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NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF HEALTH AND SOCIAL SERVICES

The Department of Health and Social Services proposes to adopt regulation changes in Title 7, Chapters 27 and 35 of the Alaska Administrative Code, to interpret and make specific the changes to state public health programs and authorities established in legislation at Chapter 54 SLA 2005 and codified at AS 18.05 and AS 18.15. These proposed regulations will address requirements for disease reporting, the control of communicable diseases and other conditions of public health importance including animal diseases transmissible to humans, informal review of medical orders, confidentiality safeguards for identifiable health information contained in public health records, and the care and transportation of human remains. The proposed changes follow:

- (1) 7 AAC 27.005 and 27 AAC 27.007 dealing with disease reporting requirements are proposed to be changed by deleting some diseases from the reporting requirement and adding additional diseases of public health importance, by changing the required reportable data, and to permit the department to directly contact patients under certain conditions.
- (2) 7 AAC 27.010 is proposed to be changed to adopt the 2004 edition of the *Control of Communicable Diseases Manual* by reference to be amended from time to time and to adopt additional sections of the manual relating to the response to deliberate use of infectious agents.
- (3) 7 AAC 27.015 and 7 AAC 27.017 relating to reports and investigations of occupational disease exposure are proposed to be clarified and to conform to the terminology used in AS 18.15.
- (4) 7 AAC 27.016 relating to epidemiological investigations and inspections has been amended to clarify the authority to inspect establishments and facilities and examine health records during epidemiological investigations and to evaluate facilities in which people or animals are being kept in quarantine or isolation.
- (5) 7 AAC 27.020 is proposed to delete the provisions regarding rabies control, which are to be addressed in a new section, and to clarify the actions the department may take in animal disease quarantine and to control an animal disease that may be transmissible to humans.
- (6) 7 AAC 27.022 is proposed as a new section to address rabies vaccination and quarantine standards, to require that ferrets be vaccinated and subject to rabies quarantine provisions, and to address circumstances under which animals may be euthanized. It also proposes to

adopt the 2005 edition of the *Compendium of Animal Rabies Prevention and Control*, with the intention of adopting the most current version of the *Compendium* that is published at the time the regulations are adopted.

- (7) 7 AAC 27.060 relating to the general right of visitation is proposed to be repealed as unnecessary because another provision addresses this inspection authority.
- (8) 7 AAC 27.215 requiring tuberculosis screening of school employees is proposed to be repealed.
- (9) 7 AAC 27.575 relating to the confidentiality of metabolic screening test information is proposed to be repealed since the information will come under the newly proposed confidentiality provisions.
- (10) 7 AAC 27.670 and 7AAC 27.675 are proposed as new sections to provide for the informal review by the division director or a designee of state medical officer orders and standing isolation and quarantine orders under certain circumstances.
- (11) 7 AAC 27.890 is proposed to be amended to make clear that the reported information and medically related public health records are confidential and subject to confidentiality and privacy safeguards.
- (12) 7 AAC 27.891 is proposed as a new section to establish that identifiable health information collected and maintained by the department is to be safeguarded and to generally address the conditions for use and disclosure.
- (13) 7 AAC 27.892 and 7 AAC 27.893 are proposed as new sections to establish specific authorized uses and permitted disclosures of the identifiable health information that is acquired and maintained by the department for public health purposes.
- (14) 7 AAC 27.894 and 7AAC 27.895 are proposed as new sections to establish additional protections limiting secondary disclosures of identifiable health information and to assure privacy protections for persons subject to medical orders or court orders for testing, examination, screening, isolation, or quarantine.
- (15) 7 AAC 27.896 is proposed as a new section to establish the requirements for written consent to disclosure of identifiable health information.
- (16) 7 AAC 27.897 and 7AAC 27.898 are proposed as new sections to establish guidelines and limitations for the use and release of nonidentifiable health information and for the secure disposal of identifiable health information when it no longer serves a public health purpose.
- (17) 7 AAC 27.899 is proposed as a new section to establish specific security safeguards for the use and storage of identifiable health information.
- (18) 7 AAC 27.900 is proposed to be changed by amending the definition for "health care provider" to make it consistent with the definition set out in AS 18.15.395 and adding new definitions as necessary to understand the proposed regulations.

- (19) 7 AAC 35.090 addressing the care of human remains is proposed to be amended by deleting a section requiring the use of a disinfectant and clarifying the procedures to be followed when a death has occurred by an infectious disease.
- (20) 7 AAC 35.100 addressing the transportation of human remains is proposed to be repealed and readopted to clarify that embalming is no longer required for the transportation of human remains, to set out the authorization required to embalm for transportation, and to set out the requirements for containment of human remains for transport.
- (21) 7 AAC 35.130 is proposed to be amended by deleting several definitions no longer necessary, amending the definition for "embalm," and adding definitions as necessary to understand the proposed regulations.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Patricia Nault, Health Program Manager, Division of Public Health, Department of Health and Social Services, PO Box 110610, Juneau, AK 99811-0610. Public comment may also be submitted to Patricia Nault by facsimile transmission at 907-586-1877 or electronically by sending an e-mail message to Patricia_Nault@health.state.ak.us. To be considered, comments must be received no later than 4:30 p.m. on February 7, 2006. Written comments are considered public records subject to inspection under the laws pertaining to public records requests.

Oral or written comments also may be submitted at a hearing to be held on January 9, 2006, in Suite 200 of the Anchorage Legislative Information Office, 716 West 4th Avenue, Anchorage, Alaska. Interested persons who are not able to attend the hearing in person may call in to present their comments by calling 1-800-395-5073. The hearing will be held from 1:30 PM to 3:30 PM and might be extended to accommodate those present before 3:00 PM who did not have an opportunity to comment.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Tracy Cummins at 465-3092 no later than January 20, 2006 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Patricia Nault at the address above or go to the Department of Health and Social Services website at: <http://www.hss.state.ak.us/publicnotice/regulations.cfm>

After the public comment period ends, the Department of Health and Social Services will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 18.05.010, AS 18.05.040, AS 18.15.355, AS 18.15.360, AS 18.15.362, AS 18.15.370, AS 18.15.375, AS 18.15.385, AS 44.62.245, AS 47.05.012.

Statutes Being Implemented, Interpreted, or Made Specific: AS 18.05.010, AS 18.05.030, AS 18.05.040, AS 18.05.042, AS 18.15.355, AS 18.15.360, AS 18.15.362, AS 18.15.365, AS 18.15.370, AS 18.15.375, AS 18.15.385, AS 18.15.393, AS 18.15.395

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

*State of Alaska
Epidemiology*



Bulletin

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