

APA-1  
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-4-1-.11

Rule Title Spousal Notification Of A Known HIV-Infected Patient

       New        Amend XXXX 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 Brie* Date 9/19/2014

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420-4-1-.11 Spousal Notification Of A Known HIV-Infected Patient. (Repealed)

~~(1) An individual tested shall be notified of a positive test result by the physician ordering the test, his or her designee, a physician designated by the applicant, or by the Department. Such notification shall include:~~

~~(a) Face-to-face post-test counseling on the meaning of the test result, the possible need for additional testing, and the need to eliminate behavior which may spread the disease to others;~~

~~(b) Information as to the availability of appropriate health care services, including mental health care, and appropriate social and support services; and~~

~~(c) Explanation of the benefits of locating, testing, and counseling any individual to whom the infected individual may have exposed the HIV and a full description of Department services with respect to locating and counseling all such individuals.~~

~~(2) Persons performing post-test counseling must make a good-faith effort to notify the spouse of any HIV-infected patient that he or she may have been exposed to the HIV and should seek testing. Notification can be made by the HIV-infected individual, the provider who ordered the test, or by referral of the HIV-infected individual to the Department for partner notification services.~~

**Author:** Jane Cheeks, M.P.H., P. Brian Hale, J.D.

**Statutory Authority:** Code of Ala. 1975, §§22-11A-38(a)-(d), 22-11A-53.

**History: New Rule:** Filed June 20, 1997; effective July 25, 1997. **Repealed and Replaced:** Filed May 26, 2011, effective date June 30, 2011.