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Sequence Number: 09-24-09
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File Date: 09/21/2009

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Health
Division:	Communicable and Environmental Disease Services
Contact Person:	John Dunn, DVM, PhD
Address:	425 5 th Avenue North, 1 st Floor, Nashville TN, 37243
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	227 French Landing , Suite 501 Nashville, TN 37243
Phone:	(615) 741-7221
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Poplar Conference Room		
Address 2:	227 French Landing Drive		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	11/16/2009		
Hearing Time:	10:00 am	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-14-01	Communicable And Environmental Diseases
Rule Number	Rule Title
1200-14-01-.01	Definition of Terms

1200-14-01-.02	Reportable Diseases
1200-14-01-.03	Physician's Reports
1200-14-01-.04	Health Officer's Report
1200-14-01-.05	Reports of Other Persons
1200-14-01-.15	General Measures for the Effective Control of Disease Outbreaks
1200-14-01-.41	Reports of Sexually Transmitted Diseases
1200-14-01-.42	Reports of Blood Lead Levels

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rules of
Tennessee Department of Health
Health Services Administration
Communicable and Environmental Disease Services

Chapter 1200-14-01
Communicable and Environmental Diseases

Repeals

The following rules will be repealed in their entirety:

Rule 1200-14-01-.03 Physician's Reports
Rule 1200-14-01-.04 Health Officer's Report
Rule 1200-14-01-.05 Reports of Other Persons
Rule 1200-14-01-.41 Reports of Sexually Transmitted Diseases
Rule 1200-14-01-.42 Reports of Blood Lead Levels

Amendments

Rule 1200-14-01-.01 Definition of Terms is amended by deleting the rule in its entirety and substituting the following language so that as amended the new language shall read:

- (1) For the purpose of these regulations the terms used herein are defined as follows:
 - (a) Carrier - A person who harbors, or who is reasonably believed by the Commissioner, health officer, or designee to harbor a specific pathogenic organism and who is potentially capable of spreading the organism to others, whether or not there are presently discernible signs and symptoms of the disease.
 - (b) Case – An instance of an individual or group of individuals who have contracted a reportable disease, health disorder or condition under investigation by CEDS.
 - (c) CEDS – Communicable and Environmental Disease Services in the Bureau of Health Service Administration of the Tennessee Department of Health, or its successor agency.
 - (d) Commissioner - Means the Commissioner of the Tennessee Department of Health or a designated representative.
 - (e) Communicable Disease - An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person or animal, or through the agency of an intermediate animal host, vector, or inanimate environment.
 - (f) Contact - Any person or animal known to have been in such association with a person or animal reasonably suspected of being infected with a disease-causing agent as to have had the opportunity of acquiring the infection.
 - (g) Contamination - The presence of a pathogenic agent on a body surface on or in an inanimate article or substance.
 - (h) Cultures or Specimens - Material taken from any source and cultured or otherwise examined for the purpose of determining the presence of an organism or organisms or other evidence of infection or disease.

- (i) Department - All references to the Department in these regulations shall refer to the Tennessee Department of Health.
- (j) Disinfestation - Any physical or chemical-process by which undesired animal forms, especially arthropods or rodents, present upon the person, the clothing, or in the environment of an individual or on domestic animals, may be destroyed upon the person, his clothing, upon the animal or in the environment of the person.
- (k) Epidemic (or Disease Outbreak) - The occurrence in a community or region of one or more cases of illness that is in excess of normal expectancy.
- (l) Event - An occurrence of public health significance and required by the Commissioner to be reported in the List.
- (m) Healthcare Provider – All persons, facilities and entities regulated pursuant to the provisions of Title 63 and 68, including but not limited to medical doctors, chiropractors, dentists, nurses, nurse practitioners, osteopathic physicians, pharmacists, laboratory personnel, veterinarians, dispensing opticians, nursing home administrators, physician assistants, respiratory care practitioners, clinical perfusionists, and midwives.
- (n) Inapparent or Subclinical Infection - A person or animal has an inapparent or subclinical infection when the infectious agent has so mild an effect that even though infection is present and identifiable by laboratory means, it is undetected clinically.
- (o) Incidence - The number of cases of disease, of infection, or other event occurring during a prescribed time period, in relation to the unit of population in which they occur; thus the incidence of tuberculosis expressed as a rate is the number of new cases reported per 100,000 population per year.
- (p) Infectious Agent - A viable pathogen capable of producing infection or disease.
- (q) Infected Person - Infected persons include patients or sick persons, persons with inapparent (or subclinical) infection and carriers.
- (r) Infection - The entry and development or multiplication of a particular pathogen in the body of man or animal.
- (s) Isolation - The separation for the period of communicability of infected persons, or persons reasonably suspected to be infected, from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent from infected persons to other persons who are susceptible or who may spread the agent to others.
- (t) List – Means the List of Reportable Disease and Reporting Mechanisms as set forth by the Commissioner.
- (u) Local Health Authority - The administrative officer of the local health department appointed by the Commissioner with the duty of executing health programs and enforcing local and Departmental health regulations. If qualified, the health director may be designated also to serve as the health officer.

1. Local Health Director - The administrative officer of the local health department appointed by the Commissioner with the duty of executing health programs and enforcing local and Departmental health regulations. If qualified, the health director may be designated also to serve as the health officer.
 2. Local Health Officer - A licensed doctor of medicine or osteopathy appointed by the Commissioner to provide medical direction and medical enforcement for the local health department.
 3. Local Board of Health - An optional board established by local legislative bodies. The board of health may adopt local rules and regulations to protect the general health and safety of citizens. The board of health has the duty to enforce local and Departmental rules and regulations through the local health director and/or the local health officer.
- (v) Period of Communicability - The time during which an infectious agent may be transmitted from an infected person to others
- (w) Quarantine - Limitation of freedom of movement or isolation of a person, or preventing or restricting access to premises upon which the person, cause or source of a disease may be found, for a period of time as may be necessary to confirm or establish a diagnosis, to determine the cause or source of a disease, and/or to prevent the spread of a disease. These limitations may be accomplished by placing a person in a health care facility or a supervised living situation, by restricting a person to the person's home, or by establishing some other situation appropriate under the particular circumstances.
- (x) Reportable disease – Any disease which is communicable, contagious, subject to isolation or quarantine, or epidemic, and required by the Commissioner to be reported in the List.
- (y) Reservoir of Infection - Reservoirs of infection are humans, animals, insects, plants, soil, or inanimate organic matter, in which an infectious agent lives and multiplies and depends primarily for survival, reproducing itself in such manner that it can be transmitted to man.
- (z) Source of Infection - The person, animal, object, item, or substance from which an infectious agent passes immediately to a host.
- (aa) Susceptible - A person or animal not known to be immune to a specific disease
- (bb) Suspect- A person whose medical history and symptoms, examination or diagnostic tests suggest may have or may be developing a reportable disease

Authority: T.C.A. §68-1-103, 68-1-104, 68-1-201 and 68-5-104

Rule 1200-14-01-.02 Notifiable Diseases is amended by deleting the rule in its entirety, including its title, and substituting the following language, so that as amended the new language shall read:

1200-14-01-.02 Reportable Diseases

- (1) All healthcare providers and other persons knowing of or suspecting a case, culture, or specimen of a reportable disease or event shall report that occurrence to the Department of Health in the time and manner set forth by the Commissioner in the List.

- (2) The Commissioner shall re-evaluate, update, and post the List at least annually and from time to time as appropriate. The Commissioner shall post the annual update on or before November 15th of each year and this new List shall become effective starting January 1st of the following year. If the Commissioner posts an updated List more frequently than on an annual basis, then the updated List will become effective on the date stated in the List. The List shall be available online at the Department of Health's web page and in print.

Authority: T.C.A. §68-1-103, 68-1-104, 68-1-201, 68-5-101, 68-5-104, 68-5-107, 68-10-112 and 68-29-107.

Rule 1200-14-01-.15 General Measures for the Effective Control of Disease Outbreaks is amended by deleting the title and paragraph (1) in its entirety and substituting the following language, so that as amended the new title and paragraph (1) shall read:

1200-14-01-.15 General Measures for the Effective Control of Reportable Diseases

- (1) The local health officer or the Commissioner or a designated representative of the Commissioner, upon receiving a report of a reportable disease or of a suspected epidemic of disease or of a suspected case of a disease of public health significance or event, shall:
- (a) Confer with the physician, laboratory, hospital, or person making the report;
 - (b) Collect such specimens for laboratory examination as may be necessary to confirm the diagnosis of the disease and/or to find the source of the infection or the epidemic;
 - (c) Obtain all names and information necessary to identify and contact all persons potentially exposed to the source of the disease outbreak as needed to protect the public health;
 - (d) Make a complete epidemiological investigation to include (but not limited to): review of appropriate medical and laboratory records of affected persons and controls, interviews of affected persons and controls, and recording of the findings on a communicable disease field record; and
 - (e) Establish appropriate control measures which may include examination, treatment, isolation, quarantine, exclusion, disinfection, immunization, disease surveillance, closure of establishment, education, and other measures considered appropriate by medical experts for the protection of the public's health.

Authority: T.C.A. §68-1-103, 68-1-104, 68-1-201 and 68-5-101.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 9/18/09

Signature: Mary Kennedy

Name of Officer: Mary Kennedy

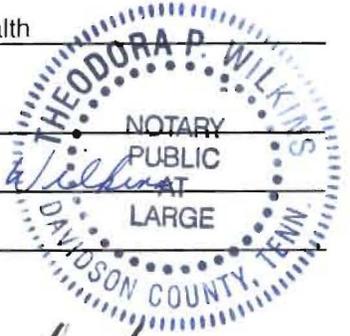
Deputy General Counsel

Title of Officer: Tennessee Department of Health

Subscribed and sworn to before me on: 9/18/09

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/2011



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Filed with the Department of State on: 9/21/09

Tre Hargett

Tre Hargett
Secretary of State

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