

Washington State Board of Health

Chapter 246-100 WAC, Communicable and Certain Other Diseases

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Overview

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- Proposed rule
- Interested Parties Engagement and Feedback
- Timeline
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Rulemaking Background

- In 2020, the Legislature passed [ESHB 1551](#), Modernizing the control of certain communicable diseases.
- Generally, this law modernizes the state's control of communicable disease laws by ending statutory HIV/AIDS exceptionalism, reducing HIV-related stigma, and defelonizing HIV exposure.
- Legislation went into effect June 11, 2020.
- The legislation makes several statutory changes that impact Board rules:
 - [Chapter 246-100 WAC](#), Communicable and Certain Other Diseases
 - [Chapter 246-101 WAC](#), Notifiable Conditions

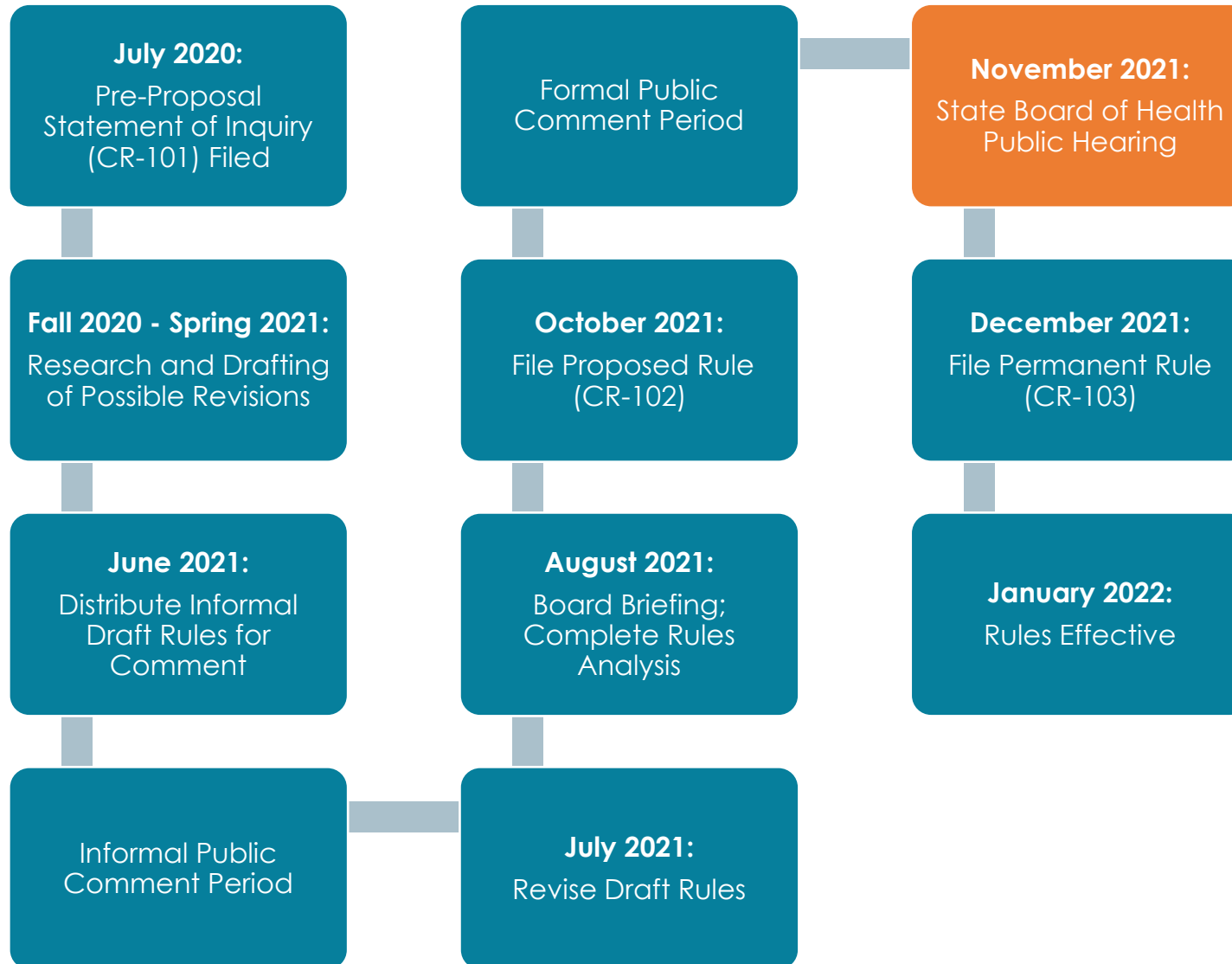
Rulemaking Scope

Per ESHB 1551, the Board has authority to adopt rules:

- Establishing reporting requirements and procedures for sexually transmitted disease (STI) investigations
- Specifying behaviors that endanger the public health
- Defining tests that can be administered and specimens collected for STIs, blood-borne pathogens (BBP), and other infections
- Determining employment categories at risk of substantial BBP exposure
- Defining what constitutes an exposure presenting risk of a BBP



Rulemaking Timeline



Proposed Rule Revisions

- Editorial revisions throughout the chapter to remove gendered language (e.g., his or hers), use people-first language (e.g., people living with HIV), and provide clarity.
- Adding and removing definitions consistent with ESHB 1551.
- Removing references to HIV/AIDS counseling, including pre- and post-test counseling, and training consistent with ESHB 1551.
- Updating references to state law (RCW) and rule (WAC).
- Clarifying provisions related to the use of identifying information of persons living with HIV.

Proposed Rule Revisions (continued)

- Revising the effective length of written health orders from three to 12 months consistent with ESHB 1551.
- Replacing references to HIV with blood-borne pathogens where appropriate.
- Establishing and clarifying the criteria for what constitutes a substantial exposure and possible risk of transmission of a blood-borne pathogen for the following:
 - Occupational settings
 - Local jail facilities
 - Washington State Department of Corrections facilities
- Utilized tables to increase usability of rule defining what constitutes an exposure presenting possible risk

Interested Parties Engagement

- Consultation with Department of Health, Department of Corrections, Labor & Industries, certain local health jurisdictions
- Presentations at HIV Planning Steering Group meetings
- Informal drafts shared with the interested parties' distribution list for comment
- Listen & Learn session held in late June



Formal Public Comment Received to Date

- One comment regarding the change of title in WAC 246-100-205





Rules Hearing

| THANK YOU