

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.114.101, 37.114.203, and) PROPOSED AMENDMENT
37.114.204 pertaining to)
communicable disease control)

TO: All Concerned Persons

1. On May 30, 2024, at 02:00 p.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/81031718554?pwd=cXNnZ0ZuUk0rdkRVcGYwaXBwRFU0UT09>, meeting ID: 810 3171 8554, and password: 192321; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 810 3171 8554, and password: 192321. Find your local number: <https://mt-gov.zoom.us/u/kdVM45Dnkl>.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on May 16, 2024, to advise us of the nature of the accommodation that you need. Please contact Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.114.101 DEFINITIONS In addition to the definitions contained in 50-1-101, MCA, unless otherwise indicated, the following definitions apply throughout this chapter:

(1) through (2) remain the same.

(3) "~~Contamination~~ Contaminated" means the presence of a disease-causing agent upon a living body surface or within or upon any inanimate article or substance.

(4) through (19) remain the same.

(20) "Institutional and congregate setting" means a setting in which a group of unrelated persons reside, meet, or gather either for a limited or extended period of time in close physical proximity. The term includes correctional facilities, day care facilities, detention centers, group homes, health care facilities as defined in 50-5-101, MCA, schools and youth camps.

(20) through (32) remain the same but renumbered (21) through (33).

AUTH: 50-1-202, 50-2-116, 50-17-103, MCA

IMP: 50-1-202, 50-17-103, 50-18-101, MCA

37.114.203 REPORTABLE DISEASES AND OTHER CONDITIONS OF PUBLIC HEALTH IMPORTANCE (1) The following communicable diseases and conditions and other conditions of public health importance are reportable:

(a) Acute flaccid myelitis (AFM);

~~(a)(b)~~ (a) remains the same but renumbered (b).

~~(b) Anaplasmosis;~~

(c) through (k) remain the same.

(l) Carbapenemase-producing carbapenem-resistant organisms (CP-CRO);

(l) through (q) remain the same but renumbered (m) through (r).

(s) Cronobacter in infants;

(r) through (aa) remain the same but renumbered (t) through (ab).

(ac) Group A Streptococcus, invasive disease;

~~(ab)(ad)~~ Haemophilus influenzae, invasive disease;

(ac) through (au) remain the same but renumbered (ae) through (aw).

(ax) Multisystem inflammatory syndrome in children (MIS-C);

~~(av)(ay) Monkeypox; Mpox;~~

(aw) through (bc) remain the same but renumbered (az) through (bf).

(bg) Rickettsial diseases (including spotted fevers, flea-borne typhus, scrub typhus, anaplasmosis and ehrlichiosis);

(bd) through (by) remain the same but renumbered (bh) through (cb).

(2) remains the same.

AUTH: 50-1-202, 50-17-103, 50-18-105, 50-18-106, MCA

IMP: 50-1-202, 50-2-118, 50-17-103, 50-18-102, 50-18-106, MCA

37.114.204 REPORTS AND REPORT DEADLINES (1) A local health officer must immediately report (within four hours) to the department by telephone the information cited in ARM 37.114.205(1) through (2) whenever a case of one of the following diseases or other condition of public health importance is suspected or confirmed:

(a) through (2)(a)(ii) remain the same.

(iii) Acute flaccid myelitis (AFM);

(iii) remains the same but renumbered (iv).

(v) Cronobacter in infants;

(iv) through (viii) remains the same but renumbered (vi) through (x).

~~(ix)(xi) Monkeypox; Mpox;~~

(x) through (xiii) remain the same but renumbered (xii) through (xv)

(b) remains the same.

~~(ii) Anaplasmosis;~~

~~(iii)(ii)~~ (iii) through (xiv) remains the same but renumbered (ii) through (xiii).

(xiv) Carbapenemase-producing carbapenem-resistant organisms (CP-CRO);

(xv) through (xvii) remain the same.

(xviii) Escherichia coli, Shiga toxin-producing (STEC);

(xviii) and (xix) remain the same but renumbered (xix) and (xx).

(xxi) Granuloma inguinale;

(xxii) Group A Streptococcus, invasive disease;

(xx) through (xxxv) remain the same but renumbered (xxii) through (xxxviii)

(xxxix) Multisystem inflammatory syndrome in children (MIS-C);

(xxxvi) through (xxxix) remain the same but renumbered (xl) through (xlili).

(xliv) Rickettsial diseases (including spotted fevers, flea-borne typhus, scrub typhus, anaplasmosis and ehrlichiosis);

(xl) through (xlili) remain the same but renumbered (xlv) through (xlviii).

~~(xliv) Spotted fever rickettsiosis;~~

(xlv) through (lvi) remain the same but renumbered (xlix) through (lix).

(3) remains the same.

(4) For any animal exposure that may result in a risk of rabies transmission to a human by a species susceptible to rabies infection, the local health officer must report by secure electronic means to the department documentation of a rabies post-exposure prophylaxis recommendation or administration ~~on a form provided by the department~~ within seven calendar days of the recommendation or administration.

(5) remains the same.

AUTH: 50-1-202, 50-17-103, 50-18-105, MCA

IMP: 50-1-202, 50-17-103, 50-18-102, 50-18-106, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.114.101, 37.114.203, and 37.114.204 pertaining to communicable disease control.

These proposed amendments are necessary to keep Montana communicable disease control administrative rules current with national disease surveillance, investigation, and control recommendations. The proposed amendments are also necessary to clarify terms used within rules and make the rules more user friendly.

ARM 37.114.101

The department is proposing to add a definition for “institutional and congregate setting” to clarify the types of settings in which an outbreak of communicable disease is reportable under ARM 37.114.203(2).

ARM 37.114.203

The department is proposing to amend this rule to update the definition of reportable conditions and naming convention for certain reportable conditions. The department is also proposing to amend this rule to update the list of reportable conditions to include all conditions listed in the confirmation of disease rule under ARM 37.114.313.

ARM 37.114.204

The department is proposing to amend this rule to update the definition of reportable conditions and the associated timeline for reporting those conditions. The department is also proposing to amend this rule to update the naming convention for certain reportable conditions. Finally, the department is proposing to amend this rule to update the list of reportable conditions to contain all conditions listed in ARM 37.114.203 and ARM 37.114.313.

Fiscal Impact

There is no anticipated fiscal impact associated with this rulemaking.

5. The proposed rule changes are intended to be effective upon the day after the date of publication of the adoption notice.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov, and must be received no later than 5:00 p.m., June 7, 2024.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above.

9. An electronic copy of this notice is available on the department's web site at <https://dphhs.mt.gov/LegalResources/administrativerules>, or through the Secretary of State's web site at <http://sos.mt.gov/ARM/register>.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Robert Lishman
Robert Lishman

/s/ Charles T. Brereton
Charles T. Brereton, Director

Rule Reviewer

Department of Public Health and Human
Services

Certified to the Secretary of State April 30, 2024.