

**WSR 15-13-088**  
**EXPEDITED RULES**  
**DEPARTMENT OF HEALTH**

[Filed June 15, 2015, 11:48 a.m.]

Title of Rule and Other Identifying Information: WAC 246-138-030 What are the duties and responsibilities of the local health department?, the department of health intends to update the existing reference to the Control of Communicable Diseases Manual, as published by the American Public Health Association, to the 20th edition.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tami Thompson, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890, AND RECEIVED BY August 17, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state board of health recently updated rules within chapters 246-215 and 246-100 WAC, specific to its authority, to adopt by reference the 20th edition of the Control of Communicable Diseases Manual, as published by the American Public Health Association. The rules now reflect national, best current practices for infectious disease control. The purpose of this proposal is to update the reference in WAC 246-138-030, which falls under the secretary of health's authority, to the 20th edition of the Control of Communicable Diseases Manual, as published by the American Public Health Association, to establish the same standard throughout all health rules within Title 246 WAC.

Reasons Supporting Proposal: The Communicable Diseases Control Manual is a document that local health officials and health care providers refer to in response to infectious disease. The state board of health recently updated rules within chapters 246-215 and 246-100 WAC to assure the board's rules reflect national, current best practice[s] regarding infectious disease control. It is necessary for the department of health to update WAC 246-138-030 to be consistent with the other rules within Title 246 WAC. The rules will adopt by reference without material change a national consensus code that generally establishes industry standards.

Statutory Authority for Adoption: RCW 70.05.180.

Statute Being Implemented: RCW 70.05.180.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Tami Thompson, 101 Israel Road S.E., Tumwater, WA 98501, (360) 236-4044; Implementation and Enforcement: Kathy Lofy, 101 Israel Road S.E., Tumwater, WA 98501, (360) 236-5510.

June 17, 2015  
 Dennis E. Worsham  
 Deputy Secretary  
 for John Wiesman, DrPH, MPH  
 Secretary

AMENDATORY SECTION (Amending WSR 00-01-066, filed 12/13/99, effective 1/13/00)

**WAC 246-138-030 What are the duties and responsibilities of the local health department?** Local health departments, during regular hours of operation shall:

(1) Determine whether the good samaritan has sustained an exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease;

(2) Determine which certain infectious diseases or other infectious diseases are appropriate to test for, which tests should be done and when the tests should be done, based on the nature and time of the exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease and the natural history of infection for the diseases in question;

(3) Offer counseling and testing, consistent with recommendations in the ~~((sixteenth edition 1995 of))~~ *Control of Communicable Diseases Manual*, ~~((edited by Abram S. Benenson))~~ 20th edition, published by the American Public Health Association, for those infectious diseases to which the good samaritan is determined to have sustained an exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease;

(4) Obtain the informed consent of the good samaritan prior to testing;

(5) Provide the good samaritan with the results of the testing and the possible need for retesting;

(6) Refer the good samaritan to an appropriate health care provider for any subsequent needed care in the event of a positive test; and

(7) Maintain the confidentiality of those medical records as required by chapters 70.24 RCW and 246-100 WAC.

**WSR 15-13-137**  
**WITHDRAWL OF**  
**EXPEDITED RULE MAKING**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**

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The department of enterprise services requests the withdrawal of WSR 15-06-004 filed February 19, 2015.

Jack Zeigler  
 Policy and Rules Manager