signature of Carrier*

*Complete Address of Carrier*

*Signatures and addresses of two witnesses*

*Name Address*

Name Address

Date of Signing

### 3. Release of Chronic Typhoid Carriers from Control Restrictions

- a) A chronic Typhoid carrier may be released from restrictions only on approval of the ~~Director~~ Secretary and only after submitting proof of a minimum of six (6) consecutive negative feces cultures (for urinary carriers, urine cultures) taken at least one (1) month apart and at least ten (10) days after taking any antibiotic, and performed by the Division of Laboratories of the Department. At least two (2) of the specimens must be liquid stools obtained after administration of a cathartic such as magnesium sulfate. At least two (2) of the specimens must be validated by collection under close supervision as having come from the carrier. For fecal carriers, the identity of the specimen may be confirmed by oral administration of a suitable marker material under supervision and finding this material in a specimen. Cultures of duodenal fluid may be substituted for stool cultures, if desired.
- b) A released chronic carrier who wishes to work in a food handling or other occupation from which carriers are excluded must present evidence from a Local Health Department that he has received instruction in methods of food handling and personal hygiene. While employed in such a restricted occupation he must submit evidence of a negative stool (or urine if appropriate) culture and additional food handling instruction every year.

## SECTION XXI. SEXUALLY TRANSMITTED DISEASE (SYPHILIS, GONORRHEA, CHLAMYDIA, HIV (HUMAN IMMUNODEFICIENCY VIRUS), CHANCROID, LYMPHOGRANULOMA VENEREUM, GRANULOMA INGUINALE) AND OPHTHALMIA NEONATORUM (GONORRHEAL OPHTHALMIA)

### A. Testing of pregnant women.

1. Every physician attending a pregnant woman shall take, or cause to be taken, a sample of venous blood at the time of first examination and during the third trimester, ideally at 28 to 32 weeks gestation, and submit such sample to an approved laboratory for a standard serologic test for Syphilis; a standard test for Human Immunodeficiency ~~V~~irus; and a standard test for Hepatitis B. Any person other than a physician permitted by law to attend pregnant women but not permitted by law to take blood samples, shall cause a specimen of blood to be taken by, or under the direction of a physician duly licensed to practice medicine and surgery, and have such specimen submitted to an approved laboratory for testing.

2. Any person reporting a birth or stillbirth shall state on the certificate whether a blood test for Syphilis had 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 date when the specimen was taken.

B. Ophthalmia Neonatorum (Gonorrhea Ophthalmia)

1. Ophthalmia Neonatorum is to be reported to the Epidemiology Program, Arkansas Department of Health, as soon as the disease is suspected.
2. It shall be the duty of the local health authority in whose jurisdiction the case occurs to investigate the case to confirm the diagnosis by bacteriological examination and, if of Gonococcal origin, to determine if the attendant at delivery used prophylactic medication in the eyes of the infant.
3. Due to the nature of the infection and its communicability, and inasmuch as Gonorrheal Ophthalmia is amenable to antimicrobial therapy; it shall be the duty of every physician to administer appropriate antimicrobial therapy at once (consistent with the current American Academy of Pediatrics' Report of the Committee on Infectious Diseases (i.e.: The Red Book). It shall be the duty of every midwife attending such cases, or suspected cases, to refer all such cases to a licensed physician for treatment.

- C. It shall be the duty of every physician to report, as soon as diagnosed, every case of sexually transmitted disease ~~on using the either of (1) the reporting methods under Section III (D) of these Rules; or (2) Confidential—Case—Report~~ Adult Case Report form, found at <https://www.healthy.arkansas.gov/programs-services/topics/std-prevention>, as provided by the Department, ~~or by utilizing the Toll Free Communicable Disease Reporting System~~, to the Sexually Transmitted Disease Program, Arkansas Department of Health. Physicians shall report the patient by name, address, age, sex, race and date of birth within twenty-four (24) hours of the diagnosis in case of primary, secondary and congenital Syphilis and Syphilis in pregnant women.

- D. Whenever the ~~Secretary~~ Director has reasonable grounds to believe that any person is suffering from Syphilis, Gonorrhea, Chancroid, Chlamydia, HIV (Human Immunodeficiency Virus), Lymphogranuloma Venereum or Granuloma Inguinale in a communicable state, ~~he—the Secretary~~ Director is authorized to cause such person to be apprehended and detained for the necessary tests and examination, including an approved blood serologic test and other approved laboratory tests, to ascertain the existence of said disease or diseases: provided, that any evidence so acquired shall not be used against such person in any criminal prosecution.

- E. The ~~Secretary~~ Director may, when in the exercise of his discretion he believes that the public health requires it, commit any commercial prostitute, or other persons apprehended and examined and found afflicted with said diseases, or either of them who refuses or fails to take treatment adequate for the protection of the public health, to a hospital or other place in the State of Arkansas for such treatment even over the objection of the person so diseased and treated provided the commitment can be done without endangering the life of the patient.



- F. It shall be the duty of a physician on the occasion of the first visit to or by a person suffering from Syphilis, Gonorrhea, Chancroid, Chlamydia, HIV (Human Immunodeficiency Virus), Lymphogranuloma Venereum or Granuloma Inguinale to instruct said person in the precautions to be taken to prevent communication of the disease to others, and to inform him of the necessity of continued uninterrupted treatment until such adequate treatment has been administered.
- G. It shall be the duty of every physician to administer appropriate and adequate treatment to any individual regardless of age, sex, or race whom he has reasonable grounds to believe is suffering from Syphilis, Gonorrhea, Chancroid, Chlamydia, HIV (Human Immunodeficiency Virus), Lymphogranuloma Venereum or Granuloma Inguinale in a communicable state, to render the disease non-communicable to others for the protection of the public health. Likewise, it shall be the duty of every physician to treat, prophylactically or therapeutically, any individual regardless of age, sex or race whom he has reasonable grounds to believe has been exposed to a communicable case of Syphilis, Gonorrhea, Chancroid, Chlamydia, HIV (Human Immunodeficiency Virus), Lymphogranuloma Venereum or Granuloma Inguinale for the protection of the public health. Consent to the provision of medical and surgical care or services by a physician licensed to practice medicine in this State, when executed by a minor who is or believes himself to be afflicted with a sexually transmitted disease, shall be valid and binding as if the minor had achieved his majority.

#### SECTION XXII. RABIES CONTROL.

Refer to the Rules ~~and Regulations~~ Pertaining to Rabies Control, Arkansas State Board of Health, ~~July 1975, as last amended~~, and the Rabies Control Act, [Ark. Code Ann. §20-19-301, et. seq. Act 11 of 1968](#) as [last](#) amended ~~by Act 725 of 1975~~.

#### SEVERABILITY

If any provision of these Rules ~~and Regulations~~, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules ~~and Regulations~~ which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

#### REPEAL

All Rules ~~and Regulations~~ and any parts of Rules ~~and Regulations~~ in conflict herewith are hereby repealed.

## CERTIFICATION

This will certify that the foregoing Rules ~~and Regulations~~ Pertaining to Reportable Diseases ~~Control~~ in Arkansas were adopted by the Arkansas State Board of Health at a regular session of the Board held in Little Rock, Arkansas, on the \_\_\_\_\_, 2022.

\_\_\_\_\_

**QUESTIONNAIRE**  
**FOR FILING PROPOSED RULES WITH THE**  
**ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY \_\_\_\_\_  
DIVISION \_\_\_\_\_  
DIVISION DIRECTOR \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_ E-MAIL \_\_\_\_\_  
NAME OF PRESENTER AT COMMITTEE MEETING \_\_\_\_\_  
PRESENTER E-MAIL \_\_\_\_\_

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5th Floor  
Little Rock, AR 72201

\*\*\*\*\*

1. What is the short title of this rule?

2. What is the subject of the proposed rule?

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes No

If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

**5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.**

**Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.**

**Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”**

**6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.**

**7. What is the purpose of this proposed rule? Why is it necessary?**

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

\_\_\_\_\_

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

\_\_\_\_\_

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. \_\_\_\_\_

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). \_\_\_\_\_

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

DEPARTMENT \_\_\_\_\_  
DIVISION \_\_\_\_\_  
PERSON COMPLETING THIS STATEMENT \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_ EMAIL: \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

### **SHORT TITLE OF THIS RULE**

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes      No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.