



Washington State Board of Health

Chapter 246-100 WAC, Communicable and Certain Other Diseases

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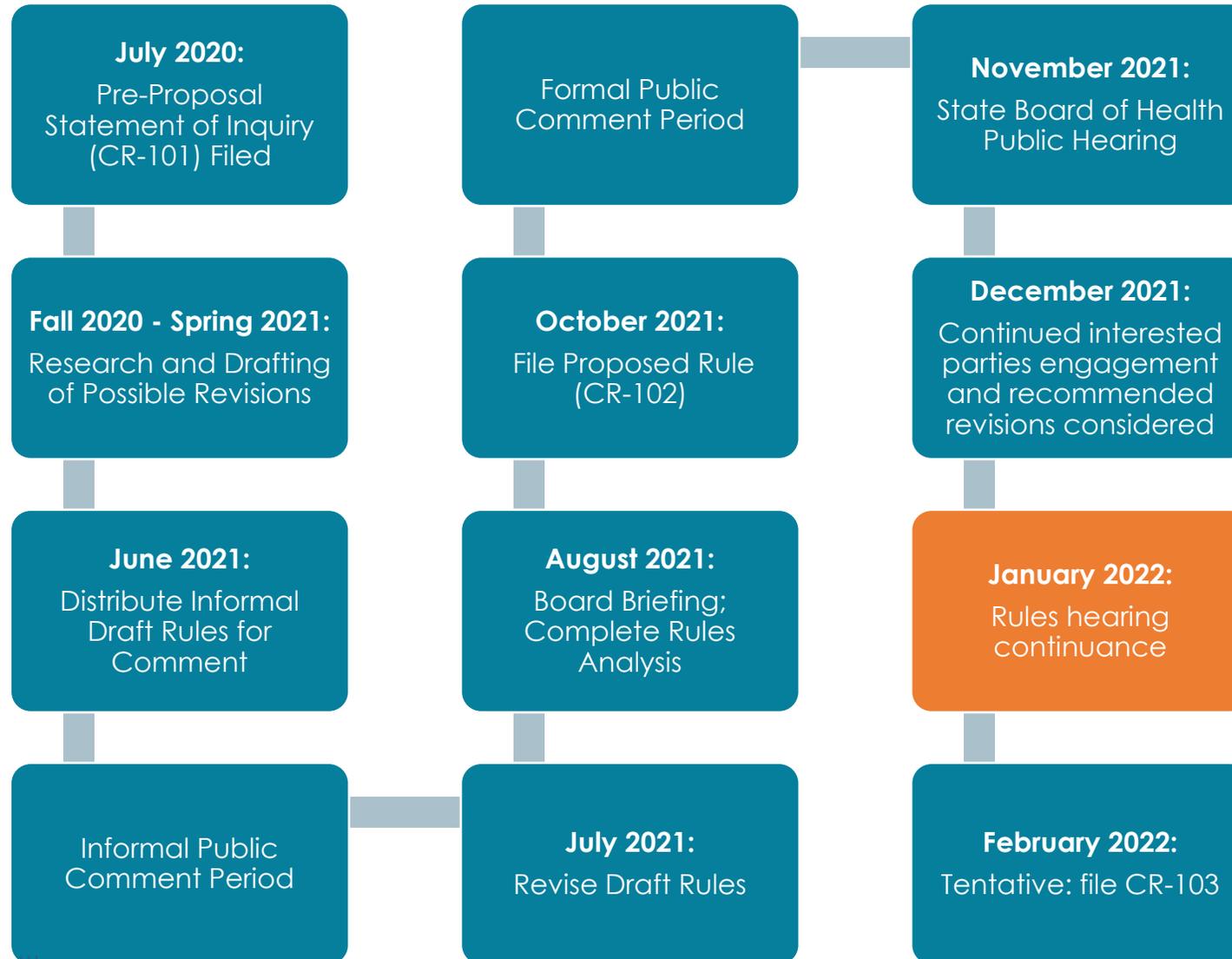
Overview

- Rulemaking Background
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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 is narrowly scoped to implement ESHB 1551.

Rulemaking Timeline



Proposed Rule

- 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 (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



Recommended Revisions to the Proposed Rule

Continued Engagement with Interested Parties

- Staff held two additional listening sessions in early December 2021
- Staff received additional comment and identified themes of feedback
- Circulated a new informal draft for review and comment in mid-December.
 - Additional feedback was received



Recommended Revisions to the Proposed Rule

Based on comment received and discussions with interested parties, staff are recommending the following changes to the proposed rule:

- Amend instances of “and/or” to read in list form and “any combination of these”.
- Remove in WAC 246-100-203, WAC 246-100-205, WAC 246-100-206, and WAC 246-100-2061 that references to exposures resulting in fluids in “eyes”. This language is repetitive with existing mucous membranes.
- Clarify in WAC 246-100-203 that “behavior endangering the public health” is only applicable if an individual is infectious and conduct is sufficient to transmit infection. Further clarify that these behaviors are not applicable if the exposed individual is on pre-exposure prophylaxis for HIV and HBV.

Recommended Revisions (continued)

- Editorial changes to existing definitions to remove stigmatizing language and use people-first language when appropriate.
- Include new definition for “practical means to prevent transmission”, consistent with statute.
- Clarify that under WAC 246-100-021, Responsibilities and duties-Health care providers, that instruction for disease control is provided in a culturally and linguistically appropriate manner.
- Clarify that health care providers communicate prevention methods when treating patients with a diagnosed STI.
- Clarify that in WAC 246-100-203, “behaviors endangering public health” does not include when practical means to prevent transmission are taken.

Recommended Revisions (continued)

- Clarify that a cease and desist order requires the local health officer to document a *pattern* of behavior endangering public health.
- Strike language in WAC 246-100-2031 that is repetitive and changes the standard for when a detention order may be issued.



Rules Hearing Continuance

| THANK YOU