MEMORANDUM

TO: Kaye Norton, Rules Coordinator – Ohio Department of Health

FROM: Todd Colquitt, Business Advocate

DATE: June 26, 2013

RE: **CSI Review – Five-Year Review of Tuberculosis Rules in OAC 3701-15-01 through 03**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative ("CSI") Office under Ohio Revised Code ("ORC") section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis ("BIA"). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The rules that outline the Ohio Department of Health's criteria for deeming a statutorily mandated tuberculosis program acceptable are delineated in Ohio Administrative Code 3701-15-01 through 03. This rule package has been reviewed by the Department pursuant to the five-year review requirement in ORC 119.032, and the Department proposes one (1) change to the current rules, in OAC 3701-15-03. The remaining two rules are being proposed with no changes.

The tuberculosis rules establish the standards under which a tuberculosis control program (which is required of each county board of commissioners pursuant to ORC 339.72) operates. Generally speaking, the standards address patient and disease monitoring, laboratory and diagnostic services, and treatment and screening protocols. The lone proposed rule change is to incorporate new medical guidelines from the Centers for Disease Control ("CDC") that identify and allow for the use of an alternative treatment regimen not previously included by the CDC in its guidelines.

In conducting stakeholder outreach during its early internal review of this rule package, the Department received comments from three separate local health districts and one medical center. Three of the commenters stated they had no opposition to continuing the existing rules with the inclusion of the new treatment regimen. The remaining stakeholder commented that the existing laboratory and diagnostic requirements in OAC 3701-15-02(B)(2)(b)(ii) is vague in that it does not distinguish between different types of testing which produce results within different timeframes . The Department considered the comments from the stakeholder but decided that no change was necessary as the laboratory turnaround time contained in the rule is consistent with national standards set by the Association of Public Health Laboratories.

Upon completion of the comment cycle for the BIA on June 15, 2013, the CSI Office reviewed no comments and determined that the rule package satisfactorily meets the standards espoused by the CSI Office and the purpose of the rule package justifies the adverse impacts identified in the BIA.

Recommendations

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office