TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 515. COMMUNICABLE DISEASE AND INJURY REPORTING

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Disease and Injury Reporting

310:515-1-8 [AMENDED}

SUMMARY:

This change adds the requirement for COVID-19 specimens to be submitted to the OSDH Public Health Laboratory for variant testing.

AUTHORITY:

Commissioner of Health, Title 63 O.S. § 1-104, 1-106, 1-502, and 1-503.

COMMENT PERIOD:

December 1, 2023 through the close of the Department's normal business hours, 5 PM, on January 2, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on January 2, 2024 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 4, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 9, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through January 2, 2024, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT
(This document may be revised based on comment received during the public comment period.)

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 515. COMMUNICABLE DISEASE AND INJURY REPORTING

1. **DESCRIPTION:**

This modification adds language surrounding laboratory specimen submission guidance for COVID-19 variant testing.

2. **DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:**

These modifications should have minimal impact on the burden of disease reporting and investigation with both internal and external partners (healthcare providers, hospitals, epidemiologists, county health department personnel).

3. **DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:**

All Oklahomans will benefit. This addition will allow for monitoring of new and emerging variants that may have significant public health impact on Oklahoma. This information can empower Oklahomans and healthcare providers to practice mitigation measures if they choose to do so.

4. **ECONOMIC IMPACT, COST OF COMPLIANCE, AND FEE CHANGES: COST OF COMPLIANCE AND FEE CHANGES:**

There is no economic impact on the agency or reporting industry. Reporting has been required under a different chapter that is now being revoked.

5. **COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:**

This change ensures the agency is able to monitor COVID-19 variants of concern and the impact on Oklahoma. There should be minimal to no cost increases from the implementation of these recommendations.

6. **IMPACT ON POLITICAL SUBDIVISIONS:**

There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

7. **ADVERSE EFFECT ON SMALL BUSINESS:**

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. **EFFORTS TO MINIMIZE COSTS OF THE RULE:**

There are no less costly means currently identified.

9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**

This update will improve public health and safety across Oklahoma. Information gathered from this update will allow OSDH to continue to monitor COVID-19 variants to provide treatment and prevention recommendations in a more timely and comprehensive manner.

10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**

Without this update, Oklahoma will not be able to monitor COVID-19 variants circulating within Oklahoma.

11. **PREPARATION AND MODIFICATION DATES:**

This rule impact statement was prepared on October 16, 2023.

OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 515. COMMUNICABLE DISEASE AND INJURY REPORTING

310:515-1-8. Organisms/specimens to be sent to the Public Health Laboratory

(a) Pure bacterial isolates of the following organisms shall be sent to the OSDH Public Health Laboratory for additional characterization, typing or confirmation within two (2) working days (Monday through Friday, state holidays excepted) of final identification or diagnosis.

(1) *Bacillus anthracis.*
(2) *Brucella* spp.
(3) Carbapenem-resistant *Enterobacteriaceae.*
(4) Capbapenem-resistant *Pseudomonas aeruginosa.*
(5) Carbapenum-resistant *Acinetobacter spp.*
(6) *E. coli 0157, 0157:H7*, or a Shiga toxin producing *E. oli.*
(7) *Francisella tularensis.*
(8) *Haemophilus influenza* (sterile site).
(9) *Listeria monocytogenes* (sterile site).
(10) *Mycobacterium tuberculosis.*
(11) *Neisseria meningitides* (sterile site).
(12) *Salmonella spp.*
(13) *Vibrionaceae* family (*Vibrio* spp. *Grimontia* spp., *Photobacterium* spp. And other genera in the family).
(14) Yersinia spp.

(b) Following consultation with an OSDH epidemiologist, clinical specimens from suspected cases of Botulism must be sent to the OSDH Public Health Laboratory for testing.

(c) When *Plasmodium* spp. Is suspected by a healthcare provider, a Giemsa-stained (or other suitable stain) thin and thick, peripheral blood smear prepared from the EDTA should be submitted in addition to the EDTA purple top blood tube.

(d) ~~Labratories~~ Laboratories unable to perform reflex culture to isolate/recover the following bacterial pathogens detected by CIDT assays shall submit positive CIDT stool samples in Cary Blair or modified Cary Blair transport media to the OSDH Public Health Laboratory within two (2) working days (Monday through Friday, state holidays excepted) of final CIDT result.

(1) E. coli 0157, 0157:H7, or a Shiga toxin-producing E.coli.
(2) *Salmonella spp.*
(3) *Vibrio spp.*
(4) *Yersinia spp.*

[Source: Added at 17 Ok Reg 2942, eff 7-13-00; Amended at 19 Ok Reg 1285, eff 5-28-02; Amended at 24 Ok Reg 1978, eff 6-25-07; Amended at 26 Ok Reg 2033, eff 6-25-09; Amended at 29 Ok Reg 1601, eff 7-12-12; Amended at 34 Ok Reg 1287, eff 10-1-17; Amended at 36 Ok Reg 1685, eff 9-13-19]

(e) Hospitals and laboratories must send, at a minimum, 10% of their weekly positive specimens for SARS-CoV-2 (COVID-19) – PCR or culture positive specimens