

**MEMORANDUM**

TO: Kaye Norton, Ohio Department of Health

FROM: Sydney King, Regulatory Policy Advocate

DATE: June 10, 2016

RE: **CSI Review – Infectious Disease Reporting (OAC 3701-3-01, 3701-3-02, 3701-3-03, 3701-3-04, 3701-3-05, and 3701-3-06)**

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. This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of six rules being reviewed by the Ohio Department of Health (ODH) pursuant to the five-year review requirement in statute. One of the rules is being proposed with amendments and the remaining five are being proposed without changes. The rule package was submitted to the CSI Office on March 30, 2016 and the comment period was held open through April 29, 2016.

This package pertains to infectious disease reporting requirements for hospitals, laboratories, and providers. Ohio Administrative Code (OAC) 3701-3-02 is being amended to require the reporting of the Zika virus infection. The Centers for Disease Control and Prevention has recently warned about the Zika virus and the seriousness of birth defects linked to Zika if an individual is infected during pregnancy.¹ ODH states its purpose is to investigate or inquire as to the cause of disease or illness, including contagious, infectious, epidemic, pandemic, or endemic conditions, and then

¹<http://www.usatoday.com/story/news/politics/2016/04/11/scarier-than-we-initially-thought-cdc-sounds-warning-zika-virus/82894878/>

take prompt action to control and suppress it. ODH further emphasizes in the BIA, without mandatory reporting, public health authorities cannot carry out the mission.

The adverse impacts described in the BIA and requirements found in the regulations include time for reporting and potential fines for noncompliance. The time to report the diseases is minimal since providers utilize electronic records systems which allow reports to be made instantly. One comment was received that did not address the adverse impacts to the provider community. After reviewing the BIA and associated rules, the CSI Office has determined that the purpose of the rules is justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for 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.