

APA-1  
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-4-1-.02

Rule Title Definitions

       New XXXX Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Patricia E. Eise Date 9/19/2014

-----

**FORM APA2**  
**11/96**

**STATE BOARD OF HEALTH**  
**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-4-1-.02, Definitions


INTENDED ACTION: Amend Rule 420-4-1-.02.

SUBSTANCE OF PROPOSED ACTION: To amend definitions that are referenced in the Notifiable Diseases Chapter 420-4-1 of the Alabama Administrative Code and to remove definitions no longer referenced.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:00 a.m. October 28, 2014, at the Alabama Department of Public Health, RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on November 4, 2014. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Sherri Davidson, Analysis and Reporting Branch Manager, Epidemiology Division of the Bureau of Communicable Disease, Department of Public Health, 201 Monroe Street, Suite 1460, Montgomery, Alabama 36104. Telephone number (334) 206-2050.

  
Patricia E. Ivie, Agency Secretary

420-4-1-.02 Definitions.

(1) **Active Tuberculosis** - That condition in the relationship between the tubercle bacillus and the human host which is characterized by the presence of disease. Active tuberculosis shall include not only individuals who have identifiable organisms on appropriate medical and diagnostic tests but also individuals for whom the duration of therapy has been inadequate to cure their diseased state.

(2) **Department** - Alabama Department of Public Health

~~(3) **Deviate Sexual Intercourse** - Any act of sexual gratification between persons not married to each other, involving the sex organs of one person and mouth or anus of another.~~

(43) **Exposure** - That condition in which an individual comes in contact with a disease or health condition in a manner such as to allow transmission of said disease or health condition.

~~(5) **Funeral Home Director** - The owner or management of a funeral home.~~

~~(6) **Hepatitis B Virus Infection** - The presence of the hepatitis B virus as determined by the presence of hepatitis B-e antigen or by other means as determined by the State Board of Health.~~

~~(7) **HIV Infection** - The confirmed presence of human immunodeficiency virus (HIV) as defined in 420-4-1-.06(3). Includes asymptomatic infections and Acquired Immune Deficiency Syndrome (AIDS).~~

(84) **HIV-Infected Patient** - Any individual who has been diagnosed with the human immunodeficiency virus.

(95) **Immediate, Extremely Urgent** - Classification for diseases and conditions that require Department notification within four hours of presumptive diagnosis.

(106) **Immediate, Urgent** - Classification for diseases and conditions that require Department notification within 24 hours of presumptive diagnosis.

(117) **Isolation** - The restriction of free movement of a person or persons to prevent the spread of a notifiable disease, or other diseases as determined by the State Board of Health, by ordering confinement to a particular building or part thereof or the restriction of said individual to a facility specifically

designated for the confinement of persons who may be infectious and possibly capable of transmitting a notifiable disease.

(8) Perinatal HIV Exposure - The birth of an infant(s) to a woman with HIV infection.

(129) Pre-Hospital Transport Personnel/Emergency Medical Service Personnel - Those individuals involved in the transportation of a person to a hospital and care of a person prior to hospitalization, licensed by the State Board of Health, and defined in Code of Ala. 1975, §22-18-1. Also included within this definition is any individual performing emergency medical services who is exempted from licensure by Code of Ala. 1975, §22-18-2.

(130) Quarantine - The forced isolation or restriction of free movement of a person or persons to prevent the spread of a notifiable disease or health condition. Quarantine may refer to the restriction of access to or egress from any building, place, property or appurtenance.

~~(14) Sexual intercourse~~ - Any penetration of the female vagina by the male penis, however slight; emission is not required.

(151) Sexual offender - Any person sentenced to confinement or imprisonment in any city or county jail or any state correctional facility for committing a sexual adult convicted of a sex offense or any individual adjudicated for a sex offense as defined in ~~(16)~~ Code of Ala. 1975, §15-20A-5.

(162) Sexual offense - An act of rape, sodomy or sexual misconduct (as defined in Code of Ala. 1975, §13A-6-6015-20A-5, et seq.) in which sexual intercourse or deviate sexual intercourse occurs.

~~(17) Spouse~~ - Any individual who is the marriage partner of an HIV-infected patient, or who has been the marriage partner of that patient at any time within the 10-year period prior to the diagnosis of HIV infection.

(183) Standard - Classification for diseases and conditions that require Department notification within seven-five days of diagnosis unless otherwise noted.

**Author:** Donald E. Williamson, M.D., Jane Cheeks, M.P.H., Sherri L. Davidson, M.P.H., P. Brian Hale, J.D.

**Statutory Authority:** Code of Ala. 1975, §§22-2-2(6); 22-11A-1, et seq.

**History:** Filed September 1, 1982. **Emergency repeal and adoption of new rule** Filed September 23, 1987. **Repealed and new rule adopted:** Filed November 19, 1987. **Emergency rule:** Filed November 21, 1988. **Amended:** Filed February 17, 1989. **Repealed and Replaced:** Filed May 26, 2011, effective date June 30, 2011.