



# Washington State Board of Health

Chapter 246-100 WAC, Communicable and Certain Other Diseases

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# Background

- In 2020, the Legislature passed ESHB 1551, Modernizing the control of certain communicable diseases.
- This Department of Health request legislation sought to eliminate the exceptionalism of human immunodeficiency virus (HIV) in law and rule.
- Legislation went into effect June 11, 2020.
- The legislation makes several statutory changes that impact Board rule.
  - Chapter 246-100 WAC requires updates to implement ESHB 1551.
  - The Board's Notifiable Condition Rule, Chapter 246-101 WAC, also requires revision

# Rulemaking Scope

- Rule revisions may include, but are not limited to:
  - Establishing reporting requirements and procedures for investigations for sexually transmitted diseases;
  - Specifying behavior that endangers the public health;
  - Defining specimens that can be obtained and tests that can be administered for sexually transmitted diseases, blood-borne pathogens, and other infections;
  - Determining categories of employment that are at risk of substantial exposure to a blood-borne pathogen; and,
  - Defining what constitutes an exposure that presents a possible risk of transmission of a blood-borne pathogen.
- Revisions are scoped to implement ESHB 1551

# Chapter 246-100 WAC, Communicable and Certain Other Diseases

- Staff have engaged with subject matter experts and interested parties to understand legislative history
- Work is underway on draft language to implement ESHB 1551 and make updates to use people first language
  - Removing references to “HIV-infected individuals” and replacing with “people living with HIV”
- Remove references to pre- and post-test counseling, which were eliminated in law
- Inclusion of new terms including blood-borne pathogen and health order.
- Ensuring references are up-to-date and appropriate

# Chapter 246-101 WAC, Notifiable Conditions

- Rulemaking on the Notifiable Conditions chapter is currently underway.
- The following proposed revisions were included in the CR-102 filed on February 2, 2021:
  - Updating the definition of “sexually transmitted disease or sexually transmitted infection”
  - Incorporating people-first language (e.g., “individuals tested, diagnosed, or reported with HIV” instead of “HIV-infected individuals”)
  - Striking references to post-test counseling, asymptomatic individuals, spouses, and substantial exposure
  - Revising references to “at risk partners” to “persons who have been identified as a sex or injection equipment-sharing partners”



# Rulemaking Timeline



## July 2020

CR-101, Preproposal Statement of Inquiry filed

## Summer 2020 – Winter 2021

Staff engage with interested parties and subject matter experts to begin rule drafting

## Spring 2021

Tentative: Informal draft available to discuss with interested parties

## Summer 2021

Tentative: File CR-102, Proposed Rulemaking

# | THANK YOU