

**MEMORANDUM**

**TO:** Kaye Norton, Ohio Department of Health

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** February 10, 2014

**RE:** **CSI Review – Reportable Infectious Diseases (OAC Chapter 3701-3-02.1, 3701-3-02.2, 3701-3-08, 3701-3-10, 3701-3-12, 3701-3-13, 3701-3-28, 3701-3-29, and 3701-3-30)**

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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**

This rule package consists of nine rules being proposed by the Ohio Department of Health (ODH) related to infectious disease reporting. Seven rules are amended and two (OAC 3701-3-13 and 3701-3-30) contain no changes. The rules are being reviewed as part of the five-year review process required by ORC 119.032. The rule package was filed with the CSI Office on December 13, 2013, and the comment period for the rules closed on January 17, 2014. Five comments were received during the public comment period.

The rule package provides requirements for the monitoring and reporting of infectious diseases. According to ODH, the reporting of incidents of infectious disease is necessary to prevent and control the spread of diseases in Ohio. Additionally, ODH receives federal funding that is predicated on the data collected and public health actions related to infectious disease reporting. The regulations include requirements for the reporting of AIDS and HIV test results, animal bites, suspected rabid animals, and occupational diseases. It also contains requirements for the reporting of emergency medical service workers when exposed to a disease that poses an occupational risk

and the use of medical records for public health investigations.

The BIA states stakeholders were engaged with drafting and amending the rules in conference calls and meetings. Stakeholders included local health department officials, hospitals, physicians, the Ohio Department of Public Safety, and veterinarians. The rules were amended based on comments received during the stakeholder meetings. Additional amendments were made based on the scientific guidelines provided by the United States Center for Disease Control and Prevention. During the public comment period, the rules received five comments with questions about clarity and suggestions for amendments and did not relate to the adverse impacts. ODH responded by amending the rules and providing clarity.

The BIA cites the costs to report infectious diseases for hospitals, clinics, physician offices, labs, and veterinarians as minimal. In follow-up conversations with ODH, the CSI Office identified the adverse impact as the administrative costs needed for reporting. The requirements provide the necessary information for reporting the infectious disease. This includes pertinent medical information relating to the infectious disease and where to file the report. ODH states the regulations are necessary to allow public health to take the appropriate action when a dangerous infection or contagious disease is reported.

### **Recommendation**

For the reasons explained above, this office does not have any 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